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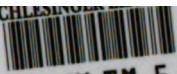
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STATE OF NEW YORK

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FOURTH REPORT

OF THE

FACTORY INVESTIGATING COMMISSION

1915

VOLUME V

TRANSMITTED TO THE LEGISLATURE FEBRUARY 15, 1915

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NOTE

This volume contains the testimony given at hearings held to consider the subjects of Consolidation of Departments in New York City and Wages and Wage Legislation. At a later date there will be issued, if practicable, volumes containing the rest of the testimony.

[2270]

STATE OF NEW YORK

No. 43

IN SENATE

FEBRUARY 15, 1915

FOURTH REPORT

OF THE

New York State Factory Investigating Commission

February 15, 1915

ROBERT F. WAGNER

Chairman

ALFRED E. SMITH

Vice-Chairman

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Secretary

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*May 18.	New York City.....	Duplication of Inspections of Buildings.
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HEARING OF THE STATE FACTORY INVESTIGATING COMMISSION, HELD IN PART VII, COUNTY COURT HOUSE, NEW YORK CITY, MAY 18, 1914

Present — HON. ROBERT F. WAGNER, *Chairman.*

HON. CYRUS W. PHILLIPS.

HON. EDWARD D. JACKSON.

HON. SAMUEL GOMPERS.

Appearances — HON. ABRAM I. ELKUS, *Counsel to the Commission.*

BERNARD L. SHIENTAG, Esq., *Assistant Counsel.*

Commissioner GOMPERS: In opening this hearing it is but just to state that we expect in a very few minutes the appearance of Governor Wagner and Commissioner Jackson. They are on the way down here, and they will, on their appearance, take their proper positions, Governor Wagner as Chairman of this Commission. It is with regret that I have to announce that Commissioner Brentano and Commissioner Dreier are both of them quite indisposed and have been so for quite a considerable time. The meeting called for this morning is announced on the leaflet prepared by the attorneys for the Commission and issued by the Chairman, Hon. Robert F. Wagner, to consider to what extent there is a duplication of inspection, of manufacturing and mercantile establishments in New York city, by city and State departments, and what remedies, if any, shall be adopted therefor. Now it is not necessary in opening this discussion that I should more than announce the purpose for which this conference is called, for it is to be more in the nature of a conference than inquisitorial. The Commission wants the best views of those who have had experience in inspection, those who know by observation what remedies can be applied for duplication or perhaps triplication of work which could be performed effectively and effectually by one inspector or perhaps all inspectors under one direction. With this preliminary statement I will ask Hon. Abram I. Elkus,

the counsel to the Committee, and his associate, Mr. Shientag, to present any further matter before this Commission.

Mr. ELKUS: Mr. Chairman, as you have said, this is only a conference or hearing designed for the purpose of considering the matter of duplication of inspection and what can be done to remedy it if it exists. When this Commission had its hearing some years ago this same question came up before any legislation was passed, and almost everybody who appeared before the Commission objected to any division of inspection upon grounds which they stated in their testimony and which appear in the published reports of the Commission. Since the laws have gone into effect I may say, perhaps, that part of this trouble is caused by this, that until these new statutes went into effect, and the Labor Department was properly equipped with the necessary number of inspectors to do this work, there was not as much inspection, perhaps, as there ought to have been, under the then existing laws, but with a re-equipped department, and with enough inspectors to do this work, and the other departments of the city in the same condition, they having been hampered by lack of inspectors, there probably has been in the last few months more inspection than there has been in the preceding years, and I take it from what I understand that perhaps the great number of inspections which have thus taken place may be one of the causes for the agitation.

In the second place, although we have heard a great deal about this duplication of inspections, it was the desire of the Commission to find out how much of it there was, and to get specific instances, so in the statement of this hearing which was issued ten days or two weeks ago the following was contained: "It has frequently been stated that in many instances conflicting orders for the same identical work have been issued by different departments of the city or State." Then we asked that the Commission be furnished specific instances of this so that it could investigate and see where the fault was, and we asked that these instances be sent to the office of the Commission. Now this notice of this hearing containing that request was sent to probably 500 organizations of real estate owners, property owners, manufacturers' associations and others, and they in turn, as we are informed, widely distributed this notice among their members. It was also published in the newspapers and yet I have to say that up to this morning we did not receive one single notice of alleged duplication or of

conflicting orders. I have heard that there was duplication, but I have not received one single complaint or statement that I could take up with the department, which I would like to have done, brought it to their attention and found out who was to blame, if anybody. Now it may be that there is duplication. There must be if there is so much talk about it, but we took every opportunity to get wide-spread publicity for this notice and yet we have had the result which I have stated. Now I want to say this: This hearing today is limited to this one subject. We have invited the heads of the city departments to come, and everybody else who is interested, and that will take up the entire day and probably more than a day. The question of changing the law, the Labor Law and the fire laws, will therefore not be taken up. A recodification of the Labor Law has been prepared by the Commission at great trouble and great labor. It has been changed and amended and rechanged and has been distributed very widely to all people who may have any interest in it, and anybody who wants a copy of it may have it by applying at the office of the Commission or sending a postal card and they will get one, or they may give their name and address here, and as soon as the Legislature adjourns a day or days will be fixed upon which there will be full hearings upon that codification. The Commission invites most careful consideration and criticism, suggestions and discussion of every provision of that recodification of the Labor Law, and if the parties who have any criticisms or suggestions to make will send them in advance to the Commission they will receive most careful consideration and then will be discussed at public hearings where necessary. Now the first witness we will hear today, or rather the first gentleman we will ask to confer with us will be the State Labor Commissioner, Hon. James M. Lynch.

HON. JAMES M. LYNCH, State Commissioner of Labor, then addressed the Commission:

By Mr. ELKUS:

Q. Commissioner, you are the Commissioner of Labor of the State of New York? A. Yes.

Q. And you have been such since when? A. Since October 23d.

Q. Of last year? A. Of last year.

Q. At the time of your appointment how many inspectors were there in your department? A. Eighty-five.

Q. And since then has the number been increased? A. Very much.

Q. To about how many? A. One hundred and sixty.

Q. And there has been reorganized within your department under the law a number of new divisions? A. Yes, sir.

Q. Will you state, briefly, in your own way, how the reorganized department has been extended under the operation of the new law? A. We have added one new division, the Division of Industrial Hygiene, and we have strengthened the inspection service in the First District and Second District, and we have strengthened the department all along the line by the addition of necessary clerks and other facilities to bring the department up to what it was intended to be under the new laws.

Q. And will you be kind enough to state how many inspections have been made since your department has been in operation under the new law? A. During March and April, 1913, there were 19,905 inspections made, and 13,497 compliance visits. During March and April, 1914, there were 18,358 inspections and 35,201 compliance visits, a total number of visits for these two months in 1913 of 33,402 as against 53,559 for the same months in 1914.

Q. And how many had you made before? A. Well, not half that number.

Q. So that you have just about doubled the inspections? A. Just about doubled the inspection work.

Q. Now you have read this statement of the purpose of this hearing today and the questions to be asked, and without asking questions in detail now of you, I would be very glad and the Commission would be very glad to have you state your views upon this entire subject. A. I set my position forth in the letter to you that I believe you have and I think perhaps my position is as clearly stated there as it is possible to express it.

Q. In your letter to me, Commissioner, you stated that you were opposed, as I understand you, to any division of the Department of Labor for the city and the State? A. Yes, sir.

Q. That is, you were opposed to a division, making two departments, one for the city of New York and one for the State of New York? A. Yes, sir.

Q. And are you also opposed to a separate bureau of inspection apart from your department? A. Yes, sir.

Q. Now, will you give your reasons in your own way for your decision on this matter; I think I ought to ask you Commissioner whether you have studied these propositions very carefully since you have been in the department and before? A. Yes, I have given them considerable attention. The first question is, should there be a separate department for New York city, separate Labor Department, and to that I am opposed. In my letter to you I said the Department of Labor for the State of New York is at present working in harmony, and the plans I have under way, if perfected, will, I believe, give a reasonable degree of satisfaction to the people of the State. To divide the jurisdiction of the department and establish a department in New York city, having control, in the greater city, would, in my estimation, be detrimental to the interest of the wage earners of the State. It would result in confusion and dissatisfaction and the weakening of the principle upon which the department is founded. I might add that in my opinion there would be just as much reason for the establishment of a department of labor for the city of Buffalo, and another department of labor for the city of Rochester, having three separate departments of labor for the three first class cities, and a department of labor for the rest of the State. I do not think that the problems in the Greater City are any different from the problems that we meet throughout the entire State. We have had, since I have been Commissioner, several meetings in New York city of the supervising inspectors, the supervising inspectors who are located here and the supervising inspectors located in Albany, Utica, Rochester and Buffalo, and I have found that their problems are the same and that by conference they have been able to reach an understanding as to the proper method of handling these matters, and from my six months' experience in this Department, and from my general experience as an official of a trades union, I am satisfied that to divide this department would weaken it, would result in one policy in New York City and another policy throughout the State; would engender dissatisfaction on the part of the wage earners in New York and the wage earners throughout the State and also the employers.

Q. Mr. Lynch, with reference to a bureau, the sole purpose of which would be to make inspections for different departments of the city and the State, you say you are opposed to that? A. Yes, sir.

Q. Will you give your reasons for that? A. Labor Department inspectors make sympathetic inspections. That is their business. To understand the Labor Law and to understand the conditions as they exist in factories and mercantile establishments over which they have jurisdiction, they are trained for that work and they bring to it, as I say, a sympathetic consideration and because of that condition of their minds we get the best results. I do not think we would have that through a common bureau of inspection. It seems to me it would be a case of what would be everybody's business would be nobody's business — a common bureau of inspection.

Q. In your letter, Commissioner, you say that you would be in favor of a Permanent Conference Board of those at the head of the city and State Departments the object of which would be to reduce under a working agreement the multiplicity of inspections so far as that is possible and desirable and to prevent the issuance of conflicting orders against the same premises? A. I can see no objection to that. I think that would probably be a good thing if the plan was outlined and it was made a legal proposition, a law proposition, with the proper machinery to carry into effect the object for which it was constituted, but I think the plans should be drawn up very carefully, and there should be, if possible, agreement between the State and city departments as to how it should be conducted. I would oppose any plan of any kind that would in any way weaken the power and the authority and the influence of the State Labor Department, because, in my opinion, the only way that the workers will get any protection or have protection is through the State Labor Department. It is because in my estimation, also, I may add here, that they are getting that in some degree of proper measure at this time, that so much opposition has sprung up against the Labor Law.

Q. Now is there anything further, Commissioner, you would like to say upon these subjects? A. I don't know as there is anything I can add.

Q. In your letter you say to me you are working in harmony with the city departments? A. I say the Labor Department is working in harmony, that is the up-State supervising districts and the New York City supervising districts are now working in complete harmony. The supervising inspectors, as I explained before, meet here every month and go over the problems they are confronted with in different sections of the State and find out the best way from the experience of the inspectors how to handle those problems. We of course, want to work in harmony with the city department.

Q. You believe a plan of conference of this kind would do away with any friction or multiplicity of inspections or unnecessary inspections that are now made? A. If it is constituted along the lines that I explained in answer to your previous question, always keeping in mind the importance of the State Labor Department and the reason why that department is in existence — for the protection of the wage earners.

Q. Now is there anything further that you wish to say, Commissioner? A. I think not.

Mr. ELKUS: Mr. Chairman, do you wish to ask any questions?

By Commissioner PHILLIPS:

Q. Have any complaints been made to your department? A. No specific complaint that I can remember at this time. We have heard assertions and rumors that conflicting orders are issued but when we trace down the assertion or rumor we generally find it is because some owner does not want to make the change or because some interested party is objecting to the order which has been issued. It is not a question of conflicting orders in my opinion, that causes the trouble; it is the proposition that the owners and employers do not want to comply with the order that causes the trouble.

By the CHAIRMAN (Lt.-Gov. WAGNER):

Q. Commissioner, have you had many instances in your experience where there was — and this question I base upon rumor too — where there has been an order issued by the Labor Department for a fire escape in a certain factory to be constructed in a certain way and then that the State Fire Marshal would order an

entirely different kind of fire escape A. I do not know of a single instance of that kind since I have been the Commissioner of Labor where there has been any conflict between the State Labor Commissioner's office and the State Fire Marshal's office. That would be up the State if at all.

Q. I appreciate that? A. I do not know of a single conflict between the two offices.

Q. If there was this conflict it would certainly come to your attention? A. Yes, sir, I think it would.

By Commissioner GOMPERS:

Q. Mr. Commissioner, we have read in the newspapers and we have heard it elsewhere from other sources, that in consequence of the constructive and protective labor legislation within the past few years in the State of New York that manufacturers have moved out of the State of New York into some other state where the laws are not so exacting, alleged to be exacting, and have moved because of endeavoring to get from under the provisions of the laws of the State of New York; do you know of any such factories that have moved out of the State? A. No, sir, I do not — not for the reason that you assign in your question. I have heard rumors that factories have moved out of the State for the reasons that you assign, but I do not know of any instance where a factory has moved out because of the operation of the factory law. In my experience this has always been true, that the larger employers of labor are perfectly willing and anxious to co-operate with the department in putting into effect the orders that we issue, where we point out that the machinery is not guarded, sanitary conditions are not just as they should be, and that there is not a sufficient amount of protection from fire.

They are perfectly willing and anxious to do the things that should be done in order to make every factory safe, and it would seem to me that if the State was losing any manufacturers it would be manufacturers who employ a considerable number of work people whom it would pay to move out of the State in order to escape the operation of the law.

Q. Do you know of any factories which have moved out of the State at all, assigning the reasons which I have mentioned. A. I do not.

By Mr. ELKUS:

Q. Commissioner Lynch, I want to ask you this question while you are here: A great many of the amendments to the Labor Law with reference to improving the sanitary conditions in building in which manufacturing is carried on — have you heard from the employers throughout the State complaints with reference to those laws or are they now practically satisfied with them; do they find them of real benefit? A. As you perhaps know, the sanitary code is now in process of making by the Industrial Board. The Industrial Board has given hearings here and in Albany and in Buffalo, attended by large numbers of manufacturers who have criticised the proposed sanitary regulations, and have also offered suggestions, and where in the opinion of the Industrial Board those suggestions are well founded they will be worked into the law. Now prior to these hearings we have had very little complaint, and in fact no complaint at all against the sanitary orders that we issue. We do have some objections from the smaller manufacturer at times, but when we trace it down it is usually an objection from the owner to making these changes, but they are generally made, and that is the last we hear of it.

Q. And these laws that have been enacted, are they going to be for the benefit of the manufacturer and employee alike? A. I think that if the recodification of the Labor Law is adopted, and it is made as clear as it is made in that recodification it is going to give general satisfaction to the employers and employees throughout the State.

Mr. ELKUS: Are there any further questions; does anyone desire to ask Mr. Lynch any questions.

Mr. LYNCH: Owing to the added duties of field inspectors as embodied in the laws of 1913, and made effective by the reorganized Department of Labor, it is almost impossible to make comparisons by figures with the work of the 85 inspectors, as in May, 1914, there were 160 inspectors in the Department.

During March and April, 1913, there were 19,905 inspections made, and 13,497 compliance visits. During March and April, 1914, there were 18,358 inspections and 35,201 compliance visits, a total number of visits for these two months in 1913 of 33,403 as

against 53,559 for the same months in 1914. The significance of compliance visits should be borne in mind, as from these visits the record of the actual results accomplished is eventually made. Our statistical statement for April will give a good general idea of the activities of the reorganized department.

Orders affecting over 100,000 factory workers, which were issued by the Department of Labor during the month of April, were carried out in a way that indicates the desire of the manufacturers to co-operate with the Department in bettering conditions in shop and factory.

The whole number of inspections of factories made by the Labor Department during April was 5,872. Besides this there were 3,435 inspections of mercantile establishments, 2,095 inspections of tenements, 8 inspections of mines and quarries, and 3 inspections of railroads, making a grand total for the month of 11,419.

On these inspections there were issued 22,335 orders and at the end of the month there had been compliances in 20,803 cases. In many cases the orders were issued so late in the month that compliance could not be made during April.

Our April report shows that the Department has continued to bend its energies toward the conservation of human life. This is evidenced in the fact that of the whole number of orders that were issued, there were 7,397 that had to do with fire prevention, 5,868 that related to accident prevention and 5,047 were orders for better sanitary conditions. Of the orders that the Department issued in connection with improving fire protection, nearly 2,600 demanded structural changes in buildings. Of the whole number of orders issued, 14,712 were in New York City and the rest up the State. Of the compliances, there were 15,921 to the credit of New York City and the balance up the State. In the second inspection district, which includes all of the up State, there were approximately 600 orders complied with at the time they were issued.

The statement shows that the inspectors visited 1,015 factories occupying whole buildings, 666 tenant factories, 338 bakeries. The number of people who were affected by the inspections and orders was 113,511, of which 61,590 were in New York City.

Besides the original inspections, the Department inspectors made 16,248 visits to see that the orders issued were complied with.

The Department's legal force brought 172 prosecutions in cases where orders had not been carried out. Eighty of these were against factories and 92 mercantile establishments; 6 were against factory owners who did not carry out orders on sanitation; 8 against those who failed to comply with orders on accident prevention, and 20 against factory owners who failed to comply with orders on fire protection. Prosecutions were brought against 16 factory owners who failed to comply with orders relating to children and 24 were prosecuted because of failure to carry out orders that had to do with women. There were 67 prosecutions against owners of mercantile establishments who neglected to carry out orders relating to children.

Besides all of these prosecutions, the Department stopped work in 41 cases where the factories were unclean and in one unclean bakery. Work was stopped in 2 cases because of dangerous machinery, and in 3 cases because of the use of scaffolding not properly protected. There were 50 cases where the inspectors tagged goods in tenement houses.

The Bureau of Industries and Immigration made 364 inspections, which included one labor camp, 59 employment agencies, 117 immigrant lodging houses and 26 philanthropic societies which secure employment for aliens. This bureau licenses 5 immigrant lodging houses and sent 1,210 alien children to the school authorities.

The homework inspection division received 364 applications for tenement licenses and granted 299. There were 357 licenses canceled and one revoked for unlawful conditions, a net decrease in the outstanding licenses of 50 for the month.

JAMES T. HOILE, addressed the Commission.

By MR. ELKUS:

Q. Will you state for the record your name and whom you represent? A. I am the secretary of the Manufacturers Association of New York. I reside at 393 Hancock street, Brooklyn.

Q. How many members are there in your association, approximately? A. Probably five, six, seven hundred or more.

Q. Now you want to address the Commission upon this subject?

A. Well, I have no special desire to address the Commission beyond referring to a few general facts which I believe are conceded by most manufacturers and business men.

Q. We are taking up this one subject today of the duplication of inspection? A. The one subject,— yes, sir,— if I am correctly advised by newspaper report and by inspection of public documents, I say that if from observation, newspaper report and public documents there is any reliability in these sources of information we are abundantly supplied with inspections. If we take a building from its inception, if you please, or the beginning of its construction, from the digging of the cellar to the putting on of the roof, and its occupancy, there are at least fifteen different departments or bureaus that have something to say with regard to how that building shall be built, how it shall be operated and who shall occupy it. Now if there is any doubt about these buildings being subject to these eight, ten, twelve or fifteen departments or bureaus why it is a matter of record that the Commission can very easily learn for themselves.

Q. Now assuming what you say is true, that in erecting a new building and also in maintaining it, it requires more than one inspection what is your remedy; we want to get a remedy? A. Well, if I had my way about it I would have one law that would cover this whole business and I would not have inspectors tumbling over themselves inspecting buildings.

Q. Do you mean one department taking charge of the inspection? A. Yes. I would have as many inspectors as are absolutely necessary and not one more and comply with every condition of the law. It is a question of fitting conditions to the law.

Q. Your statements are too general; we want some concrete proposition; would you abolish the building department; would you abolish the fire department; would you abolish the health department, or would you consolidate them; give us some concrete facts. A. For that we have Senators and Assemblymen who make our laws.

By Commissioner GOMPERS:

Q. The Senators and members of the Legislature are simply ordinary men, ordinary citizens, and this Commission was created

for the purpose of ascertaining the views of the employers and the views of the workmen and the views of business men so that some legislation may be proposed of an effective character? A. Well, is it necessary, Mr. Gompers, to have a specialist to know how many cubic or square feet of breathing space there is in a room? Should a man be especially fitted to make that inspection? Should a man be specially fitted to say whether a buzz saw should be covered or not? I believe that it is possible to take the laws as they exist and reduce this multiplicity of inspection. There is no argument — you don't question that there is a multiplicity of inspection, do you — do you contend that?

Q. I am not making the argument. A. That is all we are here for. We are here to show you we are legislated to death, first an inspection of this kind and then of another kind.

By Mr. ELKUS:

Q. Can you give us any specific instances where there have been contrary orders given by different departments? A. Is that the purpose of this meeting?

Q. Yes. A. The purpose of this meeting was stated by you in your first question.

Q. Don't lets waste time arguing what the purpose of this meeting is; can you give any instance of conflicting orders by the departments? A. I can put a man on the stand here, the Commissioner of Buildings, who will give them to you. (Indicating Mr. P. J. Carlin).

Q. Can you give them? A. No, sir.

Q. Now have you given us all the ideas and suggestions that you have? A. No I have not.

Q. Go ahead then. A. I want to ask you or any of the Commissioners if there is any doubt about multiplicity of inspections?

Q. I do not know that we are here to answer questions. A. I am here to make that assertion.

Q. I would like to get some facts from you; it is easy enough to make assertions. A. That is the fact we are here to prove.

By Commissioner GOMPERS:

Q. Statements have been made that there is such duplication?
A. Yes.

Q. Now the mere repetition of that statement proves nothing; what we ask from you is can you give us specific instances in which such duplication has occurred? A. I say this, that in each and every case it has been carefully provided for by legislation, that all this duplication is legal. It is a law. We are compelled, the owners of buildings are compelled, to comply with the laws.

By Mr. ELKUS:

Q. What we would like to get is some real suggestion as to how to remedy it? A. Wipe about ninety per cent of it out.

Q. Which ones would you wipe out; what do you say should be wiped out? A. I say it should be put under ——

Q. Which ones? A. Which ones? I don't know that any of the features that are provided for by law should not be carried out, but I would take the contract of doing all the inspection for twenty-five per cent of what it is costing the State of New York to-day. Seventy-five per cent you can wipe out easy.

By the CHAIRMAN:

Q. Are you in favor of any inspection at all? A. Certainly, absolutely.

By Commissioner GOMPERS:

Q. What kind of inspection? A. Proper inspection. I wouldn't send a girl into a factory, as they have been sending them in Brooklyn lately, to go around among machinery and tell men what should be done. I would put a man there to tell what should be done.

By the CHAIRMAN:

Q. Are you sure that the girl didn't know? A. According to the inference in the department, the head of a department, she did not.

By Mr. ELKUS:

Q. Which head of a department told you that? A. Didn't tell me that but one of our Brooklyn manufacturers who is doing everything possible ——

Q. Which head of a department told you that? A. The head of a department in New York City.

Q. Which one was it, the Labor Department? A. I don't know which one. It was up in Madison Square.

Q. The head of that department we have just had on the stand?
A. This party told me this alleged fact. I can give you the name of the man if you would like to have the man.

By Commissioner PHILLIPS:

Q. In the case of a large manufacturing concern with a diversified line of work do they not have specialists in the various departments? A. If they have a large manufacturing plant with a variety of products they probably would have specialists with different lines.

Q. The same as we are doing for the State? A. In the same way that department stores are being run at comparatively less expense than a large number of small stores can be conducted for.

By Mr. ELKUS:

Q. Are you a manufacturer? A. I have been. I am a retired manufacturer.

HON. HENRY BRUÈRE (City Chamberlain of the city of New York) addressed the Commission:

By Mr. ELKUS:

Q. Mr. Bruère, what official position do you hold in the city government? A. I am city chamberlain.

Q. And prior to your being city chamberlain you were engaged in what occupation? A. Director of the Bureau of Municipal Research.

Q. And have you given considerable study and thought to this question of inspection that we are investigating to-day? A. I remember, Mr. Elkus, that I was before your Commission when it was considering the codification of the Labor Law, Factory Law, and then we discussed the possibility of consolidating some of these different branches of inspection, and it was then apparent, I think, that there would be a considerable amount of inspection of a single premises. It did not seem clear at that time that it would be desirable to consolidate these various inspection boards. Recently, at the request of the Mayor,

I have taken up again the problem of duplication of inspection services in New York. The Borough President, as you know, in the borough of Manhattan has called attention to some duplications and states that there is a good deal of irritation on the part of those who are subjected to it. The Mayor feels, I believe, that very careful consideration should be given to the possibilities of consolidating these inspection processes, and we are now studying the present conditions in New York city. If I may say a word, it seems to me that the problem is not so simple as it appears. I somewhat sympathize with the — if I may so characterize it — the helplessness of the last witness. It is hardly fair to ask him to diagnose the difficulty and point out a remedy here. We know there is duplication of inspections. Now the question is, is it wise to attempt consolidation? We all know the various inspections to which a single building is subjected. It seems to me the problem is this: Can we get the character of service we want by centralizing the whole inspection service? Is the problem one of conflict between jurisdictions or conflicts in orders issued? If you consolidated all these various authorities and had an inspection board for fire tenements and buildings, water inspection for the protection of the city in respect of water, and electrical inspections, etc., would it then be possible to have a single inspector go through the building or would five or six inspectors still be necessary? Do you require specialists, and if it is necessary to have specialists, to go through the building looking for these different things, would the fact that you have consolidated jurisdiction lead to less friction or less annoyance and equal efficiency.

Q. Isn't the trouble really complained of this, that the orders required by the inspectors to be carried out are issued at different times; I am just asking for information; it isn't so much that the inspections are made by different inspectors at different times but that a property owner or manufacturer gets an order one day and he complies with that order and on some other day he gets an order to do something else, not the same thing but another thing, and that goes on until we feel that he is very much to be sympathized with? A. I imagine that condition does exist but it has not come forward in the form of concrete complaints. The various

inspection services may have knowledge of specific instances of that kind. For instance, Mr. Adamson and Mr. Hammitt may have encountered instances of that kind, but it is unquestionably true and cannot be ignored that we have various lines of inspections or inspectors being sent into a building to accomplish the same result and I cannot help but feel that the owner of a building must feel a considerable amount of irritation. Now the question is, can you accomplish what is desired to be accomplished by centralizing the inspection forces or centralizing jurisdictions? The answer to those questions is the purpose of our present study. I think it is fair to bear in mind before any conclusion is reached that you cannot get an improvement of these specific conditions unless you specialize attention upon them. I assume that is why special attention is given to tenement house conditions. A question has been recently raised whether or not it is feasible to consolidate the examination of plans and inspection of buildings in process of construction in respect to tenement houses, with the work now done by the Bureau of Buildings in the various boroughs. Those who are specially interested in tenement house control raise the point that there may be a lack of emphasis upon the special conditions prevailing in respect to tenement houses, and that seems to me to be the condition existing in every one of these fields of inspection service. We have formulated tentatively a plan for consolidating the jurisdiction over buildings including inspections by the bureau of buildings.

Q. Into one department? A. Into one department. It looks very cumbersome. At first blush it seems to me that you would lose the necessary emphasis that must be given to these special conditions, otherwise we won't get the improvement in conditions we are looking for. The other proposition which has been crudely formulated (and I would be very glad to submit to your Commission such data as we have and to keep in touch with you), is to retain the present jurisdiction over conditions, the present administrative arrangement and responsibility, but to consolidate inspection work, in a measure, having a single inspection department ascertain the facts upon which the administrative orders are issued.

By the CHAIRMAN :

Q. You say the city administration has that under consideration now? A. Yes, these two plans have been carefully formulated in the study we are now making.

Q. Does that take the inspectors in the Building Department?

A. I want to be clear that it is entirely tentative because I do not believe that you can reach a sound conclusion on any of these points unless you go thoroughly into the work done by the divisions and get the point of view of the different members of the community who are specially interested in these classes of inspection.

Q. I did not know but what you had gone that far, and we would like to get the result? A. Here is the rough outline. The idea is that it is possible to conceive of a department having jurisdiction over these matters,— over the work now done by the Bureau of Buildings in the five boroughs, the work of the Tenement House Department, the work of the Fire Department in reference to fire prevention, the Department of Water Supply in reference to the supervision of electrical installations, the Police Department in reference to the supervision and construction of exits and inspection of boilers, the provision for exits in theatres, the Health Department as to light and sanitation, the Department of Licenses in respect of area and ventilation requirements in moving picture theatres, and the State Labor Department in respect of the physical structure of the building itself and sanitary conditions. Now, it is conceivable that you could have a department for all of these things broadly enough organized, with competent supervision, but it seems to me at this stage that we would run the risk of losing emphasis, having some of the work slighted. Now for this same group of activities of which I think, so far as I now recall, my description is comprehensive, it has been suggested that possibly you might have one inspection service. It seems to me that those two alternatives should receive very careful consideration. Either they are wholly possible or they are possible in part.

By Mr. ELKUS :

Q. Have you considered this question which was raised before when we discussed this matter — that the inspection department ought to be connected with the department which enforces the

result of the inspection and that if you have the two separate, there never will be any practical harmony or practical working? A. I think that is a very practical question. If the inspection force is separated it removes the administrative organization from responsibility, from interest. I say it is conceivable that you would have a well organized inspection department and then have it subject to the superior administrative control.

By the CHAIRMAN:

Q. If the matter were put right up to you now, Mr. Bruère, would you favor the consolidation of all these departments in one inspection department or leave them as they are now? A. I would not be in favor of starting out with complete consolidation. I would be in favor of eliminating some of the illogical conditions which I think have arisen because one thing has been taken up after another.

By Mr. ELKUS:

Q. Mr. Robert W. DeForest, you know, of course? A. Yes.

Q. He wrote in reference to this matter. He said "the Bureau of Inspection, such as is suggested in this question should emphatically not be established. The duty of inspection and the duty of enforcing the results of inspection should not be separated;" do I understand that you agree with him? A. I think I do. My conclusions are not final because as I say I believe this whole question ought now to be thoroughly gone into and everyone who has information regarding it and who is interested should be consulted.

Q. While we are discussing this matter, may I make this suggestion for your consideration: would it be possible and practicable to make the Bureau of Buildings, for instance, the Department of Buildings, and make that a bureau of the Fire Department and thus do away with a number of inspections by different inspectors there; in other words the Bureau of Buildings has charge now of passing upon the plans for the erection of buildings and alterations of buildings, and they have to have their inspectors for that purpose; the plans or most plans for buildings, have to go then to the Fire Department to be approved by them to cover the particular statutes in reference to buildings as to the fire

hazard; then the Fire Department inspects them through its bureau of fire prevention, or otherwise, inspects the various buildings from time to time, but an owner can not alter a building without going to the Department of Building and then back to the Fire Department again. Now would it be practicable to make the Bureau of Buildings a branch of the Fire Department and thus do away with the multiplicity of inspections? A. Your question hints at a quite different department than the present Fire Department, perhaps it will come to such a point that we wont have fires and it will all be fire prevention. Off hand I hardly think it feasible to do that now. I would be tempted to go the other way.

By the CHAIRMAN :

Q. You mean you would take the Fire Prevention Bureau away from the Fire Department and put it in the Building Department? A. It seems more logical. Let me have that clear. I was tempted to believe that we are coming to the time when all fire work will be largely limited to fire prevention work, that that will take the place of much of the work now being done by the Fire Department.

By Mr. ELKUS :

Q. There are now as I understand thirty-one departments of the city government or about that number. Am I right about that? A. About thirty-one. Some are Boards.

Q. Now is it possible by consolidating any of these departments to do away with any of this duplication — I do not think there is so much of that as multiplicity of inspection — isn't that the real remedy by consolidating or abolishing departments? A. Well, it isn't the remedy so much because after all when you get a department consolidated you get various subdivisions and you may have orders emanating from bureaus, lying all over the desk of the head of the bureau, who has so many things to attend to that they may be neglected. I do not think that is the solution. I think it is possible to have those processes performed simultaneously. I state no conclusion regarding it, but the question involves consideration of the problem as to whether or not it should not be possible for the men who examine the plans

for the Bureau of Buildings and all that involves, at the same time to examine them with reference to the Water Department, to the fire prevention work and Tenement House Department. It should be possible to get plan examiners to do that work. I think that should be discussed. For instance, Mr. Lawrence Veiller would have definite ideas as to whether or not it is desirable to bring about these consolidations. As an administrative proposition it seems to me sound off-hand. If that were done there should be a great deal less irritation.

Q. That could be done by the city? A. That could be done, I suppose, by statutory changes.

Q. Do you require legislation to do that or can it be done under the home rule bill? A. There is no such thing.

Q. Can it be done by the Board of Aldermen? A. Anything can be done by the Board of Aldermen but it can be effected by the Legislature.

Q. Now are you in favor of anything along the lines of the seventh question which is outlined today — "Shall there be a permanent conference board of the heads of City and State departments making inspections of buildings in New York City, etc.?" A. I think, Mr. Elkus, there should be a conference now. I believe it is unwise for any of us to state conclusions regarding this matter. I am no more able to state a conclusion than you are, I assume. I do think we should consider it. I believe we should now have a conference to find out whether there is the possibility of this consolidation we have been talking of, and whether or not there is duplication or conflict. A permanent conference could not handle differences of administrative detail, but the conference should last long enough until some conclusion is reached. I think if you did that it would be a splendid thing. I think if you got a conference of these various departments, boards and bureaus and have the matter not only discussed but thoroughly inquired into you would smooth out conditions a great deal. I believe it wiser to act in this way rather than to jump at conclusions because we would be going out of the frying pan into the fire.

Q. Do you mean conference on proposed plans or legislation? A. I mean conferences on the administrative problems. I believe in enforcing these various laws. I imagine there has never been

held a conference between the five or six agencies that now have to consider at some stage in its career the problems concerning a building erected by a property owner. Let them come together and find out where there is actual duplication. The law may not state duplication, but the working out of administrative procedure may develop duplication. It seems to me the wise thing to do now is not to attempt a conclusion academically but to reach it after months of considered deliberation of a number of these questions.

By Commissioner GOMPERS:

Q. You would be opposed to the lessening of the emphasis on each special feature? A. I think there is danger in lessening emphasis. You can get an administrative organization so big that it can not operate.

By Mr. ELKUS:

Q. I would be very glad to hear from you further. A. I came in response to your invitation because (and I assumed that Mr. Adamson and the other gentlemen who are representing departments of the city will say similar things) we are now considering this problem. We recognize it as a distinctly important present problem. My own view is we are not ready for any conclusions. Perhaps the other gentlemen have reached conclusions. If we have not reached conclusions I suggest as a wise course to follow, since the Factory Commission has precipitated this discussion more or less, that the initiative might properly come from you to bring together these different factors in a more or less permanent conference, not for the purpose of administering these various laws but for the purpose of determining upon a policy of administration forgetting for the time being the jurisdictional differences.

Q. I may say to you this hearing was designed by the Commission to be the beginning of a series of conferences which would take place after the public hearing along the lines you state. I think I said that to you. A. I assume that is it. I will not now present to you gentlemen any of these mooted suggestions. We are not ready to submit them but we will be very glad to work in cooperation with you to reach such conclusions as we can.

ALDERMAN POUKER: May I ask the witness a question?

MR. ELKUS: You may.

By Alderman **POUKER:**

Q. How would you answer question number 1, "should there be a department of labor for the city of New York and one for the rest of the State"? **A.** I do not think we should have a department for the city of New York and another for the rest of the State.

MR. ELKUS: Thank you very much, Mr. Bruère.

HON. ROBERT ADAMSON (Fire Commissioner) addressed the Commission as follows:

By **MR. ELKUS:**

Q. Commissioner, you have been at the head of the Fire Department how long? **A.** Since the first of January.

Q. And during that time since you have been there have you obtained sufficient assistants in your department so as to make more inspections in proportion since the first of the year than there had been before? **A.** We haven't obtained any additional force, if that is what you mean, Mr. Elkus.

Q. Have you made more inspections? **A.** I think we have made more inspections of property.

Q. Can you give the numbers? **A.** I can not give you the exact number, perhaps Mr. Hammit can. I have them at the office. I can get them for you very quickly.

Q. Will you send them to me? **A.** Yes.

Q. Now you have studied this question which is before the Commission to-day, have you Commissioner? **A.** To some extent, yes.

Q. We will be glad to have your views in your own way upon the subject; now this Commission desires to find some way of relieving the property owner and the employer of unnecessary or duplication of inspections. There has been some complaint about inspections — I do not understand so much the duplication of inspections as the multiplicity of them, and if it can be avoided and still have the work done properly, of course it ought to be

done, and if any way can properly be found to do it it ought to be found, and that is the purpose of asking you to come here to-day? A. I was very much interested in the statement that you made at the outset that you have not been able to find any specific cases. We have had quite a number of cases coming into the department but most of them have been cases where the factory owners have been required to fireproof the windows leading to fire escapes. We have had quite a number of complaints of that kind, but otherwise I do not recall any specific complaints.

Q. Or duplication? A. Or duplication. I think there is considerable irritation on the part of the public due to the fact that there are so many jurisdictions dealing with this problem generally. I think the criticism or complaint which we have heard recently has come from the fact that another jurisdiction has been added in the matter of factory inspections recently. You know various jurisdictions are dealing with the matter now, and when the Fire Prevention Bureau was created and began to inspect buildings and issue orders there was considerable complaint at that time also, and then when added to that came the factory inspections here the complaint became more or less general.

By the CHAIRMAN:

Q. We might have extended the requirements, Commissioner, but the Labor Department always had jurisdiction over these different factories? A. The division of jurisdiction as to requirements in factories, the matter of exits, that was taken from the Fire Department and put in the Labor Department. That is what I refer to.

By Mr. ELKUS:

Q. That is as to the number of exits and size? A. Yes, I have never had any citizen's complaint that was not more or less general. There is undoubtedly a feeling of irritation and dissatisfaction on the part of a great many property owners over the fact that so many different jurisdictions are dealing with this question. That seems to be undoubted. Now the question has been raised here of some practical plan of avoiding duplication of inspection. That is a matter which was taken up by the Fire Department several weeks ago and there is now in existence a joint committee

consisting of a representative of every one of these departments interested, fire, health, water, tenement house and the Labor Department, a joint committee which has had several meetings and there is to be a meeting next Friday of all of the heads of these departments under the auspices of this joint committee. That committee has made considerable progress in laying the foundation for a workable plan which will avoid duplication and avoid conflict between the various departments. I have talked over with Mr. Miller, for example, a plan of combining the examination of architects' plans between his department and the Fire Department. That can be done without any difficulty, I think, and with great saving of time and annoyance to the architect, and if it works between our two departments, which I am sure it will, I do not see why it could not be extended to all departments which examine plans for buildings.

Q. Then is it your idea, Commissioner, that one department should examine the plans and the other departments without passing on them themselves, take the approval of the one department?

A. I think that the requirements of each department could be thoroughly understood and that one department could examine the plans.

Q. One department to approve the plans? A. One department to approve the plans.

Q. What do you think of the suggestion of putting the Building Department into the Fire Department and giving general charge of all buildings to one department as far as building construction, alteration, and the enforcement of fire laws with reference to them? A. I think the enforcement of all fire prevention laws ought to be in the Fire Department.

Q. Let me ask you this question: Isn't it a fact, that if you are going to get any real benefit out of any of the statutes for the protection of buildings and property, that you have got to have the power of enforcement in the same department which has the power of inspection and the power to pass upon the requirements? A. I think that is unquestionable.

Q. You cannot have the two things separate? A. You cannot have the inspection and the enforcing department divided.

Q. That is the conclusion we came to two years ago when this

subject came up; now if that is so is not the only remedy in order to do away with the number of inspections which are now required to be made; to consolidate some of the departments? A. Yes, I think that's true.

Q. In the city of New York? A. Yes.

Q. There is no complaint of this kind that we have heard anywhere but from the city of New York and if a number of these departments were put into one department do you think it would be possible then to do away with this number of inspections and still have the law adequately and properly enforced? A. Yes. I think, if you will allow me to say so, that probably a correct division would be something like this: The State Labor Department through the Industrial Board to have the power of regulation, making regulations, and the power of enforcement should be in the local departments, that of fire prevention in the Fire Department, that relating to health and hygiene and sanitation of buildings in the Health Department.

Q. Then you would take away the jurisdiction of the State Labor Department from the city of New York as to enforcing the law? A. As to enforcing the law. As to making regulations of the requirement in factories, that should remain.

Q. That was suggested to the Factory Commission two years ago and was very bitterly opposed? A. I know it has been discussed, but the suggestion is in the line of reducing jurisdictions and in the line of concentrating administration.

Q. Even if the State Labor Department did not give up its right to enforce its own laws there could be a consolidation with the saving of men and money of these different city departments having charge of buildings? A. I think so, yes, sir.

Q. Commissioner Adamson, turning to question 7, do you believe there should be a Conference Board of the heads of the city and State Departments as indicated there? A. As I have just stated, we made two months ago a start in that matter.

Q. That is in the city alone? A. The Labor Department has been represented and there is to be a meeting next Friday of all of these departments which I have mentioned; the purpose of that meeting is to confer and get the concensus of opinion as to a working plan which will avoid the conflicts and duplications which

have been complained of. There has been considerable progress made on that already. It has been discussed here as a possibility but we have started and it has been under way for almost two months.

Mr. ELKUS: Any questions, Mr. Chairman?

By the CHAIRMAN:

Q. You say, Commissioner, that you have personally not had complaints of either multiplicity of inspections or duplication of inspections? A. I haven't had any specific complaints; I have heard general complaints.

Q. There has been a lot of duplication and there must be something wrong, but no doctor, it seems to me, can diagnose a case unless he has some symptoms, and we are looking for particular cases where this duplication of inspections exists, and then perhaps we can do something to afford relief? A. I have had no specific complaints.

By Commissioner PHILLIPS:

Q. Do you know of any? A. No, I do not. I have heard rumors but I do not know of any specific case.

By Mr. ELKUS:

Q. The complaints you heard were with reference to enforcing the law such as the putting of wire glass in windows? A. Most of the complaints have been regarding that.

Q. And also sashes? A. Yes.

Q. Now from your own knowledge of that subject are those two things necessary? A. Which two things?

Q. Wire glass in windows where there are fire escapes and the metal frames? A. I should think if the provisions of the Labor Law are complied with in every respect as to other exits they might not be.

Q. Then you don't have to have fire escapes? A. No, if the provisions of the Labor Law are complied with in every respect.

Q. Then in many cases the Labor Department has permitted the owner, if he desires, to take down the fire escape? A. Yes.

Q. Because he found it useless? A. Yes, and we have had requests from property owners for permission from the Fire De-

partment to take down fire escapes in buildings where the Labor Department has ordered windows fire proofed.

Mr. ELKUS: That is all, Commissioner, thank you very much.

Hon. MARCUS M. MARKS (President of the Borough of Manhattan), addressed the Commission.

By Mr. ELKUS:

Q. Mr. President, you are the President of the Borough and have been since the first of January? A. Yes, sir.

Q. Have you read this statement of the purpose of this hearing to-day? A. I have.

Q. We should be very glad to hear from you about the matter? A. Yes, sir. With your consent I will read a statement which I have prepared in answer to your questions:

The duplication of inspections and the conflict or orders issued by the State, City and Borough authorities, in connection with the buildings of New York, have reached such a state that both owners and tenants are in despair.

The most important consideration in Government is to foster respect for the law.

Recent developments in the activities of conflicting powers have tended to weaken this respect for the law. When the law demands that you swing your doors outward, and another law demands that you change this arrangement on account of interference with passers-by on the sidewalk, it is pretty hard to be patient with the law. When a City Department orders the owner to erect a fire escape from the roof to the sidewalk, and he complies with the law, and a Borough Department issues an order for the removal of the fire escape from the sidewalk, on the ground that it is an encumbrance, the citizen becomes demoralized and loses some of his respect for the law. When one Department gives permission to connect two buildings, so that one fire escape may answer for both, and another Department orders fire-proof doors to be erected in the openings which have been permitted, there is a wail of despair.

I find that in New York City at least seven departments can send inspectors to a citizen's house or building. These are: (1) the Bureau of Buildings; (2) the Fire Prevention Bureau; (3)

the Fire Department; (4) the Health Department; (5) the Tenement House Department; (6) Department of Water Supply, Gas and Electricity; and (7) License Bureau. Add to this, the State Labor inspection, and we have a total of eight legal inspections which can be made. In addition to this, each one of these inspectors has the right to lay down rules and instructions as to what shall or must be done to comply with the law, as his department sees it.

No one can deny that these duplications and conflicts come to such a point that we are bound to call a halt.

There are some who feel that New York is not a manufacturing city. They are not posted as to the facts. New York is one of the greatest manufacturing centers in the world, and to drive factories out of New York drives out homes also, because, unless there is an opportunity to earn wages, or to make profits in a factory, there is an equal lack of opportunity to be able to afford a home in the city. Drive out the factories and you drive out the homes and make it impossible for working people to live decently in our city.

The ill effects will be felt by all classes of the community. Worst of all, this conflict of orders from various departments brings about a lack of respect for the law.

I have been advised that it is quite likely that the situation will be further complicated by the addition of another authority which is entering the field. The conflict between Borough, City and State authority will be increased if the Industrial Relations Committee, which is now dealing with manufacturing problems, should decide upon measures which will again conflict. I hope that this will not happen.

There are two things to do in handling the present situation; the first is to bring about the greatest possible co-operation between the heads of the various bureaus under the present laws.

The plan which I have suggested is the establishment of a Board of Inspectors. I want to say I have already done a great deal to help bring this about by having conferences with the various commissioners and asking my engineers to do the same and arranging between them to have these conferences, and now I understand there is a regular system of conferences going on which is going to be very helpful. I have recommended strongly to the Mayor in a

letter which I wrote to him the establishment of this Board of Inspections. The Board should be empowered to carry out the orders of all State and City Departments, co-ordinating these orders, and calling attention to conflicts that may arise among them. Thus we would have a clearing house for inspections and orders, instead of eight inspectors visiting the same building, two at the most would answer all purposes, provided they were clothed with the proper authority and supplied with the necessary information.

This would have a beneficial effect in two directions: By means of it the conflict will be reduced almost automatically to a minimum. Also, there would follow a betterment in the efficiency of the inspection itself. The men representing several departments would develop greater ability and become entitled to larger salaries in proportion to the grade of work they did.

We cannot, however, eliminate the duplication because the laws must be carried out. Therefore, comes the second method for relief, namely, legislation. There must be either a combination between more departments under one head, or the establishment of a Joint Board of Inspection. If all departments should place their orders into the hands of such a Joint Board, the officials of which will be authorized to harmonize differences, it would be a great saving to the State and City, as well as the elimination of conflict, which would be greatly appreciated by the citizens. Instead of eight inspectors going into a building and covering a large territory, two inspections would serve the purpose of all the departments, and each inspector would have a small territory to cover. The same kind of ability that serves for one department will serve for several others, and, in cases of special difficulty, consultants, who have exceptional ability, could be called into conference.

Our department has been doing this by personal conferences between the President of the Borough and various Commissioners, as well as similar conferences between engineers and other officials of the various bureaux. We are minimizing the conflict by such friendly co-operation.

During the last few weeks I have received a volume of letters from business men, house owners and taxpayers in general, ex-

pressing hostility to the methods as present in use, and a strong desire to see the system rectified.

The Real Estate Board of New York, at a meeting of its Board of Governors, held on May 12, 1914, adopted resolutions with this object in view.

It is my sincere hope that some plan of relief will be quickly decided upon.

Something must be done at once. There is hardly another feature of our city government that requires more immediate attention.

By Commissioner JACKSON:

Q. You speak particularly as to conflict of orders in relation to doors; has there been any conflict between the Labor Department and the various departments of the city government so far as you know? A. Yes, sir, I have been forced to physically tear down doors that swung out over the sidewalk in this city recently, and they were swung out on the orders of the State Factory Department.

Q. Why was it necessary to swing the door out in the street? A. The man who owns the house puts his door as far out as the law will permit him so that he has more space inside. The door swings in on his own property. Then comes the order of the Labor Department of the state, the wisdom of which I do not question, asking him to swing his door out. The State Factory Department, however, does not advise him to consult the borough authorities and he is not aware of the fact that if he swings that door out I will get after him, because he is hitting people that pass by. The sidewalk belongs to the people and I have to take care of that.

Q. But you agree it is not necessary to swing the door out in the street when he can remove the frame work and swing the door in a vestibule? A. If he received notice at the same time that he receives the other notice that it should not swing beyond the building line it would be different.

Q. Don't you think the ordinary property owner in New York is aware of that? A. He cannot keep track of the frequent changes of laws any more. It is expecting a great deal of the average man.

THE CHAIRMAN: That isn't a new law.

THE WITNESS: The execution of it seems to me new.

Q. Doesn't he know that to swing a door into a thoroughfare is against the ordinances of the city; you don't think there is a conflict there, do you? A. I said I do and I do think so.

Q. Don't you agree that he should know? A. No, sir, I do not. I am talking of the average citizen now.

By Commissioner GOMPERS:

Q. Isn't it a matter of fact that in every phase of human activity for which laws are provided the citizen is assumed to know the law and if he violates the law he is held accountable for it? A. Well, the answer to that is that the laws that are on our statute books the citizen is supposed to be posted about, provided they are executed, but when the citizen gets a simple notice to swing his door out the most natural thing for him to do is to change the hinges and swing them out.

By Commissioner PHILLIPS:

Q. Your idea is that at the time the order to swing the doors out is given the inspector should caution him? A. He might call attention to the fact that there is a double authority which he should consult before acting.

By Mr. ELKUS:

Q. Do you seriously maintain there is any property owner in New York City who does not know he hasn't any right to encroach on the sidewalk? A. If you would go among them you would think so.

By the CHAIRMAN:

Q. Either that they don't know or don't want to know? A. There are many who don't know. My experience has proven to me that when a man gets an order to swing the door out that is swinging in and gets no other information it is the most natural thing for him to leave that door where it is and by changing the hinges to swing it out.

By Mr. ELKUS:

Q. It doesn't require legislation on that subject; your idea is that if the State Labor Department or any other department ordered the doors swung outwardly they should put on the notice to be careful to see, in complying with this order, that they do not disturb any other rule of any other department, is that right?

A. That would not cover all the points.

Q. I do not mean to say that is going to cover every single case.

A. It would help out but it wouldn't cover the point.

Q. What I wanted to bring out was this, Mr. President: What you want to have done is to call the attention of the property owner to the fact that in obeying one law he must be careful not to transgress the other law? A. I think it would be very helpful.

Q. That is more of an administrative regulation than it is new law; you don't want new law to bother with that. A. Even then there will be the number of inspections.

Q. I am coming to that in a minute; I want to take up your statements in order? A. I think it would be very helpful.

Q. I am trying to get at a remedy; assuming that all these conditions exist let's get at a remedy; now my first point is take the case of a man who is ordered to have his doors open outwardly, and you concede that is a proper regulation, and your question is that in trying to open his doors outwardly he would get on the sidewalk and he can be ordered off; what I want to know is in order to remedy that all you need to have is a little co-operation between the different departments so that when an order is made requiring doors to be opened outwardly the owner could be notified that in obeying that order he should be careful not to violate any other law or rule and that a notice reading "This does not authorize you to put your doors on the street," or something of that kind would seem to be all that might be necessary in that case? A. I think that would be very helpful, indeed.

Q. Now take the next case you mentioned. You said something about a set of orders regarding a fire escape from the roof to the street? A. Yes, sir.

Q. Of course, you know no city department orders them to put a permanent staircase on the street? A. I think that is the order that came to this party. If anything comes within ten feet of the

sidewalk it is an encumbrance and it comes under our jurisdiction and it is an encumbrance which will interfere more or less with the passersby. As soon as this case came to my attention I took the liberty of asking Mr. Miller of the Bureau of Buildings to meet Mr. Hammitt of the Fire Prevention Bureau to talk it over.

Q. What I want to say is, a little co-operation between the two city departments involved would have solved that whole problem?

A. It would not change the laws.

Q. The law does not require there should be a stationary fire escape down to the sidewalk; the law specifically requires that the last ladder shall be a balanced ladder which provides for it being ten feet above the sidewalk? A. Perhaps the Commissioner, who is here, who knows more about the detail could answer that better than I.

Q. It does not need legislation to remedy that? A. It does provided the law permits a fire escape to be within ten feet of the sidewalk.

Q. We will call Mr. Hammitt afterwards; now you said there was a great deal of duplication of orders; I am not talking about duplication of inspections, I am not talking about multiplicity of inspections but duplication of orders, and if you have any examples which you know of, of your own knowledge, we would like to have them? A. Duplications?

Q. Duplications, that is where the same thing was inspected by different departments and different orders were given for the identical thing by different departments? A. I have quite a volume of literature and if you would like I will send it over to you.

Q. Yes, I would like to have it.

THE CHAIRMAN: Specific cases?

Mr. MARKS: Specific cases.

Q. That is what we are looking for; we hear speeches but we do not get specific cases? A. I have given you some specific cases.

Q. No, you have not? A. Do you want me to give you the numbers of those places where I had to tear these doors down?

Q. That is not duplication. We have had cases where a door had to be opened outward and they had to build a vestibule and

every property owner who knew anything should know you cannot build a door on a street? A. One inspector ordered the door to swing out and another inspector saw the door swinging out and he ordered it should not swing out.

The CHAIRMAN: In the Labor Department?

MR. MARKS: No, I don't say that, but it is the conflict between the departments.

Q. The order of the second man, if he made the order, was that they should not encroach this door on the sidewalk? A. Yes, sir.

Q. Now whether the door swung out or in, it could not go on the sidewalk? A. If it swung in it could not.

Q. If it swung both ways? A. It would then.

Q. It would? A. Yes.

Q. You would permit it to go over the sidewalk? A. No, sir, we would not permit it.

Q. I say if it swung both ways you would not permit it? A. Would not permit it.

Q. The only way you would permit it to swing is inward? A. No, we don't care how it swings so that it does not hit anybody passing by.

Q. Why didn't your inspector tell him to vestibule the door? A. Our inspector did not go into the thing until it hit somebody passing on the street.

Q. Why didn't he then tell him to vestibule the door? A. We told him to remove it.

Q. Why? A. Or swing it inside. We didn't care what he did, he could run it on a groove.

Q. Have you any cases, specific cases, of conflict of orders of the different departments? A. Yes, I have.

Q. Have you them with you? A. I haven't specific cases. Perhaps the fire bureau might mention some.

By the CHAIRMAN:

Q. We had the fire commissioner on the stand and he said he had no specific cases, only the general talk? A. We had one recently which I mentioned in my statement. I didn't give any names and addresses, but I mentioned a case where an owner of two adjoining buildings wanted to put up his fire escape and he

was told by one bureau that the way one fire escape would do for the two buildings would be by connecting those two buildings, breaking through an entrance on each floor. That made one building of it according to that bureau. Another bureau came along after this was done and said they must put fireproof doors in there. That settled the opening question. That was a conflict naturally.

Q. Was that a conflict of orders or change in the statute? A. Whether it was a conflict of statutes —

Q. It was no conflict of statutes or no conflict of orders either? A. Well, any way, the owner is pretty well demoralized about it.

Q. I am sorry for the owner; now what we want is a remedy; you say that the United States Industrial Relations Commission can make new laws? A. I say they are in session now and I hope they won't go any further in the way of recommendations for further laws.

By Commissioner GOMPERS:

Q. What have you in mind as to your apprehension? A. The idea is to make the factories as sanitary and as safe as possible, that is the idea of everybody.

By the CHAIRMAN:

Q. You agree that it ought to be done? A. I agree very heartily that everything should be done to make them as sanitary and safe as possible, but I do not think it requires eight inspectors to do that.

By Commissioner GOMPERS:

Q. But what apprehension have you in regard to the Industrial Relations Commission? A. I do not know what they are adopting now. We have the borough, city and State, I know what they have done. Now comes the United States Government and what are they doing to help things? They may report perhaps a recommendation to Congress. Are you sure they won't recommend anything to Congress?

Q. I am sure they won't recommend anything as to which you have expressed apprehension? A. If you are sure of that I will take your word for it. I am glad to hear it.

By Mr. ELKUS:

Q. Now let me ask you this question, Mr. President; isn't this the fact that this agitation or complaint which we are all familiar with, doesn't it arise from this: one department makes an inspection of a building and orders certain things to be done and the owner or the tenant or the manufacturer complies with it and by the time he has the mechanics out some other department comes along and orders something else to be done, instead of it all being ordered at once, which would save cost and time and trouble; now isn't that the case in most of the matters that come under your notice? A. That different inspections result in different orders?

Q. Yes? A. Yes.

Q. And they are executed at different times? A. At different times.

Q. And that ought not to continue; we all agree on that? A. As far as possible it should be stopped.

By the CHAIRMAN:

Q. You mean different orders for the same thing? A. Affecting the same situation but not the same thing.

By Commissioner PHILLIPS:

Q. When an order is made that order ought to embrace all the collateral orders that enter into it so that the owner or tenant could complete his job at one time? A. That's the idea.

By Mr. ELKUS:

Q. If certain things have to be done in a building properly required under different laws administered by different departments isn't it proper that the order should be given at one time so that the owner could make his arrangements at once? A. It would be a great gain.

Q. And isn't that the particular complaint? A. That is one of the principal complaints, that there is no end to the thing. The owner want a "clean bill of health" some time or other.

Q. Now, Mr. President, can not that all be done without any legislation by simply having a conference between the heads of all departments and whenever one department is going to issue

an order about a building to confer with every other department first, and say we are going to issue such and such an order, have you inspected this building, or do you intend to issue any orders; if so please do it now? A. It would be very helpful.

Q. Can that be done without legislation? A. That is being worked out now. We are working on that every day.

Q. Then if the departments of the city of New York simply get together and have a system of co-operation eighty per cent. of the complaints would disappear? A. I don't know the percentage.

Q. Well, a large per cent. A. A fair percentage would disappear.

Q. And without legislation? A. Without legislation as to that part of it.

Q. Now you say we ought to have one bureau — perhaps I didn't follow you — you say we ought to have one bureau to make inspections and carry out the orders? A. That is my idea.

Q. That is, you put in one department the power to inspect and enforce the orders of all the other departments? A. I believe that all the inspectors of the various departments, if they could be combined in a board of safety or board of inspection, call it what you like, then all that you are urging about would be done automatically.

Q. Now let see if it would and whether it would work; your idea would be to have a bureau which would inspect, and after it inspected would report to the three different departments of New York city the result of inspections, is that right as far as I go? A. It will be well to do that, or, upon consideration, you might deem it wise to give the power to such a board of inspection to carry out the law.

Q. First they would inspect and report the facts; then these different departments would say what they would want to have done? A. No. My idea is that they would get the orders.

Q. How would they get the orders before the inspections? A. Not the orders, but the rules.

Q. You mean the statutes? A. Carrying out the rules.

Q. Now each property owner is supposed to know the law, that is it is published and he is supposed to comply with it; now the only way that the departments have or the government has of

finding out whether the law is complied with is to have an inspection made and after the inspection is made and they find the law is not complied with then to make the orders? A. That is right.

Q. How could you get orders promulgated without first having inspections? A. If all the orders of the various departments were sent to one board that board would carry out these orders.

Q. First you have to have your inspections before any orders can be made, except general orders, to comply with the existing laws? A. That may be your thought; that isn't mine.

Q. I want to get your thought; I would like to know what you mean? A. It is very easy to explain what I mean but I can not exactly run my mind on the groove in which yours is running.

By the CHAIRMAN:

Q. We are trying to get a remedy? A. My remedy is very simple.

Q. Lets see if it works out? A. My mind has run clearly on that groove; it is a plain business proposition.

By Mr. ELKUS:

Q. I want to hear the plain business proposition, but I want to find out so that we can work this thing out practically. I will take your first step; we have general rules about how things are to be done in buildings and the property owner is supposed to comply with them; suppose he does not comply with them, what would you do next; would you have this one department inspect the buildings and report or would they inspect and say that this should be done or this should not be done or would they report back to some bureau? A. My opinion is that the inspection should go ahead of the order.

Q. That is what I said, but you said the order should go first? A. The rule or ordinance, not the order.

Q. Then we agree that far; the inspection should come first, and that should be made by this one department of inspection? A. Which has full knowledge of the laws or rules of all the departments.

Q. Now then this department makes its inspections, it finds that certain things are not complied with that ought to be done;

now does it give the orders right away to have them done or does this department report to the First Department, for instance, and say here — let's take a concrete case — suppose the law requires a fire escape should be put on a building and this department of inspection after a while inspects that building and finds that that fire escape is not on and also finds that windows are not wired as required and also finds at the same time after making a thorough inspection of that building that some sanitary requirement of the Labor Law is not complied with, or supposedly not complied with, and also we will take some doors which open outwardly beyond the building line when they ought not to — now does that department go to work and say here Mr. Property Owner these things are not done and we order you to do this, that and the other thing or does this department of inspection report those facts to the four or five different departments that have jurisdiction and then wait for their orders before going ahead? A. That is a matter for the Commission to work out.

Q. We are trying to get your views about it? A. I would rather feel inclined to have the department O. K. the recommendations resulting from the inspection.

By the CHAIRMAN :

Q. Who enforces the order? A. The department, I think, would be the proper authority.

By Mr. ELKUS :

Q. The department itself? A. Yes, sir.

By the CHAIRMAN :

Q. You would separate the inspection from the enforcement? A. Let's get it down to something concrete; here instead of eight inspectors, get it down to two. One is an inspection by an average inspector who is a plain, practical, common-sense man; the other by an engineer inspector who takes care of the parts of the inspection that require engineering knowledge; now these two men have gone into the building, and they report that according to the orders that have been received by them or the rules and regulations of the departments they find that certain changes are necessary in that building. It may be that only one department will require anything to be done. It may be that two will.

At any rate, the departments that are required to act according to these inspections are the only ones that ought to be notified, and they should pass upon them. You can not take away the power of the departments.

MR. ELKUS: That is what we agree on.

Q. How would you enforce it; they get the order and issue the order? A. The same as it is now.

Q. They give an order and within a reasonable time the inspector is sent there to find out if the order is complied with? A. That's all right, but the inspector does not carry out the order.

By Mr. ELKUS:

Q. You would not eliminate then a single department we have? A. I do not say that; that is another proposition.

Q. Under your plan? A. I haven't gone into that question today as to the elimination of departments. That's a matter for the charter commission.

By the CHAIRMAN:

Q. The emphasis has been placed on the inspection; now you would separate the two things? A. We do now.

Q. Then you enforce the order? A. Yes.

Q. Some other department does not do it? A. No.

By Mr. ELKUS:

Q. When this subject of a department of inspection came up a great many men who had studied the subject gave their opinions about it; now you know Mr. Robert W. DeForest; he is a man of experience and ability? A. Yes, sir.

Q. Now he said this: "The Bureau of Inspection, such as is suggested in this question" — that is the questionnaire we issued three years ago — "should emphatically not be established. The duty of inspection and the duty of enforcing the results of inspection should not be separated in different departments"? A. That was his view; and if you were satisfied with that view you probably would not have this hearing today.

Q. We were satisfied then but apparently the situation seems to have changed; you would have besides all the bureaus now established, you would have a separate bureau of inspection, the power of enforcement, however, to remain with the same depart-

ments as now? A. That is something that I say should be studied very carefully. At the present moment that is my view but I haven't given that detail the study it deserves.

Q. Of course that would mean the duplication of inspections after the work was supposed to be done? A. Not necessarily; the same two men instead of eight men would do it afterwards, just as the eight men do it now.

Q. Your case of eight men is rather an extreme case? A. Rule out one of them, which is correct?

Q. The Bureau of Licenses, when do they inspect? A. They do inspect; take theatre buildings and moving pictures.

Q. But it does not affect factories? A. I was not speaking only of factories — the news stands, how about them?

Q. That isn't a manufacturing establishment? A. This is only factories?

Q. We are talking about factories and mercantile establishments? A. A news stand is a mercantile establishment.

Q. Now, Mr. President, I think we can get down to this — the cases that you mention — if there was co-operation between the different departments of the city it would be vastly beneficial, wouldn't it? A. Yes, sir.

Q. And that is within the power of the city officials to bring about? A. They are trying to do it.

Q. Does not the Mayor control every department of the city? A. Not the State Labor Bureau. The Mayor does not control the Borough President's office. It is absolutely beyond his authority.

Q. You would act in harmony with the Mayor? A. Certainly.

Q. What other departments doesn't he control? A. Neither the State nor —

Q. In the city? A. He has charge of all the other city departments.

Q. And in the Borough President's office the heads of the departments in his office are appointed by the Borough President? A. Yes, sir.

Q. And his orders? A. Are final.

Q. So that in the city of New York it comes down to the Mayor and the Borough President? A. In the city of New York.

Q. And if the Mayor and the Borough President are determined to avoid as much as possible by regulation the complaint

which has been made as to all these matters it is within their power to do so? A. Yes, sir, then it goes up to the Governor of the State.

Q. Now suppose there was a conference board between the State and the Borough President and the Mayor that would cover the whole subject? A. That would be very helpful.

Q. And as a practical matter it would cover the whole subject without legislation? A. It might result in changing the laws so that they would not conflict.

Q. After they had conferred awhile and worked the thing out there might be required some simple legislation? A. I think it would be very helpful; I am heartily in favor of it.

Q. Such conference? A. Yes, sir.

Q. That is the one we outlined in question seven? A. I don't remember the number of the question.

Q. That is the one we outlined? A. Yes, sir.

By Commissioner PHILLIPS:

Q. That is, if the Labor Commissioner issued an order submitting that to the other departments they would issue an order as to how that was to be done? A. There is one person I have in mind and that is Commissioner Lynch, who promised to see me this week.

By Commissioner GOMPERS:

Q. He was here this morning? A. I haven't seen him.

Q. In the very interesting paper which you read to the Commission occurs a more interesting, if possible, paragraph to which there can scarcely be any dissent, but after reading it I shall want to ask you a question in connection with it. You say: "There are some who feel that New York is not a manufacturing city. They are not posted as to the facts. New York is one of the greatest manufacturing centers in the world, and to drive factories out of New York drives out homes also, because, unless there is an opportunity to earn wages, or to make profits in a factory, there is an equal lack of opportunity to be able to afford a home in the city. Drive out the factories and you drive out the home and make it impossible for working people to live decently in our city." Now this morning the Commission had before it the Com-

missioner of the Department of Labor of the State of New York and he was asked whether he knew of any factories or mercantile establishments which had moved from the State of New York into some other state on account of the laws affecting regulations and improvements for the protection of life and property of workmen and employers and business men, to which he answered emphatically that there was no instance of which he knew. Now I ask you whether you know of any establishment which has been driven out of the State of New York by reason of the legislation within the past year? A. My answer to that is that the laws which are now being so generally complained about have not been executed in the past with the same vigor that they have been recently executed. I understand there have been thousands and thousands of orders that have been held and only recently executed. I have this morning received a list of fifteen manufacturers who are getting ready to move out of the town. It isn't the past I am speaking about. I am speaking of the future. We have the situation before us now that we never had before us in the past. There has never been this conflict and this activity in issuing conflicting orders; I do not want to wait until after manufacturers have moved away from New York — I am coming here before they have moved away from New York. That is the situation. There are many who have written and have appeared before me and said it is impossible for them to stay longer in this town, that they are being hounded.

Mr. ELKUS: That same statement was made when we were talking about passing laws prohibiting child labor, which everybody agreed to; it was that if we passed these laws they would all move out of the State, and not one of them did.

Q. Mr. President, would it be indelicate or a violation of confidence or incompatible with the business interests of the fifteen gentlemen whom you have in mind whom you say have made this complaint to give us their names? A. I will get you the names if you desire. I will be very glad to send them to you in confidence.* I don't care to publish them. Moreover there is a general feeling of alarm. It isn't only the fifteen. This is one section. There is a general feeling of alarm in the town.

* The list referred to was not sent to the Commission. See pp. 468 and 565.

By the CHAIRMAN :

Q. As to what? A. As to the penalties that are being inflicted upon the manufacturers by this conflict of inspections.

Q. Is it the conflict or the requirements of the law? A. It is the conflict.

By Mr. ELKUS :

Q. The laws themselves they don't object to? They don't object to the laws but they object to these constant annoyances, contradictory orders, piece-meal orders. Now while on the subject I want to say, so that you don't think I am coming here to talk about fifteen men, that I am not representing fifteen men in this talk. I propose to represent the sentiment of the borough so far as I can discover what it is. I have addressed meetings in every part of this borough and I can tell you I need to say nothing more than duplication and conflict of inspections and if this were a campaign I would run into office on that platform.

By the CHAIRMAN :

Q. I hope that isn't influencing you? A. No, this isn't a campaign.

Q. We have heard a lot of these general statements and if there is anything wrong we want to correct it? A. That is right.

Q. But your statements do not help us; there is nothing specific enough? A. Do you want the numbers of the houses?

Q. No. We want cases in which there has been a conflict of orders? A. I have given you three different classes of orders that conflict.

Q. You have give us one in the case of the door going in and out? A. Yes.

Q. Even if that happened that wouldn't ruin anybody? A. They are all over town.

Q. Where are they all over town? A. Shall I send you a list?

Q. Yes. I think these gentlemen if they complain should be willing to come before us publicly and tell the whole procedure showing the sufferings which they have undergone as a result of orders. Give us the orders and what the nature of the complaint is? A. I will tell you what I suggest. The real estate owners' associations will give you all the details.

By Mr. ELKUS:

Q. We have asked for them and they have not given us any as yet, not one case? A. It is their business to do that.

Q. I agree with you but they haven't done it? A. All I can say is to represent the sentiment here and give you my experiences.

Q. Now, Mr. President, when you refer to conflicting orders, such as doors opening outwards, that is not a conflicting order because you can not take part of the sidewalk? A. The State Labor Department inspector says you can not swing it inwardly and the owner says the only way he can swing it outwardly is by swinging it over the sidewalk.

Q. That you say is a conflicting order? A. Yes, sir.

Q. We want you to swing the door out but you can not swing it on the sidewalk; you can do that by co-operation? A. Yes, sir.

Q. You can order it without legislation? A. Yes, sir, and you don't need two inspectors on the job. The State Labor inspector is the man who first issues the order.

Q. He don't need to if the owner has complied with the law? A. If you would only give a few less laws to the owner.

Q. That is what I want to get at, what laws would you eliminate?

By the CHAIRMAN:

Q. What are the laws that are on the statute books that you would repeal? A. I would want to make a study.

Q. That is just the trouble? A. That is what you are doing now.

By Commissioner GOMPERS:

Q. Wasn't it possible, Mr. President, for this property owner to comply with both orders, the one from the Department of Labor of the State and the other from the Borough Department; was it impossible for him to comply with both orders? A. It would not have been if he had gotten both orders at the same time.

Q. Was it impossible for him to comply with both orders? A. In many cases, yes.

Q. Was it impossible for this particular man? A. I don't know how they are going to work that.

Q. Was it impossible for him to comply with both laws? A. I have complaints, Mr. Gompers, from people who say that the orders that they receive make reconstruction of their buildings necessary. It isn't impossible to reconstruct buildings.

Q. Mr. President, a man of wide intelligence and experience and good will, I know you so well and it is not flattery in which I indulge, but you have made specific complaint against the order that this man must not have his doors swing inward but must swing it outward. A. That is only an illustration.

Q. Permit me to finish please. He placed that door swinging outward so that it interfered and conflicted with the laws controlling the borough; now was it impossible for him to have complied with that first order and still remain within the laws of the borough? A. Oh, no.

Commissioner PHILLIPS: I suppose, Mr. Marks' contention is that it is the duty of the inspector, who is presumed to know the law to say, to the property owner make that door swing out and at the same time he should suggest to him that he must do it without encroaching upon the street, and that if the inspector did not think of that, it is reasonable to think the property owner did not and he would simply shift his hinges and swing the door. A. Yes, sir.

By the CHAIRMAN:

Q. If there is nothing more serious than that I wouldn't call that a serious situation? A. That is only a detail.

Q. I think what you find in a good many cases is that a factory owner does not contend that the law which may compel him to make a change is not for the betterment of conditions or for the betterment of the people employed by him, but he is heavily burdened with taxes just now and the additional cost is a burden upon him? A. Mr. Chairman, what I have more at heart than anything else is my fear that we are going to create a disrespect for the law when we give conflicting orders.

By Mr. ELKUS:

Q. I haven't seen any conflicting orders; I agree with you that if they were conflicting they would create disrespect.

The CHAIRMAN: The people complaining ought to help us. —

The WITNESS: I think they are doing so.

The CHAIRMAN: And see if we can remedy it. This year the Legislature passed some laws advocated by the real estate owners in New York. They came up and I think their demands were reasonable and they secured the legislation.

Mr. ELKUS: Does anybody desire to ask any questions. Do you object to answering questions?

Mr. MARKS: I have no objection although I am due back at one o'clock.

Mr. LAUREYNS: When orders are issued there is one eventual thing, there is one certain man who had to execute these orders and the builders and the architects, they are the men who professionally execute these orders. Now I would simply like to ask this question: Isn't it proper that the builders should deal with the Building Department as such and no one else?

Mr. MARKS: That is a thing I will ask the Commission to answer. I want to say though that the majority of owners do not require either architects or builders. Most of the orders are not of that serious nature. They come along in small sections and the citizen takes a carpenter or mechanic who doesn't know of these conflicting orders.

Mr. LAUREYNS: A carpenter or mechanic is a builder?

Mr. MARKS: In a sense.

Mr. ELKUS: Mr. President, I am very glad of this word from you and I would like to impress upon you if there was co-operation between the departments of the city government a great deal of these complaints would be done away with, a great percentage.

Mr. MARKS: A percentage. I have already acted upon it.

Dr KOEN: Isn't it a fact that in a great many cases where these orders are issued to swing the doors outward that it is absolutely impossible to take that space from the stores without harming the rental value of those stores and if they do swing them out-

side they would come under your jurisdiction and you would have to take them away?

Mr. MARKS: I think I alluded to that, that even the changes that are ordered, simple though they may seem, require structural changes in the building and for that reason are very difficult to carry out.

MR. ALFRED R. KIRKUS addressed the Commission as follows:

By **Mr. ELKUS:**

Q. Mr. Kirkus, will you state whom you represent. **A.** I represent to-day the Merchants' Association of the City of New York.

Q. We would be glad to have your views on this question. **A.** The Merchants' Association, by action a few weeks ago, considered the question of the duplication of orders which had been reported to them, and resolved that the Chairman appoint a sub-committee or two or more to make a careful study and analysis of the laws relating to fire prevention, to confer with the Commissioner of Labor, the Fire Commissioner and other authorities in relation thereto and obtain the views of experts having special knowledge on this subject and prior to the meeting of the Legislature of 1915 to report to this Committee for its consideration, recommendations and amendments of the existing law. They also opposed the extension of the powers of the Department of Labor and Fire prevention in mercantile establishments. In regard to the questions asked to-day they did feel that there was not enough publicity or time for preparation on such an important matter, as on Friday morning last they had not yet received notice of this hearing. I asked them to write to you, Mr. Elkus, to be put on the mailing list.

Mr. ELKUS: I think they are mistaken about that.

Mr. KIRKUS: I inquired two consecutive days. In answer to the various questions, answering specifically your questions, number one—If a Department of Labor is necessary in the City of New York, it should have laws and rules for said city and not be included in general laws for the whole State.

We believe, however, that the existing departments and laws applicable to the City of New York cover all matters taken care of in the Labor Laws.

Number 2 — Establish an "Examining and Enforcement Bureau" for the City of New York, in which the various city or other departments shall concentrate their usual or special inspection reports covering all buildings. This could be built up from selected employees of the various departments interested. These reports should be examined, tabulated and recorded to see that there is no duplication or conflict. When a violation appears, the Bureau should differentiate between what should apply to the owner and what should apply to the occupant, if separate and distinct. The *one* order when issued should be specific and should include the legal requirement in that case of the different departments. No order should be sent to an owner of the building, that should apply to the tenant and vice versa, and in drafting laws this distinction should always be carefully considered. The usual procedure being to send an order to the owner of a building and force him to straighten out any difficulty or any illegality caused by no matter whom. Questions three, four, five and six are answered by the above answer to number two.

Conditions *have* changed in three years, we are now faced by facts instead of theories.

The matter of question seven would adjust itself by the suggestion in answer two. The various departments would, under it, have to have a working agreement. The Building Department, the Fire Department and all others would send their orders to this Examining and Enforcing Bureau. It would reply to the Building Department — you say this and the Fire Department says that — get together, tell us what you want and the section of the law covering same. The order must be explicit and must not conflict with any other.

There will have to be also considered simple methods of appeal or arbitration regarding orders with discretionary powers, following along the lines of the Board of Examiners of the Building Department, the present laws of the City Departments being fully competent to cover any special cases requiring immediate attention.

The saving in cost by the above suggestions is estimated as very large, and the saving in loss to owners and occupants incalculable.

A vital mistake has been made in the existing Labor Law, in that no consideration has been given to the different classes of buildings and occupations included in the law. A building where one or more persons are employed at labor is legally just as bad as one where one thousand or more persons are employed. An occupancy with highly inflammable stock and large numbers of excitable women is graded with an occupancy of heavy machinery and a few men. A mercantile establishment, "any place where goods, wares or merchandise are offered for sale," might be a 10x10 delicatessen store, or an H. B. Claffin Company wholesale warehouse, a newspaper stand or an Altman's.

Replying to the statement in the call for this meeting that practically all who appeared before the Commission in person or who submitted written statements when it first commenced its investigation, were opposed to the establishment of a Board of Inspection, etc., I wish to call attention to the fact that in my brief for the real estate interests, filed with your Commission in 1912, I said: "A large number of the proposed bills embodying recommendations submitted to the New York State Factory Investigating Commission are practically building laws, and it would seem most essential to have separate laws covering such a city as New York and small places in the rest of the State. We have been striving for years to have "Home Rule" and we are being hampered all the time, in the City of New York, by a multiplicity of bills regulating us from Albany."

Also, "proper and fair regulation could be made for existing buildings for factory use when complied with and the Factory Commissioner might properly be given power to license these buildings under classes. One standard for certain restricted business, number of employees, etc., another standard for a broader range of occupancy."

I also corresponded with every Senator and Assemblyman in the State Legislature, protesting against the amendment to the Charter curtailing the powers of the Fire Commissioner and the

Fire Prevention Bureau in the City of New York, and putting these powers under the jurisdiction of the Labor Department.

Q. Mr. Kirkus, have you any examples or specific cases of duplication of orders on the same property? A. I have.

Q. Have you got them with you? A. No, sir.

Q. Will you let me have them? A. Yes, sir. At the present time the rules for fireproofing and fire resisting materials have not yet been made by the Industrial Board. The rules on sanitary provisions have not yet been made by the Industrial Board. I have some cases which I would prefer not to give you where they are distinctly conflicting, which I am holding up. I would ask the Commission to hold them out because we do not want to make a complaint. There are specific instances of mixing of jurisdiction, but we believe that the Commissioner and the Industrial Board will wipe them out when they have their rules made.

Q. In other words, you have called their attention to it and they are remedying it? A. Yes, sir; I have a specific case where an order has been given to alter toilets and I have an order from the Labor Department with an absolute dismissal of the order.

By Commissioner JACKSON:

Q. Absolute dismissal or being held in abeyance? A. Absolute dismissal.

By Mr. ELKUS:

Q. Will you give us that case? A. I would prefer not. I want to find out and ask the Department, "Do you insist on this order or do you stand by the order made last October?" it is only fair to them.

Q. Mr. Kirkus, you have heard the questions I have asked the Borough President; isn't it a fact that the principal complaint is that orders are given piece-meal? A. Yes, sir.

Q. And that is the real complaint and principal complaint? A. Yes, sir; I believe we are all getting together, sir. I believe you, as the Commission, the city officials, the Merchants' Association, the Real Estate Board and all want to get together so that this duplication will not continue.

Q. It is a wrong name to call it duplication? A. No, we get orders to put a fire escape on from the Fire Department. There are thousands of them — the Labor Department will give you an

order that if you have that fire escape you must do so and so. We say to them, all right, we do not ask for that fire escape as a means of exit, we will take it off. The Fire Department does not want it taken off?

Q. They say they want it for the firemen to get upon? A. Exactly. Then why should we be put to the additional expense of complying with the Labor Law? That I consider a duplication of orders.

Q. May be you call it by a different name, and you should not be put to that additional expense. Now this Commission, as you know, has acted with your various bodies in having the law changed and amended as was proper, and whenever you have come to us with a statement of facts we have always investigated them? A. Yes, sir.

A. A great majority of these cases could be avoided by the co-operation of the city departments? A. Exactly, with the State departments.

Q. The city itself, however, could co-operate and the State together and a little co-operation in giving out orders would solve most of the difficulty? A. Nine-tenths of the difficulty.

Q. That you say as a practical real estate man? A. Yes.

Q. Representing a large number of owners? A. Yes, sir. I am not speaking for real estate owners to-day, but I am a real estate owner.

Q. And without any legislation — there would not be required any legislation? A. I am afraid there will have to be an adjustment of the legislation.

Q. In what way? A. We haven't go to that quite. We will simplify that and ask you to consider it with us. There is no question that we will have to regulate some of these laws.

Q. Now you spoke about a general inspection board and that board you say would inspect and then report to the various departments of the city? A. No, this shall be — this is very hurriedly drawn — an examining and enforcing bureau.

Q. That board would examine; suppose to-day they wanted to find out if all doors in factories did open outwardly, that board would take it upon itself to make the inspections? A. No, an inspector comes from the Department of Labor and reports to this Bureau.

Q. Then you would have the Labor Department still having its bureau of inspections? A. Yes, sir.

Q. And they would examine that building and say we find these doors opening inwardly and they ought not to, but instead of reporting back to their own department they would report to this new department? A. Yes, sir.

Q. And then this new department would send the inspector there and find out if that was so? A. No, this bureau would then immediately communicate with the other departments — have you any orders on that — we will send out one order on that door question for this reason —

Q. I understand your reasons; then this one department would not inspect at all, they would just inquire? A. Absolutely not.

Q. You have a sort of clearing house and instead of writing one to the other, would write to one individual who in turn would correspond with all the others; instead of the Building Department or Labor Department saying we are going to order the doors of Mr. So and So's building to open outwardly and writing a letter to all the other departments of the city and asking, what have you against this building, you would have them write to some other man who would in turn write to the different departments? A. Yes.

Q. So you would not abolish any department now in existence? A. No, I am not ready to suggest that.

Q. And you would not abolish any inspecting force of that department nor any enforcing force of that department? A. Yes, I would make this the enforcing force.

Q. Then you would have them enforcing a law as to all departments? A. Yes.

Q. Then they would have to have a separate force of men to see that the law was enforced? A. They can have that.

Q. That would mean more expense? A. Not necessarily. Supposing the enforcing bureau said we have received word that our orders have not been complied with, Mr. Building Department, Mr. Fire Department. Will you see that that order has been complied with and notify us. Understand, I have not yet worked this out, but an efficiency man would work it out.

Q. Wouldn't it be better, Mr. Kirkus, if you are going to have

this clearing house man report to all the departments and they are still going to keep all their inspectors, wouldn't it be better to order the inspector who inspected the place to see that that work was done? A. Yes, sir.

Q. The whole trouble comes from having this piece-meal ordering? A. Yes, sir.

Q. If this piece-meal ordering was done away with, and it can be done away with by co-operation, you say almost all the complaints of the operation of the law would vanish? A. Yes, sir, a large measure of the complaints of the operation of the law.

Q. There is no complaint substantially as to the laws themselves? A. Quite a number.

Q. You do complain about some of the laws? A. Yes, sir.

Q. You mean there should be a distinction between buildings and the purposes for which they are used? A. And also these specific laws.

Q. Which ones? A. I am not ready to say now.

Q. Will you send me a list of them? A. That is what I asked, that we get together on. It will take some time. Let me give one example.

Q. You mean the piece-meal orders? A. Yes. The Fire Department is sending verbal orders in regard to opening doors. The Labor Department is sending written orders of exactly the same thing.

Q. Now you see the Fire Department does not pay much for these inspections because they use the firemen? A. And it is an excellent way of inspecting.

Q. Mr. Hammitt tells me the Fire Department does not issue those orders any more? A. I am glad to hear it. We got eighty or ninety of them.

Mr. HAMMITT: Such orders were issued verbally by members of the uniformed force who inspected monthly under a general order. That has been taken out of the general orders.

By Commissioner GOMPERS:

Q. Will you give the Commission the reason why you protested against the transfer of certain powers from the Fire Commissioner and Fire Prevention Bureau to the jurisdiction of the Labor

Department? A. Yes, sir, because we think that the Fire Department and Fire Prevention Bureau in the city of New York, which has more than half the inhabitants in the entire State, are much more cognizant of conditions in this city and we also have a fire department which exceeds the fire department of any part of the State and they are actually at work on this. A Fire Prevention Bureau was only created, if I remember right, possibly two years ago, and they were beginning to get to work when these laws were started up and we thought it a great pity to take it out of the department, which was already organized, and put it into another department.

Q. The reason was that the Fire Department could more effectively enforce existing law? A. Yes, in regard to fire prevention and fire department matters.

By Commissioner JACKSON:

Q. Mr. Kirkus, does the Fire Department and Fire Prevention Bureau operate to any extent towards the saving of life in factories and mercantile establishments in case of fire? A. I should think they would operate to the saving of life in every possible condition they could find.

Q. In case of fire? A. Yes, sir.

Q. Because that is the object of the law? A. And that is the object of the Fire Department. The Fire Prevention Bureau was created for that purpose, the Fire Prevention Bureau, which is for the means of saving life largely.

By Commissioner GOMPERS:

Q. You think the laws for the protection of life and property could be better enforced by the fire commissioners than by the Department of Labor? A. Yes, sir, because they are right on the ground.

Q. And that was your chief concern or rather the concern of your association, so that the law might be more effectively enforced? A. Yes, sir, and another thing, if we have anything to object to or talk over it is very easy to go to a city department and they are right on the spot. It is not so easy to go to a State department. They are not always on the spot.

Q. We have a very large department here? A. Yes, sir, they

have a deputy commissioner, but the deputy commissioner when you get to him and at the beginning of a new law says "there is the new law," and there has not been enough discretionary power given to the Commissioner or the Industrial Board in these matters.

By the CHAIRMAN:

Q. Has the Fire Commissioner discretionary power to say whether the law should be enforced or not? A. Not the law, but as to orders they have given before.

Q. Discretionary power as to the enforcement of the law? A. No, not as to the enforcement of the law but discretionary powers as to fire prevention and so on.

By Commissioner GOMPERS:

Q. You represented the Merchants' Association in this protest to the Legislature? A. No, sir, as I specifically stated the real estate interests.

Q. Representing the real estate interests you protested to the Legislature against the transfer of certain powers from the Fire Commissioner to the Labor Department? A. I sent out 366 letters from my office one afternoon.

Q. You sent these protests by direction of the real estate owners so that the law might be the better enforced for the safety of life? A. Yes, sir.

Q. Can you furnish the Commission with a copy of that protest? A. I think I have it.

Q. As one of the members of the Commission I should like to have a copy of that protest and see the grounds contained in the protest for its issuance? A. What I call my little brief, my little suggestions in regard to the law, I know your counsel has. That particular letter I do not know that I have but I know that it was sent to every Senator and every Assemblyman.

Q. The Senate or the Assembly has the good fortune that I am not a member and I would like to be in possession of the information. If you will do me the personal courtesy of sending me a copy of that protest, which is of course a public document sent to every Senator and Assemblyman, I should appreciate it very much.

A. It is two years ago. I think I have a copy. I shall be very glad to send you one.

Q. There is no question that a protest of this character you would have a copy of in your office. I do not think I have ever issued a written or printed protest of which I can not find a copy somewhere. A. Yes, sir.

Mr. ELKUS: I think the Commission should insist on getting from President Marks the names of those firms that threatened to move out on account of the laws.

Recess.

Hon. JOHN J. MURPHY (Commissioner, Tenement House Department) addressed the Commission:

By Mr. ELKUS:

Q. Commissioner will you be kind enough to state what department of the city government you are the head of and how long you have been that? A. Tenement House Department; four years and five months.

Q. Commissioner, you have given this subject of inspection of buildings considerable thought and study not only for this hearing but for prior hearings of the Factory Commission? A. Yes, sir.

Q. Will you be kind enough to give us your views upon this subject; you have the questionnaire with you, haven't you? A. Yes. In answer to question one I only have the ordinary citizen's knowledge in regard to the matter and I would say there does not seem to me to be any reason why there ought to be a separate department of labor for the city of New York and one for the rest of the State.

Q. Now, before you answer the next question about inspections; you have a force of inspectors in your department? A. Yes, sir.

Q. And they make a great many inspections during the year? A. Yes, sir.

Q. And you enforce the orders which are made by reason of their reports? A. Yes, sir.

Q. So that you have a great deal of experience both in making inspections and in enforcing the result of those inspections?

A. Yes. The Tenement House Department is almost entirely a department of inspection. We do nothing but inspect and issue orders based upon such inspection.

Q. I want to bring out that you were particularly qualified to discuss this matter? A. We have about 250 inspectors. When I noticed in the papers that the subject of duplication of inspection and conflict of inspections was attracting public attention I had an investigation made of our complaints to find out whether the department had been in receipt of any complaints on the subject and I was not able to find more than two complaints in the last four years.

Q. Two? A. Two.

Q. Out of how many inspections? A. In the neighborhood of one hundred thousand. We have 100,000 tenement houses in the city of New York and every one is inspected at least once a year.

Q. So that would be 400,000 in four years? A. The case that I am referring to is where orders were issued by the department in relation to bakeries and where certain ventilating orders on the same bakeries were issued by the Department of Factory Inspection. I communicated with Commissioner Lynch and my first deputy commissioner had an interview with Superintendent O'Leary and the matter was adjusted so that I do not think any future conflict is likely to happen on that score.

By the CHAIRMAN:

Q. Commissioner, how do you account for this constant talk about multiplicity and duplication and all that sort of thing that we hear and are able to get so very few specific cases on? A. Of course I have confined my investigation to the working of my own department. This department was organized originally for the purpose of concentrating all responsibility in regard to tenement houses in a single department so as to avoid at that time in relation to tenement houses something of the complaint which is now being made in regard to other houses. Whether the orders of other departments conflict among themselves or not, I do not know. I assume, however, that instances, or rather the existence of this feeling is similar to the sentiment that always arises whenever an attempt is made to regulate private property; that it isn't so much a conflict of orders as the fact than any orders are issued.

By Mr. ELKUS:

Q. You mean as new laws are going into effect or being enforced for the first time? A. Absolutely.

Q. And was the same thing true in the tenement house department? A. I think much more so.

Q. The same number of complaints about duplications? A. Of course I was not in at the beginning, Mr. Elkus. Mr. Veiller would know about that.

Q. You can ascertain the facts in relation to that? A. Yes, sir.

By Commissioner GOMPERS:

Q. Before you leave section one of this questionnaire I would like to ask a question — I do not want to interfere with Counsel's questioning —

Mr. ELKUS: Go right ahead, Commissioner Gompers?

Q. I thought I understood you to say you favored a separate department of labor for the city of New York and another for the State? A. No sir, I said I did not see any reason why there should be two departments.

Commissioner GOMPERS: I might say that while it is true that in the city of New York there is a larger proportion and number of industries than in the rest of the State, yet there are factories and workshops and mercantile establishments in the remainder of the State, and the separation of the departments or the establishment of two departments each of which might follow a certain policy, certain sympathy, certain antipathy that would establish two distinct features of the administration of a general law, which would apply to the State, and operate to the advantage of one and the disadvantage of another, and create general confusion.

By Mr. ELKUS:

Q. Now will you proceed, Commissioner, answering the second question? A. I believe that the system of having each department charged with the enforcement of specific laws, having its own inspection force, is the only way in which laws can be adequately enforced. I believe, however, that every Commissioner endeavors to find out whether there is conflict between his department and other departments. I know that the first action that I took myself

after coming into the Tenement House Department was to have a conference with the building superintendents of all the boroughs for the purpose of finding out if there were any points at which we were in conflict and since that time there has been no friction between those officials and the work of the Tenement House Department.

Q. Would you say, Commissioner, then, that if there were these conferences between these departments of the city that have to do with buildings that a great deal of these complaints such as there are now would be done away with? A. I think they could be absolutely.

Q. Absolutely done away with? A. Yes, sir.

Q. Without any legislation at all? A. Without any legislation.

Q. If the city departments would co-operate and then would confer with the State Department of Labor, it could all be smoothed out and done away with? A. I think so.

Q. Now about the third question. I think you have answered that in your first one? A. Yes.

Q. Now have you any other suggestions to make in this matter from your experience and knowledge of the subject? A. Certain ideas came into my mind in listening to the examinations this morning in regard to the question of a general bureau of inspection. It seems to me that that runs counter to all modern development in industry. We are in an age of specialization. Every factory divides up its work. It seems to me that the city must do the same thing because it could not get inspectors who were competent to inspect buildings for all the laws passed in regard to them without paying very much higher prices than inspectors now command. Although about 150 out of the 250 inspectors in the Tenement House Department are men who were mechanics before they came into the department we can not let them out alone to make inspections for at least three months after their appointment, and a man is not thoroughly qualified to be an inspector, independently, much under six to nine months, and I take it it would be a very long and tedious process to prepare inspectors for general inspection work if it takes that length of time to prepare them for the enforcement of the provisions of one law, so that I feel that it is only by this specialization that we can get fairly intelligent inspection work.

Q. Now take in your own department, do you have to have specialists to do different kinds of inspecting? A. No, we have a new building bureau and an old building bureau. The inspectors are chosen at the same examination and we select the men after they come in the department because of special individual qualifications for the work that they are called upon to do, but one man is trained to inspect a whole house which he visits for all the provisions of the tenement house law.

Q. Now is there anything further, Commissioner, that you would like to tell us? A. I do not think of anything else. I shall be glad to send you a memorandum on those points.

Mr. ELKUS: We would be very glad to have that because of your broad experience in this subject of inspections. Any questions Mr. Chairman?

Mr. GEORGE W. OLVANY: I represent the Real Estate Board of New York and I should like to ask one question of the Commissioner.

By Mr. OLVANY:

Q. If the building is occupied as a factory and also by three separate families would your department or the Labor Department have jurisdiction? A. The Tenement House Department has jurisdiction over all buildings or parts of buildings occupied by three families or more living independently of each other and doing their own cooking on the premises. Therefore that whole building would be under the jurisdiction of the Tenement House Department. On the other hand if a part of that building should be used as a factory and special requirements were made for factory purposes, and those requirements did not conflict in any way with the requirements of the Tenement House Law, I should not think we would have any right to object to their being enforced.

Q. Suppose they did conflict? A. If they did we would endeavor to sustain the Tenement House Law.

Q. For instance, the Tenement House Law, does not require the fireproofing of windows on fire escapes? A. No.

Q. And the factory law does? A. But the Tenement House Law does not prohibit the fireproofing of windows on fire escapes.

Mr. ELKUS: There is no conflict.

The WITNESS: No conflict.

Q. Now, if the fire prevention bureau issued an order to fireproof the windows on all floors where there are fire escapes you would not have to fireproof the windows on the dwelling part?

A. I should think you would.

Q. You would not be in favor of that? A. As the Tenement House Law does not prohibit putting wire glass in windows fronting on a fire escape I do not think we would have any right to prohibit them. There is not the slightest doubt that such protection would tend to make the fire escapes better means of escape because danger does arise where a fire breaks out on lower floors in buildings and put the fire escape perhaps not out of use but still makes its use very hazardous.

Q. Don't you think it would be a great hardship on tenants to compel them to look through wire glass all the time when looking on the street? A. Inasmuch as those windows are only on fire escapes I am not so sure that the hardship would be so great, but not having given that consideration before to-day I would not like to express an opinion upon it.

Q. Does the Tenement House Commissioner require ladders to be used on fire escapes? A. Yes sir, drop ladders.

Q. Do you know that the Labor Department requires stairways? A. I don't know.

Q. Do you know whether the rules of the Labor Department are the same as the Tenement House Department in reference to stairways? A. I think they are not. We merely are considering buildings for ordinary occupancy.

Q. So therefore there might be a serious conflict between your Department and the Labor Department if the laws of the both departments are not uniform? A. It is quite possible.

Mr. SHUMWAY: (American Real Estate Company) I would like to ask if in the Commissioner's opinion a fireproof apartment house — I mean fireproof in the general sense of the term, fireproof floors, fireproof ceilings, floor arches, terra cotta tile partitions, in which there was located on the first floor a store 20 feet front and 30 feet deep, occupied by a dealer in ladies' clothes who finds it necessary to have a cutter and a fitter in the rear part of

his store for alteration purposes, whether or not the Tenement House Law, does not sufficiently protect life without applying the Labor Law to that first story condition.

Mr. MURPHY: I do not consider myself qualified to answer. That is something which has been taken up by people who have been looking into the matter of factory legislation and I try as far as possible to limit my expression to things that I know about.

Mr. ELKUS: Please take that up when we have a hearing on the codification of the Labor Law. That is where that will come in.

By Mr. OLVANY:

Q. Commissioner, I would like to ask you if you believe in the fireproofing of stairways in tenement houses?

Mr. ELKUS: We are not discussing those subjects. We are limiting this to one subject and we will have a hearing on that subject.

Mr. OLVANY: This is the only question.

A. We absolutely require it in all new buildings.

Q. Fireproofed but not enclosed? A. They are absolutely enclosed in fireproof walls with self-closing fireproof doors and metal stairs with stone or metal treads.

Mr. LAWRENCE VEILLER addressed the Commission:

By Mr. ELKUS:

Q. Mr. Veiller, what is your present profession and occupation? A. I am what is known as a Social Worker, Mr. Elkus.

Q. Were you formerly connected with the Tenement House Department? A. Yes, I was First Deputy Commissioner of the Tenement House Department at its inception.

Q. For how many years? A. Two years.

Q. And you were secretary of the Tenement House Commission? A. Yes, appointed by the Governor.

Q. Which investigated conditions and then the statute was passed? A. Yes.

Q. And you have made a study of tenement house conditions and their inspection in this city? A. For twenty years past.

Q. And you are familiar with the whole subject of inspection of factories and mercantile buildings? A. I wouldn't say the whole subject, but I am pretty familiar with the subject.

Q. You acted as one of the Advisory Committee in codifying the law and you have studied these subjects very carefully? A. Yes, sir.

Q. Mr. Veiller, you have studied this questionnaire issued by the Commission and we would be very glad to have your views upon the whole subject with such facts or suggestions as you want to give us from your knowledge and experience on the subject? A. Mr. Chairman, I would like to touch on some of the subjects that have been discussed by some of the previous witnesses.

Q. Take it up in your own way. A. In the first place I want to congratulate the Commission in taking up this question. I think it is a very important and timely question, and there is undoubtedly a good deal of basis on the part of the property owner for complaint and criticism. On the other hand I want to emphasize the point of view which Commissioner Lynch brought out when he testified this morning, and which Commissioner Murphy has just called attention to, namely, that there is probably a great deal of this criticism and complaint that is due to a disinclination on the part of property owners to comply with the factory laws, and it isn't so much that there is any conflict or that there are unnecessary orders as that they object very naturally to spending money on improving their property and to be called upon to comply with provisions of laws many of which have been on the statute books for twenty or thirty years, and they never have had to comply with them before. This Commission, as it is plainly intending to do, should thoroughly sift out all that and get right down to bed rock to find out by specific cases just what the difficulty is. There is no other way. Hot air will not help you a bit, but you should have the exact, specific cases, the actual orders that have been issued to every property owner from various city and State departments where there is

conflict or where departments piece-meal one order, setting aside the other. I suggest as a practical way of doing that that this Commission issue a letter of invitation to every factory owner and tenant in the City of New York besides having that published in the news papers and have it published in such organs as the Real Estate Record and Guide, which many of them are reading very carefully, inviting property owners to transmit to you in writing, not to take the time to come to you at a public hearing, because many of them will not take the time.

Q. We have done that very thing? A. Then you have done what I suggest.

Q. We thought we gave it pretty wide publicity and we asked that the information be sent to the Commission, not asking them to come here, and as I said this morning, perhaps you were not here when I said it, we received no response whatever; not a single complaint was sent to us; up to this time we haven't received a single complaint of a specific instance? A. I think you will find when you get right down to the basic facts that there are very few specific instances where there have been conflicting orders. The next point I should like to call to your attention is that you should distinguish very carefully between multiplicity of inspections of the same building and conflict. Now if anyone has the idea that in a city of five million inhabitants, like the City of New York, with the diversified classes of buildings we have here you can do away with multiplicity of inspections he might as well forget that right now; as long as you have these regulative statutes and the necessity for them you are bound to have a number of inspectors going into the same building. I would like to illustrate that briefly. Let's take the case of the Building Department, one single department. There isn't a building put up in the City of New York to-day of any size where there are not three different inspectors going into that building from the Building Department alone, and there can not be anything different because the building trade is so highly specialized an industry that inspectors who have to inspect the construction of buildings have to be just as highly specialized. Now in an ordinary office building or hotel more than three different inspectors do go there from the Building Department, a

plumbing inspector, and an iron and steel man, and an ordinary general district inspector, and you cannot hire, you cannot employ, the State of New York cannot get men who can do both the iron and steel inspection and the plumbing and they cannot get men who can do the plumbing and the ordinary district work.

Q. How about elevator inspectors? A. They have a host of others. I am giving the three main ones. Then they take the ordinary district inspectors and specialize on fire escapes. They have a small squad, because for the very reason that it has been found that division of labor is advantageous and the inspection department has found it advantageous.

Q. And it is not given to any one man to know all? A. No, sir.

Q. And that is in one department? A. Three or four in one department. You cannot do anything else, and I am quite sure if you get Mr. Miller or Mr. Carlin on the stand they will tell you the same thing. The good inspector must be a practical man to inspect iron and steel. He must have worked on it. A man cannot tell whether a joint is wiped properly unless he has wiped a joint. He cannot tell whether pipes are trapped properly unless he has been in the plumbing trade, so that I think the Commission should know in these main departments it is humanly impossible to do away with the multiplicity of inspections. Now the thing they ought to set themselves to do, and ask themselves is this: Are there two inspectors or more going to one building about the same subject-matter and giving orders about that same thing. If that is so, that ought to be stopped. That is absolutely unnecessary. In other words, if the fire prevention bureau goes into a building and gives an order about exits, and the Labor Department goes into that factory and gives an order about the same kind of exits that should be stopped, and you can devise a way of stopping that, and I believe there is conflict between the three different departments, the Labor Department, the Fire Prevention Bureau, and the Building Department, the Building Department chiefly in new buildings and the other two chiefly in old buildings, and the method of eliminating that conflict is a very big question. It is very easy to say this is unnecessary, but when you come down to providing a constructive scheme that

will not be too expensive and that will work and make for efficiency, it is more difficult. If you want that kind of suggestion I will make one for what it is worth. It is like all men's opinions, only worth what opinions are worth. It seems a little radical at first, but my suggestion is this: I think we can assume safely you are always going to have a Tenement House Department in the city of New York, in view of the fact that you have 100,000 tenement houses, and that is a big enough job for one city department to regulate. I think with the recent trend we can safely assume there is always going to be a Fire Prevention Bureau or similar bureau, that is some department, that is going to make it its business to prevent fires. We will always have that in the city, and of course we must also assume that there is always going to be a Health Department. Now, if we admit these three assumptions my suggestion is for you to consider whether we cannot get back to the conditions we had in this city some years ago and restore to the Fire Department most of the jurisdiction which the Building Department now exercises. If we did that we would have no conflict between the Building Department and the Fire Prevention Bureau, as there would be but one department. That is not a new idea.

Q. I asked a question about that this morning? A. I think it would be interesting to tell you the history of our Building Department. Up to 1844 in New York City the building laws were enforced by the fire wardens. They were political appointees. The division was a political one. Then in 1844 the fire wardens were abolished and the work was put into the police department. Even then they talked of socializing the police. In 1849 they took away those powers from the police department and put them into the fire department, vesting the powers of building inspection in the assistant engineers. They stayed there for thirteen years. The fire department did all the building inspection of the city for all those thirteen years. Then in 1862 they created a new department known as the department for the survey and inspection of buildings, whose chief function was to do very much what the Building Department is doing to-day, and they also went around and looked after the old buildings and had them improved from the point of view of safety and fire danger. There it staid for

eighteen years, until 1880. Then the Building Department was again abolished and the functions were put back in the Fire Department, where they staid until 1892, for twelve years more. Then, in 1892, they were taken out of the Fire Department, a new department of buildings was again created, and they staid there for ten years. Then, in 1902, they broke up the centralized building department and created a bureau of buildings under each borough president. That, in a word, is the history of the building department of the city of New York, and my suggestion is a radical one, but I think a practical one, and if you will analyze the building laws and you eliminate plumbing, which should be in the health department where it was until 1892, and where it is in most cities, if you will eliminate that and then analyze the building laws you will find there is nothing in them that isn't a fire regulation — the thickness of walls, the distance of beams on centers, the bearing of a beam on a wall, are all from the point of view of making the building safer in case of fire.

Q. In many of the cities up the State the fire marshal decides ?

A. Yes, sir; and throughout the United States. Now you may ask why do you suggest abolishing the Building Department and merging this into the Fire Department? Forf two reasons; first, to abolish conflict. You might say, why not abolish the Fire Prevention Bureau and put it in the Building Department? I will answer that. The man who is to administer the department must have wide experience to administer the laws he is to administer. Now the building inspector never goes into a building after it is occupied with the exception of an unsafe building which may be in danger of falling and injuring the passer-by. The ordinary building inspector does not go in it after it is occupied. He does not see the dangerous conditions. The fireman, however, is in the building whenever there is a fire. The opportunity is there for him to know how every building in his district is constructed. That knowledge may mean the saving of the lives at a fire of a company of firemen.

The department in the long run that is best fitted to enforce any given set of laws is that department the officials of which have a direct incentive constantly to enforce such laws for the benefit of the community. For this reason our Building Laws should be enforced by the Fire Department and by the Health

Department respectively, and not by a Building Department. The officials of the Fire Department, as I have pointed out, have a direct incentive to have the laws properly enforced because if not properly enforced, the lives of the firemen will be endangered.

Similarly, it is better to have the enforcement of the plumbing regulations of a city lodged in the Health Department, because the Health Commissioner and his subordinates will always have a direct incentive to insure the enforcement of such regulations. The reputation of the head of the Health Department, the Commissioner, is based on securing a low death rate and he knows that if bad plumbing is permitted, the death rate will rise. It is to his interest, therefore, to see that the laws that are enacted to protect the health of the community by forbidding improper plumbing are strictly enforced.

In a Building Department, however, there is no such incentive, but on the contrary the head of that department is constantly subjected to pressure from the building interests, with which he is closely allied, to let up on the enforcement of this or that provision. The head of the Building Department is generally a builder or an architect. In New York this is required by the charter. Being a builder or an architect, he usually asks himself when passing upon important questions, "How is this going to affect the building interests?" not "How is it going to affect the health or safety of the community?"

I do not mean to say that he consciously does this always. Very often it is an unconscious attitude of mind on his part but it is almost invariably the attitude of most Superintendents of Buildings. This is a very natural point of view. When he is through his work in the department at the end of three or four years he must go back to the building trade and earn his living as a builder or as an architect and he must therefore keep the good will of the building community.

Now to go back to the Fire Department. If the Fire Department enforced the building laws they would not be influenced by these considerations. They would not feel that they had to protect the building interests but they would feel that the important consideration was for them to protect the lives of the firemen and of the people who occupy the buildings in question;

they won't stand for the protection of this builder class because it will endanger the lives of firemen when they face fires whereas the ordinary building superintendent doesn't care a rap about that but says how is this going to affect the building trade, the building industry. It seems to me that is rather an important consideration. Now so far as the conflict between the Labor Department and Fire Prevention Bureau goes, I think it was a mistake to place the enforcement of the fire provisions of the Labor Law in the Labor Department.

By Commissioner GOMPERS:

Q. You don't mean to say that the building inspector does not care a rap for the lives of the firemen? A. Does not think of it.

Q. It isn't the dominating thought? A. Some of them don't care a rap, but many of them don't think about it.

By Mr. ELKUS:

Q. Now you heard Borough President Marks this morning about his separate bureau of inspection? A. Yes.

Q. Did you hear his testimony? A. I did hear his testimony.

Q. What have you to say about his plan? A. Absolutely impossible from a practical point of view. No man who has been at the head of a regulative department of this city would consider it for a moment. It is not a case of one inspection made on the first of January and then a prosecution. That inspection is only the initial proceeding in the enforcement of the law and before a successful prosecution is had in many cases there may be twenty inspections of that house by the same man to verify this point. Let me illustrate it. You are the head of the Tenement House Department we will say. I am an owner. I come in there and say I object to this order, it is unnecessary, it is improper, or that there are practical difficulties in the way. As head of the department you want to send one of your own men in whom you have confidence, whose integrity you trust, whose judgment you trust, whose intelligence you trust, to go to that particularly complicated case, examine it and make you a report and tell you what the facts are before you are willing to prosecute. Now unless you can rely on the credibility and accuracy of your own witness you are not going to ask the Corporation Counsel to

arrest the man, take him into the police court, or prosecute him for a penalty. That is one of the things that I say must be considered, the differentiation in the kinds of inspection.

Q. Have you made any investigation yourself of the complaint and agitation that is going on now about — I want to call your attention to what Commissioner Murphy said that in his opinion a great many of the complaints which have been made, some of which undoubtedly have justification which deserve sympathy, are due to the fact that we are enforcing laws which have now been enforced for the first time although they have been on the statute books for some time and also enforcing new laws, what have you to say about that? A. My view coincides exactly with Commissioner Murphy's views, in this matter.

Q. Did you have the same thing in the Tenement House Department? A. We almost had riots. That was twelve years ago. Of course, it is natural.

Q. Of course it is desirable to avoid what is complained of in the way of orders and inspections; have you any suggestions as to how that could be done away with? A. Yes, I think there are several ways. In the first place, I think if you gentlemen in all your other discussions could ask the witnesses to separate the questions into two main divisions, that is the discussion of what may be called structural changes compelled in factories as distinguished from the maintenance in factories of sanitary conditions, you will find that most of these objections are with regard to changes made in the physical buildings. Now when such changes are made once they ought to be made for all time and the practical way to take that up is to do it district by district. I do not know how the Labor Department is taking it up. I know that was the question we had to face in the Tenement Department. Shall we pay attention to citizens complaints as they come in sporadically, scattered all over the city, with regard to these structural changes, or shall we pay no attention to them and take them up district by district so that one property owner shall get the same treatment as his neighbor. We decided to take them up district by district. Now it will also be possible by a system of co-operation to take them up at the same time — it will be possible for the Labor Department to arrange with the Fire Prevention Bureau, with the Tenement Department, with

the Health Department, to say we are working in the eighth district and we are going to start next month to issue our orders there, can you arrange to issue your orders at the same time so that the owner will know whether it is cheaper to close up his buildings or make the repairs, because some times it is cheaper to close his building. That is a perfectly practicable thing and co-operation will eliminate ninety per cent. of all of this trouble.

Q. Is there anything further you would like to say about these matters? A. I think the permanent board is an admirable thing. I do not think it ought to be a matter of statute.

Q. A permanent conference board? A. Yes, sir.

THE CHAIRMAN: I was going to ask whether that should be a matter of statute or matter of co-operation between the departments?

THE WITNESS: I think it ought to be a matter of co-operation between the departments.

Q. So that as I understand you no legislation is necessary, but a little common sense and co-operation? A. Yes. There may be some. It seems foolish for the Police Department to inspect boilers, for instance. That ought to be transferred to the department inspecting buildings, and there might be a few legislative changes necessary, but the main thing can be done by sensible arrangement and by some one on the job to really save every complaint of conflicting orders.

MR. ELKUS: Is there any other question any gentleman desires to ask?

MR. JOSEPH S. SCHWAB (State Tax Commissioner): I represent the Real Estate Owners' Protective Association. Is there any reason why a change in the law should not be made and have this Factory Commission use their influence to separate the Tenement House Department from having jurisdiction over properties having three or more flats? We understand that the Tenement House Law that was enacted in 1901 was done in order to get away with sickness, bad conditions, dark rooms and a multitude of other ills and afflictions that beset tenement houses. I would like to ask if in your judgment now the time has not arrived when

there should be an absolute divorce of properties — for instance a five, six or ten million dollar property is called by a fiction of the law a tenement house. Do you not think at this time it is right for a division to be made in the form of some recommendation in the Tenement House Law, a change in that respect.

MR. VEILLER: Mr. Chairman, it is not germane to the hearing but I am willing to answer it.

MR. ELKUS: It is hardly germane to the subject under inquiry.

MR. VEILLER: My answer, Mr. Commissioner, is that I do not think so, that the Tenement House Law was not enacted only to remove sickness and ventilation and dark rooms, but to look after the living conditions of all people living in what is known as multiple dwellings, and the Tenement House Law has found it necessary since 1879 to look after all houses with three families or more and I do not think that any such backward step should be taken, especially as all progressive cities, Chicago, Cleveland and Columbus and others are extending the law to two family houses.

MR. SCHWAB: You of course understand that when the law was enacted in 1901 it was done with a view of doing away with evil conditions in toilet rooms, school sinks, dark halls and rooms that had a tendency to bring on tuberculosis and sickness and things of that kind. Now that the age of progress has taken a hold and there are a great many buildings such as the fine buildings which you are designating under that law as a tenement house, for instance — there are buildings with over three families that might cost, as I said, two, three, four or five million dollars and yet under the fiction of the law it is called a tenement house; isn't that term rather abhorrent, don't you think?

MR. VEILLER: I think a lot of people object to the term but I think that class of building ought to be under the same regulations as that of the poor man.

MR. SCHWAB: Don't you think that inasmuch as you have made a recommendation that the Health Department take charge of the plumbing, isn't it just possible that the Health Law, or perhaps

the Building Department, or, if you object to the Building Department, the Fire Prevention Bureau or some other — other than the Tenement-House proper — take jurisdiction over these higher grade of flats. This is a question that has troubled the property owners in New York a long while. You may not know it, Mr. Commissioner, but there has been a great deal of worry in regard to this distinction. They feel that in the high-grade residences or apartments they should not be molested with the general tactics that are ample for the purposes of inspection, good, bad or otherwise, in so far as the tenement-house property is concerned. I am trying to get from Mr. Veiller a way to see if there cannot be some way to make this distinction.

Mr. Elkus: We hardly have anything to do with that subject; we have about twenty people here waiting to be heard.

Mr. SCHWAB: I am ready to cease now. I only want to throw that out for what it is worth, but I would say I would make that recommendation. If you gentlemen would go at that it might be a very fortunate thing in the interest of property owners who feel very keenly on that. It may not be your opinion that that is so, but it is so.

Commissioner GOMPERS: The pertinency of the matter you mention is not quite evident, but the Commission is endeavoring to ascertain today the opinion of gentlemen qualified to answer as to the administration of existing law and to simplify it so as to avoid —

Mr. SCHWAB: I understand that, Commissioner, and that is the reason why it may not be pertinent to the issue. I thought it might be a thing that the Commission ought to know, and if there are any recommendations it might be taken up for consideration.

Mr. LAURENCE M. D. MCGUIRE (President Real Estate Board of New York): In your studies of the general conditions, both in this city and the other cities, have you ever made up any data as to the cost of inspection?

Mr. VEILLER: I have not.

Mr. MCGUIRE: You have never gone into that?

Mr. VEILLER: You mean the cost of inspection to the city on a unit of cost basis?

Mr. MCGUIRE: Also per building or per capita.

Mr. VEILLER: I have never done it; I think it would be very valuable.

Mr. MCGUIRE: Would you think, Mr. Veiller, that the general cost to the City of New York of inspection, allowing, of course, that you have never made data as to the cost, would you say it was being done economically?

Mr. VEILLER: That is a pretty sweeping question.

Mr. MCGUIRE: You say, in your opinion, Mr. Marks' testimony this morning and his idea of the situation was not practicable; I didn't gather from what you said why it isn't practicable.

Mr. VEILLER: I tried to make plain that the head of a department, in enforcing the law, who is going into court, must rely upon the report of his own employee whom he has control of. Otherwise he cannot be responsible.

Mr. MCGUIRE: Then the only difficulty would be in the matter of prosecution, where the work is not done; is that the only difficulty?

Mr. VEILLER: I would distinguish between prosecution and enforcement.

Mr. MCGUIRE: Sometimes you have a prosecution in force?

Mr. VEILLER: Sometimes.

Mr. MCGUIRE: Then it really is prosecution?

Mr. VEILLER: In some departments 90 per cent. of enforcements is not prosecution, but is sometimes bluff. Very often there is a prosecution; so I would distinguish between the two. I would not say that was the only difficulty, but a large part of the difficulty.

Mr. McGUIRE: You haven't had a single instance brought to your notice of absolute conflict as between departments, have you?

Mr. VEILLER: I haven't had a specific case brought, but I have no doubt that some exist.

Mr. McGUIRE: Would you say, Mr. Veiller, that in a tenement-house where there is one tenant taking in sewing — allowing always it is a cleanly premises, etc.— would you say that house ought to be under the jurisdiction of the State Labor Department?

Mr. VEILLER: Let me see if I get your question right; assume a tenement-house with twelve families — you mean a dress-making establishment?

Mr. McGUIRE: No; a tenement-house where they bring in trousers and so on.

Mr. VEILLER: No; I think that should not be allowed at all. It should be abolished.

Mr. McGUIRE: Without regard to the premises and the way they are maintained?

Mr. VEILLER: Absolutely; there should be no factories in tenement-houses.

Mr. McGUIRE: Following that same line, in the store of a tenement-house where a tailor on the ground floor is mainly pressing clothes and doing general repair work, that should be prohibited?

Mr. VEILLER: No; I think the definition of factory at the present time is very unfair; I think it should differentiate between the larger and the smaller in the industry.

Mr. McGUIRE: Do you think if Mr. Marks, or some other gentleman who has had practical rather than theoretical experience, could show you that the general inspection in the City of New York could be done more efficiently at 50 per cent. of what is now being paid, do you think it would be possible —

Mr. VEILLER: Under existing laws and methods of municipal organizations, no.

Mr. MCGUIRE: I do not say under existing laws, but reforming the law — at 50 per cent.

Mr. VEILLER: If you will cut the red tape and the civil service laws and the difficulty of getting rid of employes, certainly you can do it.

Mr. MCGUIRE: Am I fair to deduct from that that we are paying 50 per cent. more than is necessary?

Mr. VEILLER: I think you are in a great many other directions.

Mr. MCGUIRE: And in this particular direction you are willing to agree with me that we are.

Mr. VEILLER: With that qualification.

Mr. ELKUS: That is, if we could get rid of the Civil Service Law?

Mr. VEILLER: If we could get rid of the Civil Service Law and other matters that interfere with the efficiency of the head of a department.

Mr. MCGUIRE: Now, coming back to the remarks of Mr. Marks, has it ever come to your mind that we might have a department in the State — say a public welfare department, or whatever you care to call it — and amalgamate all the different departments and produce more efficiency and better results at a less price?

Mr. VEILLER: I should say it had often occurred to me that you could have a welfare department amalgamating all these departments and others but I think you would have less efficiency. It is a question of the size of the job and in a city of five million people with all the functions involved in the various departments you have to divide in order to get results. Now just one illustration. You won't get high grade men to take the headship of subordinate bureaus in a department when you would get a high grade man to take the headship of a department. That is simply one illustration.

Mr. McGUIRE: But isn't it true, in the same ratio, a few years ago, not very many years ago, it was not considered possible to sell a great variation of goods and merchandise under one roof?

Mr. VEILLER: Yes, sir.

Mr. McGUIRE: But it is being done now, isn't it?

Mr. VEILLER: Yes sir, many things years ago called impossible are being done now.

Mr. McGUIRE: Hasn't civilization advanced and haven't we taken on wholesale jobs?

Mr. VEILLER: Yes we are always taking on wholesale jobs. Public service is not comparable with private business. The private business man is buying in the cheapest market and selling in the dearest. I do not think the analogy holds.

Mr. McGUIRE: Any objection to the city going into that same thing; doing the same thing if it will make for saving?

Mr. VEILLER: No objection but there is nothing to compete with.

Mr. McGUIRE: There seems to be a good deal of competition between the departments just now for jurisdiction.

Mr. VEILLER: I haven't noticed any. If you have some specific cases it would be interesting. I have listened here all day.

Mr. McGUIRE: I will give you a specific case; a tenement house in which there are 24 tenants; two of those tenants are taking in sewing; the Labor Department enters that house and orders every room and all of the rooms throughout the entire house repainted; three of the apartments are vacant and have been vacant a month. Those three apartments had been done when the tenants vacated, had just been painted. It was satisfactory to the Tenement House Department and two days previously had got a clean bill of health.

Mr. VEILLER: I think that is conflicting and ought to be stopped absolutely.

Mr. McGUIRE: There is no need of encumbering this record and going into the conflict between the Labor Department and the

fire prevention bureau at this time but to go to the crux of the thing, don't you think, Mr. Veiller, that any legislation that is attempted should be with a view to doing the work with the greatest efficiency at the lowest possible cost.

Mr. ELKUS: Everybody agrees to that; you don't need to ask a question about that.

Mr. VEILLER: Absolutely.

Mr. MCGUIRE: The point I want to make and get on the record is this, that under existing conditions we are paying at least fifty per cent. more in the city of New York for general inspection than it is necessary to pay and we are not getting as efficiently served. We ought to deduct half the price, and that is because the State and the city are in conflict. What applies to the balance of the State does not apply to New York, and further legislation along these lines should be made eliminating the Greater City of New York and whatever jurisdiction the State Factory Department should have should be outside of the city of New York.

Mr. ELKUS: You would have a separate labor department for the State. ?

Mr. MCGUIRE: Not a separate labor department; one general public department of public welfare or whatever you may call it.

Commissioner GOMPERS: Is the trend of your question a statement toward economy to the city of New York or to the greater efficiency in the effective enforcement of the laws of the State and the city ?

Mr. MCGUIRE: May I answer that by saying that I would in all instances subordinate economy to efficiency.

HON. WILLIAM WILLIAMS (Commissioner of Water Supply, Gas and Electricity) addressed the Commission:

By Mr. ELKUS:

Q. You are at the head of what department? A. Of the Department of Water Supply, Gas and Electricity since February 1.

Q. Now Commissioner have you read this statement issued by

the Commission of the purposes of this hearing? A. Yes, I received it only Saturday morning, I should add, but I have read it.

Q. We would be very glad to hear what you have to say about it? A. My views as to question number one would be of no value, so I will not give them. My views as to question number two; I am satisfied in the light of my present information that it would be impracticable to establish a single bureau of inspection whose function it would be to inspect all the establishments therein mentioned. I agree with what Mr. Murphy and Mr. Veiller said on that subject. It requires special, trained experts, to do the various classes of inspection work. It is useless for me to elaborate on what has heretofore been said on that subject. There has not been any great disagreement of opinion. My answer to number three is no. As to number five, "what suggestions have you tending to lessen or do away with the duplication of inspections in the City of New York," there is apparently very little duplication of inspection. I have been learning a great deal by listening here this morning. When I first came here I confess I thought there was, but since no facts have been adduced tending to show there is any substantial duplication, I am constrained to think there is little or none. People are constantly confounding multiplicity of inspections with duplication. Again I refer to what Mr. Veiller said on that subject, and I agree. The electricity side is only a portion of the work of my Department and I do not pretend within three months time to have mastered even the larger features of it, but I want to say this, that the electricity bureau does not come in contact with the individual to any very great extent. It comes into a great deal of contact with all of the other departments, owing to the requirements of section 469 of the charter. There is perhaps some duplication of work between our Department and the Board of Education. This last named board has its own engineers and architects, but the Finance Department will not pass the bills unless we have approved them.

Q. Is there anything further, Commissioner, that you would like to tell us about? A. I heartily approve, as I said to you this morning before the meeting opened, of the desirability and necessity of conferences between city officials. Whether or not as a result of those conferences it could be made to appear that some legislation were necessary I cannot at this time say.

Q. You think co-operation between the departments will do away with most of the things complained of, Commissioner?

A. Well, it will not do away with the multiplicity of inspections, but I think that is inherent in the situation in New York. I will, however, put it this way, I do not think there are many legitimate grounds of complaint which cannot be dealt with by such a conference, particularly if people who have bonafide complaints will come forward and give us the facts.

Mr. ELKUS: Any question of Commissioner Williams?

(There was no response.)

Thank you very much indeed.

Mr. L. VICTOR WEIL addressed the Commission:

By Mr. ELKUS:

Q. Will you give your full name and your address? A. L. Victor Weil, No. 5 Beekman street.

Q. Your business? A. Real estate; representing the United Real Estate Owners' Association.

Q. Mr. Weil have you studied these questions which are before the Commission to-day for investigation? A. I have, and I have a written set of answers here which I should like to read, referring in particular to the different questions. I will take them up in their regular order.

The United Real Estate Owners' Associations, through its special factory committee, has considered the questions set forth in the pamphlet entitled, "Jurisdiction over Factory and Manufacturing Establishments in New York City," which was issued by the State Factory Commission, and respectfully submits its views of the questions contained in the said pamphlet as follows:

Question 1, reads as follows: "Should there be a Department of Labor for the City of New York and one for the rest of the state?"

In order to answer this question in such a manner as to meet the views of the United Real Estate Owners' Associations, the first thing to be determined upon is under whose control a Department of Labor for the City of New York, if one were established, would be as distinguished from another department for the

rest of the State. If the City Department would be under the control and jurisdiction of the State officials our association can see no benefit could be derived from establishing separate departments.

Our Association has always favored "Home Rule" in its broader sense. We believe that City Departments or Departments having charge of city matters ought to be wholly within the control of and subject to orders from the city administration. Following out this principle our Association favors the appointment of a separate Department of Labor for the City of New York, provided, however, that such a Department should be placed under the direct control and supervision of the Mayor of the City of New York, and that the rules and regulations, as well as the laws governing such a department, should be exclusively in the hands of the law-making body of the City of New York, in other words, in the Board of Aldermen.

Real estate owners are directly affected by the acts, conducts and personnel of the city departments. The owners therefore feel that they should be in direct touch with those entrusted with the administration of matters affecting their property interests. They believe that the Board of Aldermen are entrusted directly with the welfare of the city; the Board of Aldermen are the representatives of the residents of the city, in immediate touch with the needs of the residents of the city and most likely to further the interests of the city, keeping in mind at the same time, the rights of the taxpayer.

It is therefore in keeping with the principle of "Home Rule" that the United Real Estate Owners' Association urge the appointment of a separate department for the City of New York, having its existence through the city authorities, responsible to the city authorities, and governed in its activity by regulations and ordinances of the Board of Aldermen.

With reference to questions two and three, the United Real Estate Owners' Association believe that it will be for the best interests of the city and will do away with the possibility of a multiplicity of orders affecting the same subject matter and a frequent issuance of contradictory orders by city departments, if one central bureau were organized, to include, if possible,

all the city departments, or at least as many of the city departments as feasible, all the inspectors to report to this central bureau of inspection which alone shall issue all orders and notices of violations.

The head of this bureau of inspection should have authority over the issuance of all orders. He therefore will be in a position to examine them, sift them and thus avoid contradictory, duplicating and overlapping orders.

In favoring this central bureau of inspection, this association does so on condition, however, that it be appointed by the city authorities, subject to the control of city authorities. In other words, if the principle set forth in answer to question one is conceded and acted upon, the owners favor a central bureau of inspection, but if the principle of "Home Rule" is disregarded, then the owners can see no relief from the appointment or creation of a central body of inspection.

Question four cannot be answered at this time. The appointment of the bureaus will be matter of detail which would have to be left for the future to develop.

With reference to question five, the United Real Estate Owners' Associations submit that the answers to the former questions are applicable as an answer to question five. A central bureau of inspection, as herein briefly outlined, would act a sort of a clearing house for the reports of all inspectors of all the departments and the person in charge of the issuance of orders would find it comparatively easy to guard against the duplication of orders and against the issuance of contradictory orders.

No separate answer need be made to question six as the matter touched on above is sufficient to include what could be said in answer to question six.

Question number seven we answer in the affirmative, provided that the views herein expressed concerning "Home Rule" and the placing of control over departments in the hands of the city administration be approved by your commission and from the basis of your recommendations for legislation.

Our association is now at work gathering data of orders issued by various departments that substantially conflict with each other. The labors in connection with this work are arduous and require

considerable attention to detail and involve the examination of numerous orders from all the departments. We are therefore not in a position at this time to give many specific instances of conflicting orders, but the existence of such conflicting orders is a matter of common knowledge. Indeed, your very communication by the very pamphlet containing the questions, seems to recognize as a fact such existence of conflicting orders.

With thanks to your Commission for the courtesy accorded to the United Real Estate Owners' Association and appreciating this opportunity extended to us to express our views——

By Commissioner JACKSON:

Q. You are in favor of establishing a separate labor department in the State of New York? A. Yes, sir, that is the way I have outlined it to you.

Q. Are you in favor of the labor laws as they apply now throughout the State of New York to the City of New York?

A. When the law is drawn up and it should be seen that certain laws are necessary we would be willing to favor such a law.

Q. You would then leave it entirely within the legislative body of the State of New York to draft laws for the City of New York in place of the present labor law? A. We believe the State should not interfere with the functions of the city any more than the State should take up the administration of the police department or any other department. We feel that is entirely for the benefit of its citizens and should be under the control of its citizens.

By Commissioner GOMPERS:

Q. Isn't it a fact that the industries of the City of New York are competitive to the same industries of the rest of the State?

A. You might ask that same question in regard to any city department.

Q. Isn't it a fact that the industries in the State of New York are competitive with the same industries in the balance of the State? A. They are in the same way that the different concerns are competing with each other.

Q. I do not know whether you are willing to answer my question direct or not; I ask you again isn't it a fact that the industries of the City of New York are in competition with the

same industries outside of the City of New York within the State? A. Unquestionably that is so.

Q. The question then would be that the City of New York under your proposition might enact by the Board of Aldermen certain provisions of labor laws and the laws affecting the remainder of the State would be or could be quite different? A. What would that be — supposing that were the case. I think we have a perfect right to expect that the Board of Aldermen are going to deal absolutely honest in this matter.

Q. Of course the Board of Aldermen of New York has always acted honestly? A. I don't mean to say that, but they represent the citizens of the City of New York and have their interests more at heart than up-State. The up-State legislator who comes from a county up-State does not know conditions in New York and isn't in sympathy with New York.

Q. The purpose of my question is not only to bring this out, but to indicate that the same competition does not exist with the police department of the City of New York and the police of any other city of the State? A. It might. We might say we will make very liberal criminal laws to attract all the criminals here because they spend money, but we know it would be a very foolish thing to do because we do not want that class of people, and the same thing holds good as regards factory laws. We would not want to attract only those factories no other state would want because it would be a detriment to the city, but I believe if the labor law were enacted by the Board of Aldermen it would be better as they have the sympathy of the people.

Q. You say your association is gathering data as to conflicting orders? A. Yes, sir, we have taken that matter up.

Q. When that has been completed or is fairly towards completion, will you favor the Commission with that data? A. I certainly will if we have data which we think is proper, we will be glad to send it to you. There have been questions asked here whether there are factories, concrete cases of factories that have moved out of the city of New York on account of the factory laws. That is rather a peculiar question to put. It is like asking man if he is very sick and the family physician says you have a fatal disease and the members of the family do not believe it until he

is dead, but I have taken the matter up with the Merchants' Association and I asked them if they could get any data along this line, and they have sent out letters to the different trades and they have given me factories that have moved out of the city of New York into other States. Now whether the main, actuating motive was on account of the factory laws or not we have not been able to ascertain, but from a letter they sent out they have received fifteen or twenty answers where people have moved out of the city and State of New York, most of them into New Jersey, which shows they want to be near the city of New York, have the benefits of being near the center of trade, but not to assume any of the unnecessary burdens. I do not know how accurate this may have been. Investigation may show they wanted cheaper quarters for their manufacturing plants and other reasons.

Mr. ELKUS: I would be very glad to take that list. We have asked for those figures.

Mr. WEIL: I should prefer, if you would permit me to submit this list at a later date. After it has been fully confirmed I will be very glad to submit the list to you.

JULIUS HENRY COHEN, Esq., addressed the Commission:

By Mr. ELKUS:

Q. Mr. Cohen, will you state your profession and connection with different associations interested in the matter under discussion? A. I am a lawyer, and am counsel for the Cloak, Suit and Skirt Manufacturers' Association, and Dress and Waist Manufacturers' Associations.

Q. Have you made any investigation of cases which affect members of your associations which are conflicting or duplicating inspection cases? A. No, sir.

Q. Have you considered the questions which have been discussed before the Commission to-day? A. Yes, sir.

Q. And you are very much of a student of these questions, Mr. Cohen, aren't you? A. I do not know whether I am or not.

Q. You were one of the advisory committee of the factory investigating commission? A. I have done some work on it.

Q. You assisted the committee in drafting its legislation? A. To a very slight degree.

Q. And considering the subjects before them? A. Yes, sir.

Q. Will you be kind enough to give us your views on the questions under consideration? A. I ought to state that my views are based not only upon my general familiarity with the subject, but upon contact with members of the employers' associations. May I state in that connection, Mr. Elkus, that the two associations that I represent have worked in complete harmony with the Fire Department. I handed you before the session a copy of a letter which I received to-day in which the corporation counsel of the city in charge of Fire Department matters expresses his appreciation of our co-operation and of the way in which orders of the Fire Department are executed by members of the association.

Q. I understand in only two cases were prosecutions required? A. And those were against owners of the buildings and not against members of our association. Indeed, we have established very cordial relations with the Fire Department with a view of co-operating in the enforcement of the law, so that I do not think we can be grouped with the kind of manufacturers Mr. Veiller referred to as those who did not want to obey the law. Indeed, as you know, the manufacturers under their own regulations in our own industries are obliged to maintain standards in some respects more rigorous than the law requires, but there has been very considerable feeling even among the members of our associations that they are being harrassed and annoyed more than is necessary. I heard a labor leader say yesterday, Mr. Chairman, that an imaginary grievance was worse than a real grievance because you could adjust a real grievance, but an imaginary grievance you could not adjust. Undoubtedly there is considerable feeling on the part of those in sympathy with the law that they are being very much harassed by orders that are in the nature of duplication, and in the nature of conflict. I am asking the managers of the associations that I am counsel for to prepare a list of specific cases of complaints submitted to them by members, and that I hope to send to you, Mr. Elkus, later on, but I know of one instance that has been called to my attention that is fairly illustrative of the cause of their complaint. A certain manufacturer was ordered by the Fire Department to put in a drop ladder of the usual kind. At very considerable expense he did that. Later on

the Labor Department compelled him to change the ladder and instead of a drop ladder put in a balanced ladder and make an exit. The cost was very serious to him, and from his business man's point of view, his attitude was, "I would have been willing to have done this in the first place if I had known that I was obliged to do it. Why should the city or the State impose upon me this duplication of expense"? And the point I want to emphasize, Mr. Chairman, is that this duplication of effort, this conflict of orders, this constant supervision and inspection, most of which is necessary, creates at this particular time a feeling of resentment on the part of manufacturers in the city, even on the part of those in sympathy with the law. Now it may be as Mr. Veiller says, that all of this is due to the fact that we have just begun to clean house, after having let the house be dirty for half a century, but it is true that if there is such a sentiment it will undoubtedly result in the removal of those enterprises from the State that can possibly get away. I think I am fairly safe in saying that there is a considerable movement on the part of manufacturers to go out of the State of New York because of the hardships that they are enduring. One employer told me the other day that by the time he gets through meeting all the inspectors that come to see him during the day it is about six o'clock before he gets to his correspondence or to attending to customers. Of course, that is an exaggeration, but it is fairly indicative of the feeling on the part of the manufacturers. Now it seems to me that with reference to the factory end of it I see no reason why an efficient fire prevention bureau in the city of New York, why every phase of safety, of the matter of safety in the factory should not be a charge of that fire prevention bureau. I cannot see why a different kind of inspectorial service is necessary in order to enforce labor laws that are intended for the safety of the people and in order to enforce fire prevention laws that are equally intended for the safety of the people.

By Commissioner JACKSON:

Q. Will you kindly say who should have charge of the inspection of factories in the city of New York with reference to safety in regard to the machinery? A. I haven't given that branch of it

any thought. I am talking about those matters that relate to safety in case of fire.

Q. Still you would have the factory inspectors calling in the matter of the safety of the machines and violations of the hours of the Labor Law? A. You have them as to the violations of the hours of labor. I suppose that has nothing, however to do with the Fire Department and I do not see how that could be put in the Fire Department, but certainly matters of safety and sanitation could be combined.

By Mr. ELKUS:

Q. In the fire department? A. I do not know whether you could put them in the Fire Department, but the joint board on sanitary control makes its inspection as to sanitation and safety at the same time.

Q. That is only one trade? A. But it was in that trade, Mr. Elkus, that the tragedy occurred that gave birth to your Commission.

Q. Before you take up that subject I would like to go back to this inspection, what you call apparently in the nature of duplication; isn't the complaint really against what is called piecemeal inspection; that is to say, take the case you gave us where a man, either an owner or manufacturer, would like to have all the work that he is required to do told him at once so that he can make his plans to do it at practically the same time instead of being required to do one thing one day and another thing next week and then after he gets through have some other department require something else to be done; what I was driving at was this: If there was co-operation between the departments of the city among themselves and then with the State departments so that whatever orders were given would be given at one time wouldn't that do away with a great deal of the complaint that was made, with a great deal of justification? A. I think it would, but I think also there is another phase that needs to be considered from the manufacturer's point of view. I have been impressed by what has been said to-day on the point of expertness in inspection. On the other hand, from the manufacturer's or employer's point of view, the entrance of so many inspectors during the day and the disturbance it creates, the time it takes up, undoubtedly affects

him now to an extent that is absolutely burdensome. Of course, whether or not it can be avoided, I cannot say.

Q. That is a matter of co-operation, common sense handling of the business? A. I do not know whether it is possible to accomplish co-operation when you have each of the departments working independently. If the Labor Department is responsible for the enforcement of the Labor Law how can you have other inspectors go at the same particular time, the fire inspectors —

Q. They tell me they are arranging that now? A. They are?

Q. Yes, except for the State department. All of the departments of the city are practically under the control of the Mayor or Borough President and they could arrange by definite orders and that would limit it to one set of inspectors and leave the Labor Department to go at another time, if it would not care to go at the same time. A. I doubt very much whether it would result in anything if left to that loose arrangement. I think the point of view that was expressed here by Mr. McGuire, perhaps not as fully as it might be expressed after further study, and it is simply this, that the emphasis up to this time has been placed upon the importance of the safety and health of the community, and it is right that the emphasis should be put there, but because the pendulum has been swung over in that direction, makes for considerable hardship on the part of manufacturers and employers. Now from the point of view of a man who wants to see the law maintained and enforced to the full extent of its spirit it is desirable that the pendulum should not swing too far, not that the law should not be enforced but that it should be enforced with such co-operation on the part of those enforcing it that those in sympathy with the law shall not feel that the law is ridiculous. At the present time, whether there is justification that can be put upon this record or not there is a feeling upon the part of the manufacturers that the law is being made ridiculous.

By Commissioner GOMPERS:

Q. It has been suggested that inasmuch as the Mayor of New York has the power to direct the heads of his departments, and the borough presidents and the Commissioner of the Department of Labor theirs, that if they co-operate, all of these heads of departments co-operate, for the purpose of minimizing the things about

which complaint is made, that much could be accomplished. I think it is quite true that when voluntary action is taken of such a character under the direction of these authoritative heads good results may follow? A. That is a good idea, Commissioner, but what I say is you have to have a definite plan and I see difficulties already in the way of working that out. You have the chief of the Labor Department up at Albany, you have the Fire Prevention Bureau in New York, the Health Department in New York; now I can see how the Fire Prevention Bureau and the Health Department and the Building Department may work out a plan of co-operation, but what power has the Mayor over the factory inspectors.

Q. He has none but he voluntarily enters into? A. I would like to get the head of the Fire Prevention Bureau and the head of the Department of Labor and sit them down in the same room and see how they would work it out.

By Mr. ELKUS:

Q. They have been sitting down in the same room? A. But have they worked it out?

Q. They say they have not finished yet? A. Well, I wish they would finish soon.

Q. Have you anything further to suggest? A. No, thank you.

Mr. ELKUS: Very much obliged to you.

Dr. ABRAHAM KORN addressed the Commission:

By Mr. ELKUS:

Dr. Korn, will you give the Commission the organization you represent or for whom you speak? A. The Harlem Property Owners' Association. I am also one of the honorary presidents of the United Real Estate Owners' Association.

Q. We would be very glad to hear your views on the subject? A. In reference to questionnaire number 1 I would say we could dispense entirely with the Labor Department in the city of New York and also coalesce the various other departments as follows: We could take the sanitary measures of the Labor Department and hand them over with full power to the Health Department; we could take the structural changes of the Labor Department

and hand them over to the Fire Prevention or Building Department and could do it with half the expense it costs the taxpayers in the city of New York. A further method that comes to my mind now is that we could also coalesce the Building Department and the Tenement House Department with the Health Department, and that part of the Department of Water Supply, Gas and Electricity that takes care of the installations and electrical appliances also, and have them transferred over to either the Health Department or the Building Department. In other words the Health Department could be made a department of welfare of the city of New York and under that department they could have sub-bureaus which would take care of the sanitary conditions of buildings in the city of New York, and you could also have a bureau under the Health Commission, that could take care of the machinery protection of the factories of the city of New York. The conditions in the city of New York are to my mind entirely different than those in other cities of this State. Manufacturing conditions are entirely different than up the rest of the State.

By Commissioner PHILLIPS:

Q. In what way? Are they worse? A. Outside of the city of New York manufacturing industries in my mind haven't the same complications as they have in the city of New York. You can manufacture cheaper, you can get rentals cheaper and other conditions. Sanitary conditions are different outside of the city of New York on account of the difference in population in the city of New York and other cities. You take the city of Buffalo for instance — the factory buildings there — ground is cheaper, factories can be put up cheaper and they are more modern. In New York they are not as modern, consequently the cost of alterations is a good deal more severe to the owner than they would be outside of the city of New York.

Q. Then you think you can manufacture in a more wholesome way up-State and for less money that you can here? A. You certainly can, and the clothing industry has proven that because most of them have gone out of the city of New York and most of the clothing is being manufactured in Rochester and Buffalo.

Q. The better grades of clothing? A. All kinds of grades, Mr. Assemblyman and you know it.

By Commissioner GOMPERS:

Q. Would you encourage the relaxation of the labor laws as applied to the city of New York? A. I would not. I would enforce them as much as they can be enforced and are enforced now, under those conditions of putting them under one head.

Q. You made mention of the fact of the increased cost of land and of construction and maintenance in the city of New York; will you enlighten us, give us the reason why you mention that fact?

A. The reason of the increased cost is on account of the increased demand, I suppose, in the city of New York in certain centers.

Q. What application has the statement to the subject under consideration; what have you in mind? A. The duplication of orders from the various departments by putting all these departments under one head, for instance a welfare bureau. They would send out a certain inspector to take care of structural work of a certain building. That inspector would inspect that building from cellar to roof and if he knew his business he would put on one order the violations necessary in order to bring that building to comply with all the laws of the city and the State of New York at one inspection.

Q. If you eliminate the department of labor's activity in the city of New York, to which bureau, board or department would you assign the enforcement of the child labor law, for instance?

A. Under the health department; the health department to-day has a certain branch of it. It has the hygiene of the child to-day. Why couldn't it take care of the child labor law. They take care of all the milk stations in New York, why can not that hygiene department take care of the child labor law at the same time?

Q. Some of the gentlemen appearing before this Commission to-day have said that applying the general powers to several departments loses the emphasis of the enforcement of the specific provisions for the protection of the child? A. I disagree with him. I see no reason why a physician who may be health inspector and knows the laws of the health department, including child labor laws, can not go out and inspect a factory building and show just the same kind of a violation that a physician who may be now employed by the Labor Department does. Physicians are going out investigating and examining children as regards their health,

whether they are fit to work, and noticing their age. I see no reason why they could not go out and do it under the Health Department.

Q. Of course there was a time in the State of New York as well as the city when there was no such thing as a law establishing the hours of labor of children? A. I know there was also a time in the city of New York when the Health Department did all the inspection that the Tenement House and Building Departments does. I remember in my time when they went out inspecting in that method. They took in infectious diseases at the same time.

Q. Isn't it true that sanitary conditions in the State of New York are better to-day than they were twenty-five years ago notwithstanding the fact that the population has doubled? A. That is on account of the progressiveness of the medical profession as to sanitation.

Q. It has nothing to do with the administration of the law? A. Administration of the law as dictated by new sanitation methods. We know more about sanitation to-day than we did twenty years ago.

Q. In the construction of the buildings? A. In the construction of the buildings and as regards the health of the community. There is more advancement in research. Medical science has helped along the entire movement.

Q. Do you know of any state in the Union or any country where the enforcement of child labor laws is assigned to any other than the special bureau or departments for the enforcement of such laws? A. I won't say positively I do, but I think the city of Chicago takes care of that under its Health Department.

Q. Has the State of Illinois a Department of Labor? A. I don't know.

Q. Well it has? A. I don't know. I didn't investigate that. I know at the time I was in Chicago 12 years ago that matter was taken care of by the Health Department of the city of Chicago.

Q. You have mentioned Chicago, and that is the reason I call your attention to the fact that the State of Illinois has a very effective Department of Labor with its inspectors, and inspectors especially appointed for the enforcement of the Child Labor Law? A. They may have the laws but I think the Health Department

still have the jurisdiction in Chicago. They must have changed lately.

Q. No, it has not been changed lately. As a matter of fact the powers of the Labor Department of the State of Illinois have been increased and extended very considerably and that is the tendency throughout the United States. As a matter of fact, the recent Eight Hour Law passed by Congress as applying to the women of the District of Columbia and the appointment of three inspectors authorized by the law were appointed by the District Commissioners and assigned to the Health Department and that procedure has been protested? A. So they had assigned them to the Health Department in the District of Columbia according to your statement.

Q. I say it has been protested. It is only within the past week or so and that is protested. That is the only instance that came under my investigation? A. Now Mr. Elkus, I suppose you would like to hear about some conflicting orders of the various departments.

By Mr. ELKUS:

Q. Anything you have to say? A. For instance the Tenement House Department in a tenement house that has a bake shop will order in that bake shop, especially if it uses any fat boiling processes in the making of its product, a brick partition between any passageway that may be going through that cellar. That passage way after being built has a smooth surface. The Health Department or the Labor Department will come in and order that man after he has finished that and that brick wall has been accepted by the Tenement House Department—comes in and orders that man again to replaster that wall. That is one conflicting order.

Q. I didn't quite follow you and if I may I would like to ask a question; is this an actual case you are giving us? A. Yes, sir.

Q. Can you give us the house number? A. Yes, sir, the house number is 1746 or 1748 Madison avenue. It is the third house from 115th street.

Q. When was this? A. It is pending in the Health Department now.

Q. Now you say the Tenement House Department made this man put up a brick wall? A. Yes, sir, a partition wall.

Q. A partition wall in a bake shop? A. Yes, sir.

Q. Separating the bake shop from a living apartment? A. No, sir, from a passage way that leads up stairs to the store.

Q. That is under the Tenement House Law? A. Yes, sir.

Q. Some other department, the Health Department — A. (Intg.) The Health Department that now has supervision of bake shops under the new law orders that wall to be plastered so as to have a smooth surface.

Q. That is after the wall has been finished — what was the wall made of? A. Made of brick.

Q. They ordered plaster put on it? A. Yes, sir.

Q. Do you call that a conflicting order? A. I do, simply because the wall is a smooth wall.

Q. Has the man complied with it? A. Not as yet.

Q. Now you are negotiating with the proper departments? A. With the one department that has supervision.

Q. That is two city departments? A. Yes, sir.

Q. A conference between the two heads of the two departments could determine the matter? A. I don't know.

Q. Your point is that it has a smooth surface and therefore does not need another? A. Yes, sir.

Q. Now if the second department that gave the order to plaster conferred with the Tenement House Department, they might avoid the whole thing? A. I do not think they could for the reason that the Tenement House Department has no jurisdiction now over bake shops.

Q. When was this order put out? A. I think six, or seven or eight months ago — I am not sure of the time.

Q. The partition was ordered put up? A. Yes, sir.

Q. And now the Health Department has the bakeries under its control? A. Yes, sir.

Q. And in the reinspecting of these bakeries they ordered this wall to be plastered? A. Yes, sir, after it was put up. Now another incident is where the Tenement House Department will issue to the owner of the apartment — you can not have a ladder from the balcony to the ground floor longer than 16 feet accord-

ing to the Tenement House Law; if the distance between the first balcony and the sidewalk is more than 16 feet the Tenement House Department will issue an order to construct a safe landing to the sidewalk and in doing so the owner has to construct a platform made of iron on the sidewalk. That is the only remedy he has, or tear down the fire escapes. Now as soon as he puts that down the Borough President comes along and says you are obstructing the highway and you must remove it.

Q. Can you give me a case where that was ordered? A. You will see a number of them.

Q. Give me one specific case? A. I can not just now, but any man can see hundreds of them.

Q. I have heard that, but give me one specific case, just one? A. I think there is one specific case in 116th street and Madison avenue, if I am not mistaken, but Mr. Elkus, the Tenement House Department, can give you every order.

Q. We had the Tenement House Commissioner here this morning? A. But he didn't give you the place where the orders were issued to put safe landing platforms.

Q. I am asking where you have to do this thing and another department comes along and tells you to tear it out. The case you gave me about the wall being plastered. It is an additional order. It may be unnecessary but it is not conflicting? A. Now I will give you another instance where the Tenement House Department will order that a floor in a basement — they will accept a wooden floor in a basement of a bake shop. Now comes along the Labor Department and says they will not accept a wooden floor, that you must put in a concrete floor. The result is the owner has to rip out the wooden floor and put in a concrete floor.

Q. Isn't that the Health Department and not the Labor Department? A. No, the Tenement House Department.

Q. You say the Tenement House Department takes the wooden floor? A. Yes.

Q. And then the Labor Department wants the concrete floor? A. Yes.

Q. You mean the Health Department, don't you? A. Under the Health Department now.

Q. Under the new law it was transferred to the Health Department so as to give the city full jurisdiction? A. Yes, sir.

Q. Now this wooden floor has been down how long? A. I couldn't tell you.

Q. A number of years, hasn't it? A. It may or may be a new floor ordered in.

Q. Have you a specific case? A. I think that same case where I spoke to you about the wall, it occurred in the same building.

Q. Now in that case wasn't the wooden floor down there about ten years and then the Health Department came along and said the wooden floor was worn out and they must put a concrete floor there? A. No the floor was in good condition.

Q. They claimed it was? A. I don't know what they claimed.

Q. It is this same piece of property? A. Same piece of property.

Q. Is that all? A. No, I want to give you also a list of manufacturers that have moved out of the city of New York and have gone over to Hoboken, New Jersey, on account of the stringent enactment of the Labor Law. I don't know if I ought to divulge the names of these gentlemen, but I can send you a copy.

Q. You can give it to me privately? A. I will say this upon an investigation by this Commission around Jefferson street, Adams street, Grand street, Clinton street, Hoboken, N. J., they will find at least 75 manufacturers that have vacated the city of New York and have taken space in these streets for manufacturing purposes. You will find that those houses were tenement houses before.

Q. Have you ever examined the laws of New Jersey about factories? A. I have not.

Q. Don't you know they are about copies of our laws? A. No, I don't know that.

Q. Don't these concerns move to New Jersey not because of the Labor Laws but because of the labor unions? A. I suppose for both.

Q. I will tell you for your information, Dr. Korn, that the New Jersey legislature practically reenacted the New York Labor Laws as to factories, and in fact in some cases they are stricter there than we are here and most of these concerns on investigation we find moved to New Jersey because they think they can get along better with the labor unions there? A. Here is one where the labor union has nothing at all to do with it.

Q. I don't know of every case you have? A. I am going to read you the letter:

May 15, 1914.

Messrs. Schiff Bros. & Lerner, who are now located at 296 Stanton street on the fifth floor, had their shop fixed up last month in best condition. They threw their engine out and installed an electric plant instead to comply with the rules and regulations of the Labor Department. The gentlemen spent about \$500 for this.

Now, they employ 28 people and the Labor Departments want them to employ 20 only which means a great deal to the poor men who are striving to make a living, and leaves them nothing to do but to leave the place entirely.

As a result of that they are now contemplating moving over to New Jersey.

Q. They are contemplating? A. Yes, sir.

ASSEMBLYMAN PHILLIPS: What does it cost to move to New Jersey?

THE WITNESS: I don't know, sir.

Q. That is a factory in what is called a converted tenement?
A. I don't know the building.

Q. Will you give me this list? A. I will with pleasure.*

Mr. PETER J. BRADY addressed the Commission.

By Mr. ELKUS:

Q. Mr. Brady will you be kind enough to give your name and address? A. Peter J. Brady, 924 Pulitzer Building, New York.

Q. And with what association or organization are you connected? A. I am secretary of the Allied Printing Trades Council, composed of twenty-one labor unions, all of the printing industry, in the City of New York.

Q. How many members have you in your associations? A. We have around 22,000 members organized.

Q. And they work in the City of New York? A. All of them work in Greater New York.

* This list was not sent to the Commission. See page 468.

Q. Now have you considered this question or these questions which have been discussed by the Commission to-day? A. Yes, Mr. Chairman, I have read the questions.

Q. Have you been here to-day? A. I have been here all day.

Q. Have you listened to the discussion? A. Yes, sir.

Q. Now we will be glad to have your views on this matter?

A. I have listened to the discussion with interest, Mr. Chairman, and I not only came for the reason of hearing the discussion and answers to the Commission's questions, but I had also seen in the newspapers about the conflicting orders, the duplication of orders and the multiplicity of orders; that the State and city departments were giving this and it was driving manufacturers out of the City of New York, and possibly out of the State, where they would not be harassed and interfered with as much as the newspapers intimate and even as much as the statements in this morning's newspapers would lead us to believe. Now in appearing here this morning I came early for the explicit purpose of trying to find out if there were really conflicting orders being issued. So far I haven't heard any one bring anything forward any evidence to prove that any manufacturer has left the State on account of conflicting orders from the State and city departments. As counsel knows I was one of the people instrumental in creating this Commission, and have followed up the work of the Commission since it was created under Governor Dix's regime and have been instrumental and helped the Commission in every way I could to have new legislation placed upon the statute books, which would protect the workers as regard fire hazards and health and sanitary conditions in every way. As I understand the statements made by a great many of the representatives of real estate interests it has been that it would be impossible to comply with all the orders which have been issued, and I am pretty sure that the orders issued generally applied to the old buildings, either buildings which had been used for dwelling purposes or buildings which had been used for tenement houses and possibly buildings which had been used a great many years ago for manufacturing purposes, and the result of that has been that these real estate people at the present time claim, and emphatically state, that on account of these restrictions which have been placed upon them by the various departments, that they are unable to rent their

buildings on account of the restrictions that are placed upon the various manufacturers. Now I am inclined to seriously disagree with them. I am of the opinion that the modern buildings and modern builders have been penalized on account of the city and State departments not enforcing the statutes which have been on the books for a good many years and this agitation and this protest among the real estate interests have been caused more or less by the various departments really getting on to their jobs. I am not even willing to agree that it is the heads of the departments themselves or city and State administrations. I am inclined to believe it is the labor unions who have been prodding and pushing and waking up the departments to their responsibilities and insistence upon the enforcement of the laws which the labor unions succeeded in placing on the statute books. They say these buildings cannot be rented at the present time. I believe if an inspection is made of the modern loft buildings further up town they can find possibly a corresponding amount of "to-let" signs on these buildings which comply with every one of the laws, and my impression of that is that there is possibly an overbuilding of the city to a certain extent, and I am going to call upon the Commission now and request for our unions that every person who has appeared before this Commission and made a statement about manufacturers leaving this city or State on account of enforcement of the laws, that they be compelled to furnish to the Commission this information, including the borough president who was here this morning and said there are fifteen manufacturers he knew of who contemplated leaving on account of the enforcement of the laws, I am going to ask further that instead of being given confidentially to the Commission that these names should be made public and made accessible to the public. I myself would like to find out who those manufacturers are and just what kind of manufacturing they represent, just what particular industries. I seriously disagree with the witness who was on the stand a moment before me saying particularly the clothing industry have left the city and gone to other places up the State and have left the State. I am pretty positive from what I know of the situation that there isn't any greater percentage of clothing being manufactured in

the cities of the State. He mentioned Rochester and Buffalo. Rochester has always been a clothing center and so has Buffalo to a great extent. I am not inclined to agree with any of the real estate people who say that. So far I have not seen manufacturers, I have not seen anybody representing manufacturers, outside of Mr. Cohen, and I am very anxious to have some of those manufacturers come forward and present to the Commission their reasons for leaving the State or leaving the city and going elsewhere, and it is logical to assume, and I think they are business men enough and broad-mined enough to know there is nothing in the world to prevent similar laws from being added to the statutes of other States. That has been the trend all along. New York State has set the pace in the enactment of labor legislation, no doubt on pressure brought by the labor unions, and the agitation started by the labor unions, but the same agitation is continuously going on in other States and I am anxious to get this information, because if we find the manufacturers in this State are leaving here on account of these laws we will take up with the labor unions in the other States the question of having similar legislation enacted there, so that there will be no relief to those manufacturers who are leaving here for the purpose of evading the laws and squeezing down the workers as much as they can. I do not mind telling you that our people work together on the question of legislation. We intend to do it and shall continue to do it. We go from one State to the other and we are anxious to have similar conditions prevail in every State, no matter where our members are employed.

By Commissioner GOMPERS:

Q. I know that you are well acquainted with conditions prevailing in industry outside of the printing trades, but perhaps more familiar with those in the printing trades; do you know of any great printing plant which has left the city of New York for the purpose of avoiding the labor laws of the State? A. I positively do not. I may say I am thoroughly acquainted with the five branches of the printing industry; possibly as familiar with it as any person in the city of New York or any person may be in the country, and I do not know of any one branch of the printing industry where they have left this State for the purpose of

evading the laws, and I do not know of any who have removed from the State for any reason whatever.

Commissioner GOMPERS (Acting Chairman): The Chairman would suggest that it might be well to call before the Commission either publicly or otherwise the representatives of the garment workers, tailoring trade, and the ladies' garment workers so that they may be able to give some testimony upon this general subject this specific subject as to the removal out of the State of employers, manufacturers, engaged in the garment industry, that is to evade or avoid the labor laws of the State of New York.

By Mr. ELKUS:

Q. You may continue Mr. Brady? A. Mr. Chairman, I have just another thought I want to give to the Commission. It is a request I am going to make of the Commission before I leave here, and that is to try and find out by investigation from those trades which have been particularly benefited by the enforcement of labor laws during the past few years, the results that they have had upon the workers themselves, who have been given better sanitary conditions and more helpful surroundings, to find out whether they produce more than what they have been producing in the old ramshackle buildings we have around us when they get into a more desirable loft building where they have better ventilation and sanitation.

Q. You mean it is a paying proposition? A. I do and I am very positive the Commission can prove that, not only to the manufacturers but to the satisfaction of the real estate owners also.

Mr. GUSTAVE G. LAUREYNS addressed the Commission:

By Mr. ELKUS:

Q. Mr. Laureyns, will you state whom you appear for and give your address? A. I appear for Marc Eidlitz & Son, builders, unnumber 30 East 42d street, and represent them and their various clients.

Q. Now Mr. Laureyns, we would be glad to hear you upon these questions under discussion? A. Now, Mr. Chairman, I have listened to what has been said here and it seems to me that you have missed at least one of the sources of criticism about the

multiplicity of inspections and duplication of orders. There are among the people who have appeared here those who represent the initial interests of the building. The manufacturer and owner is one proposition, but when an owner erects a building he needs to employ an architect, he needs to employ a builder and he needs to employ an engineer. Looking over the audience here, I do not see the architects and builders represented. Now the multiplicity and conflict lies here right in its incipiency; the architect had hitherto only one law to consult in order to make his plans. When he prepared his plans and consulted this law he knew just where he was at and he could at any one time refer to the Bureau of Buildings and get advice. I am now talking for the architect and also for the builder who is associated with him more or less intimately. For the last two years we have various laws covering the one subject. First, we still have the building laws covering all buildings. Then we have the fire regulations covering installations in buildings and portions of those buildings. Third, we now have this new law of the Labor Department covering factory and mercantile buildings, and we are going to be blessed by one additional source and another form of expressing these same requirements, the Industrial Board.

Q. What Industrial Board? A. The State Industrial Board, making new rules for enforcing of and for emphasizing the laws which this Commission generates. There are thus four sets of laws, and you will readily understand that an architect and a builder has to be a lawyer under such a state of affairs, in order to practice business. I call that multiplicity, and it is from the voices of these people, I take it, that one source of complaint emanates. When an architect has a set of plans to prepare to-day or has an alteration to make, he does not know which way to turn to get advice. He may go to the Bureau of Buildings and he gets a certain amount of advice there as to what they will permit and what the law will not permit. Then the representative of the Bureau of Buildings — I see one of them here in this room representing the borough of Manhattan — I guess he would confirm what I say — says, "While on these subjects I have advised you I cannot say everything about it, and you will have to go and see the Labor Department." Now the architect goes and inter-

views the Labor Department to see how its representatives will interpret its laws. Here is a new state of affairs, a different method, a different way of interpreting the ideas of other law-makers. Again he is referred to the Fire Department for certain installations, and he wants to know what the officers are going to have to say. As to his sprinkler system, fire equipment, etc. — granting that we understand that some of the things which were adjudged to the Fire Department a year and a half ago are no longer under their responsibility — yet for a number of equipments we have to consult them, so you will see a duplication and a multiplicity right there from the beginning, and I ask you gentlemen —

Q. Mr. Laureyns, if I may interrupt you there, you would advise a consolidation of three or four different departments?

A. I would not, Mr. Elkus. I should like to be permitted to continue at this time.

Q. I beg your pardon, I thought I would ask you a question here.

A. (con.) There is another point which has come under my observation in my connection with a number of buildings. I am also a building inspector, representing a builder and his various clients, and I am usually the second building inspector, after another building inspector representing a department, has been on certain premises, and very frequently when I go to these premises I have seen inspectors of different departments and I know that there is antagonism, which perhaps ought not to be, by the owners and tenants of these buildings. They will say, "Oh, here is this man again, I have to lose my time," They don't desire to have an inspector go through on his own initiative. Perhaps it is not possible in all cases, but it certainly is something which the manufacturer, or the tenants of some premises resents when it repeats itself too often. He is no sooner done with one species of inspection than he gets another one and I have repeatedly noticed this very state of affairs. Now as to the other questions of multiplicity which have been mentioned here I will say that I have had, representing a builder, the handling of a number of cases where orders have been issued from various departments for things to be done. As I tried to emphasize before, it usually is a builder

who has to execute these orders, and even if this builder is only a mechanic who is used to swing a door from inward to outward, etc., yet he is right at that moment there, is a builder. I have had such a case, for instance, as the President of the Borough mentioned, and strange to say it was on a new building where we erected the doors opening outward and found after erecting them that they opened outward too far. We had to change them. Now the point that perhaps the President of the Borough has not emphasized and made clear to you is this, that such a change is structural in most cases. Such a change requires a professional man who knows about these things to advise no matter how small the case, while the usual owner or tenant thinks he knows all about the simple cases where on a small order was issued; if the order reads that the door has to swing outward he will simply swing it outward. Now aside from these interviews we have furnished you a letter or brief referring to the proposed recodification, incidentally therein we have mentioned a few items which we think somewhat conflicting and somewhat of a hardship to the man who has to actually execute orders issued by a department.

Mr. ELKUS: We will add that letter to your testimony.

The letter referred to by the witness is as follows:

“ MARC EIDLITZ & SON,

“ 30 EAST 42D STREET, NEW YORK CITY,

“ May 12, 1914.

“ *Honorable* ABRAM I. ELKUS, *Counsel for the New York State Factory Investigation Committee, 170 Broadway, N. Y. City:*

“ DEAR SIR: Pursuant to receipt of copies of the ‘ Proposed Recodification of Labor Laws ’, etc., and to your request that suggestions and criticisms be sent in writing and promptly, we beg to submit to your Committee as follows: —

“ Article 1, Section 1, Paragraph 2, ‘ Definitions ’; (See page 5, lines 1 to 6). This we think should be elaborated along the following lines:

“ ‘ The term “ factory building ” means any building, shed or structure which is mainly devoted to, occupied by or used for a factory.

“ ‘ The term “ working plant ” means that part of a building not mainly devoted to manufacturing purposes, but where laundry, bakery, confectionery and other shops are installed as a house-keeping accessory, and where employees perform work.

“ ‘ The term “ mercantile building ” means a building which is mainly devoted to offering for sale goods, wares or merchandise.

“ ‘ The term “ mercantile establishment ” means any other place where goods, wares or merchandise are offered for sale.’

“ Our reason for suggesting such amendments is that the present definitions are too sweeping. Thus: A modern hotel contains bakery, confectionery and rooms devoted to the manufacture of food products, as well as rooms devoted to the purposes of laundry, tailor shop, carpenter shops, machine shops, etc., all of which appear to fall under the jurisdiction of Article 11, etc. Thus again: A ‘ mercantile building ’ may contain rooms or floors devoted to the manufacture of goods and merchandise and even food products that are to be sold, and such rooms might constitute but a small portion of the total space. It would be manifestly unfair to call such buildings ‘ Factory Buildings.’

“ Article 10, paragraphs 180 to 185, In general we submit that offsets in the vertical continuity of fire walls would in no wise impair the efficiency of such walls, provided the offsets were at the level of a floor or immediately below same, and provided further that the upper section of wall be independently supported by properly fireproofed girders and that the horizontal space between the top of the lower section and the bottom of the upper section be properly sealed with approved fireproof construction. Such a provision would provide more judicious adjustment to the varying needs of different floors in one building, or to the varying requirements of tenants in a tenant building. It would also create more resource for architects who plan such buildings.

“ In fireproof buildings no real gain can result from the requirements that the fire wall and fire partitions shall be continuous from the cellar floor to the underside of the fire proof roof. Offsets on different floors, and even the total omission of such partitions in the lower floors where such floors are used for mercantile or other purposes, where otherwise different conditions exist and where a number of separate and adequate exits have been

provided, which are otherwise satisfactory, would in no wise minimize the effectiveness of the partitions above.

“ In a fireproof building a floor sub-divided into rooms by more fireproof partitions than above contemplated which otherwise do not correspond to the partitions in floors above and below would not be inferior, provided the openings and other features do otherwise fulfill the requirements.

“ Page 148, lines 16 to 19: In our opinion the requirement of ‘ at least 40 ft. from the center of an opening to the center of every other opening ’ leads to hardship and does not adjust itself to modern practice. We submit a re-adjustment along the following lines:

“ ‘ The total width of the openings in every such wall erected after October 1st shall in no case exceed 20 per cent of the total length of the wall. Such openings shall be spaced apart from each other and in no case shall the distance between any two openings be less than twice the width of the largest opening.’

“Article 11, paragraph 235 (See page 202, lines 5 to 8). Here is established the definition of a ‘cellar’ for the guidance of all of the Labor Laws as well as for the guidance of all rules to be established by the Industrial Board; according to this definition all spaces below the curb in any building constitute a cellar. Thus, in a hotel erected in accordance with the modern practice of providing several stories underground, all stories would come under the ban, no matter how ventilated and equipped. Thus again, the Industrial Board in its hearing on May 6th (see pamphlet on proposed sanitary provisions for factories and mercantile buildings — page 12, rule 154) would prohibit the installation of dressing rooms in a ‘cellar’ without regard to the modern means and appliances that can be and are made use of for the purpose of rendering the basements and lower stories sanitary. We submit that a room adequately equipped with mechanical means of ventilation while located in a basement is not less sanitary than any other room elsewhere located and not equipped with such permanent means of ventilation.

“ We also submit the above criticism for Article 13, Section 304, page 225, lines 14 and 15, and we do not think that a window opening to the outer air is necessary. In proof of this contention

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we can call attention to installations already erected in buildings for various purposes, as well as in mercantile buildings, where such dressing rooms have adequate and satisfactory ventilation while not provided with windows opening to the outer air.

“ We are aware that your Commission will hold a public hearing on May 18th, 1914, on a subject of great interest to Architects, and to builders as well as to the owners of property, viz: ‘ Duplication of Inspection by different Departments.’ In this same respect we submit that the present proposed recodification is not clear.

1st. The New York City Building Laws require that plans for alterations to old buildings, as well as for new buildings, must be submitted for approval and permits obtained before proceeding with such work. The supposed relation between the Department of Labor and such requirements is expressed in Article 10, para. 196, clauses 2 and 3; these are clear only for proposed new buildings and large alterations; nothing is said as to the execution of summary notices issued by representatives of the Department of Labor, and uncertainty arises as to the correct method of enforcement by either bureau.

“ 2nd. It would appear that orders for additional plumbing work can and will be issued by the inspectors of the Department of Labor in factories located in the City of New York (see Article 10, Sections 210 to 220, on Sanitation), while it is a fact that all plumbers in the City of New York must be licensed and are not permitted to do any additional work on buildings without due authorization from the Bureau of Buildings.

“ 3rd. This same criticism applies to Article 13, Sections 300 to 307 — Sanitation in Mercantile Buildings.

“ 4th. This same criticism applies in a different way to Article 11, Section 236; and in Section 243, clause 2, the enforcement of all clauses of this article is vested with the Health Department, without due regard to the prerogatives of the Bureau of Buildings.

“ We submit a general provision along the following lines: —

“ ‘ In the City of New York, whenever the Commissioner of Labor or his deputies, or the Board of Health acting in a similar capacity, have served a notice which embraces alterations, to

premises or to plumbing installations, a period of ten days shall be granted to the owner or lessee or their authorized agents to confer about such requirements; should they fail to give notice of compliances or to submit for approval an alternative method of equal merit for correcting the conditions referred to within the period stipulated, a copy of the original notice or a copy of the approved modified conditions shall be served on the Bureau of Buildings, whose duty it shall be to inspect such work and to pass upon the proper compliance with the notice. After such construction or alteration shall be completed, the Commissioner shall, when requested by the owner or person executing such work, issue his certificate to that effect. Such certificate shall bear the date when issued.'

"We suggest further that in the City of New York, a copy of the above provision be printed upon all notices to be served by either Bureau.

"Article 10, Title II, Fire Hazard, §200. automatic sprinklers—While it is true that the standards for automatic sprinklers in this country are only established by regulations based upon the rules of the Board of Underwriters, this Section puts upon the Fire Commissioner of the City of New York the burden of approving and supervising new installations, while all other new installations are put under the jurisdiction of the Bureau of Buildings.

"While we do not question the appropriateness of inspection by specialists, it occurs to us that such installations and others (such as standpipes and tanks which were heretofore supervised by the Bureau of Buildings) could be brought under a single jurisdiction, thus lessening the burden of the builder.

"This criticism is serious when it is considered that heavy tanks, exposed to wind pressure and imposed upon buildings not previously erected with that purpose in view, might in instances prove a menace to the stability of the structure.

"Respectfully yours,

"MARC EIDLITZ & SON,

"per G. G. Laureyns."

Q. Mr. Laureyns, referring to Questions 1, 2 and especially 3 and 7 of the questionnaire, what do you recommend?

The WITNESS: I do not feel competent to answer your question but I do plead as I pleaded before at the time you held your preliminary hearings that you consider the bureaus which are giving good service to-day in the city of New York, bureaus which have improved in their service and are to-day given a cleaner bill of health than ever they had before in the history of the city of New York, that you consider those bureaus and leave to them the jurisdiction which properly belongs to them. If I may, without attempting to answer these questions, I would say that as to all matters structural, no matter of what kind, whether a proposed new building or an alteration or even a summary order, these should all be executed under the jurisdiction of the bureau of buildings. Here are the men who should see that an order is executed and that it be executed under the laws of its own department as well as under the laws of the specific department ordering the improvement. It is a very easy thing. Incidental thereto you should also in giving your orders—

Q. How about the tenement houses, would you do that also?
A. Absolutely. That is exactly the way it is done to-day. When the tenement house department to-day issues an order which is structural the building department becomes aware of such an order and it sees it executed.

Q. Anything further? A. Yes, just this one point, as to inspections. We do not feel that the inspections in New York City are wrong. We believe that specialists should make separate inspections, representing their departments, but we also are fully in accord with the suggestion that has been made here to-day, that if a certain alteration is advised as to a certain building — I say this advisedly — that the other departments who might have something to say about the same position, the same element in this same building, should become aware that such an order is about to be issued, and before the execution of the order is begun I think it is surely justifiable that the owner, or tenant or lessee — whoever is responsible — be privileged to know all about the requirements of each department, so as to execute it rightly once and for all. I have here different notices with me issued by different departments. I must beg not to have to show these because with the various interests we represent it is not

proper to expose everybody's private business, nor the method of handling the business of different owners. That is perhaps one of the great reasons people will not mention to you specific cases. I could, but I do not feel justified and do not think I would really fulfill the best wishes of the clients of the house I represent by doing so, furthermore, by pointing out these specific cases I might perchance arouse feeling in some departments that they had been ill treated or misrepresented; but I can point out and will point out that we have had cases previous to the enactment of this law where departments such as the Building Department ordered expensive alterations.

Q. That is not under the present law? A. No, but these alterations were executed and the owners instructed us to represent them to the best of our ability in executing them, we did so, yet new and contradictory orders are now issued by other departments.

Q. We have troubles enough with the present law without going back to some former law; if you will, give us the names of these cases? A. I have explained to you why I do not think it is advisable.

Q. You were talking about some case under the old law. If you want to give us the name, you do not need to give us the name of the party, give us the location of the building and if you do not want to state it publicly state it privately, but we cannot get anywhere by these general cases? A. I will do it in one case because we have been authorized by the owner. There is the name of the owner and there is the violation. (Witness indicates a paper he held in his hand.) In this instance the owner spent from two thousand dollars to three thousand dollars two years ago in order to make the repairs. He is now against a new sequence of requirements which do not in any way give credit for the requirements and the bettering of conditions that had been made.

Q. You have an order here requiring a change in some building and two years ago the owner made some changes of his own accord? A. No, other requirements by another department.

Q. Now these are additional requirements? A. They affect the same portions.

Q. But they are additional requirements? A. Naturally.

Q. Made two years after? A. Yes.

Q. Doesn't that happen whenever the law is changed? A. But what I want to do is to call attention—

Q. What do you suggest — would you say in that case that the law should contain a provision that this man should not be required to do it or what? A. No, but I should think that if there was now a board of appeals — a board such as for instance the Board of Examiners in its relation to the Bureau of Buildings where we could go and say: Gentlemen, we would ask, representing the owner, now once and for all that you inspect these premises; we are willing to make these changes, the owner is willing to spend some more money, will you kindly go and inspect these premises and tell us what to do and then give us notice that as long as the tenantry of this building stands as it is, it remains.

Q. Would that be feasible? A. I believe it would.

Q. Now take this case, I won't read any names, this requires (reading) "Change connecting stairs of all balconies of all fire escapes to a pitch not exceeding 60 degrees — you put up those fire escapes two years ago? A. No.

Q. Then these were not put on two years ago? A. One second, I am trying to answer you.

Q. What was the pitch of the fire escape stairs that you were required to change in this particular case? A. The fire escapes were ordered changed but in lieu thereof we were permitted to build a bridge connecting this building with another building, a much better method of escape, and no concession is made in this order.

Q. Then it is not necessary to have those fire escapes, you can take them down? A. Probably.

Q. I say you can take them down? A. I don't know.

Q. Don't you know? A. No, I think the fire department would be well justified in insisting upon having them there for their own facilities.

Q. You say under the new law you were permitted to make a connection with the adjoining building, weren't you? A. Not under the new law, that was done under the old law.

Q. That is a much better way of escape than an ordinary fire escape? A. And we erected it.

Q. Now you are not prepared to say whether or not if you did that you could take down this fire escape altogether? A. Not at this moment.

Q. I can tell you you can? A. The fire department may desire to get up that building and have something there to get up from the outside.

Q. They can't make you do that; they may desire it? (reading further) "Stairs from upper balcony of both fire escapes on rear of building to roof with proper balcony to roof level." That means you must connect the fire escape with the roof so that a man besides going down can go up? A. Yes.

Q. That is putting up one ladder? A. Yes.

Q. This bridge, was it from every story or only one story? A. On every story.

Q. Now that is something you had not done two years ago?

A. I beg your pardon, we did that bridge two years ago.

Q. Now that is required and that is additional? A. That is additional.

Q. "Provide fireproof windows at all openings on course of fire escapes?" A. That means something more, twenty windows on a floor.

Q. Does every window open onto a fire escape? A. Absolutely.

Q. How is that? A. Because there are so many fire escapes to this building.

Q. Why are there so many? A. Because I presume when the building was built originally it was desired to have all the egress that could be obtained at the time.

Q. Wherever you don't want to use it as a fire escape you don't have to put in fireproof windows? A. So I understand.

Q. So that it is only where a fire escape is required that you have to put the fireproof windows and in no other cases and the fire escape is not required at all. (reading further) "Provide fireproof windows within 8 feet in a horizontal line"—that is where you put your balconies across? A. We have them there; we knew enough at that time.

Q. (reading further) "Provide fireproof windows within ten feet of a vertical line of any part of fire escape balconies or stairs;" that is the same thing? A. Yes, sir.

Q. You had them there? A. Yes, sir.

Q. That is all there is about this order? A. That is the first sheet.

Q. (Reading further) Now "maintain a fireproof passage way 3 feet wide from the lowest balcony of both fire escapes on rear of building to street;" is that one of these cases where the fire escape comes down to a cul-de-sac? A. No.

Q. Is there any way of getting up? A. Absolutely there is.

Q. How do you get up? A. All of the fire escapes by means of stairs connect down stairs to the fire escapes of a number of adjoining buildings which have glass windows and which can be opened the same as the bridge windows.

Q. Then if that is the case this order is unnecessary, isn't it? A. I feel so.

Q. Didn't the department rule that way? A. I haven't as yet consulted them. I have asked for an interview to consult on this.

Q. The whole point is this, isn't it Mr. Laureyns, they don't want to let the people down from a fire escape into a yard from which they can not get out? A. Admitted.

Q. So they won't burn up like rats in a trap? A. Correct.

Q. Now if you have some way of getting out they will take it? A. I hope so.

Q. Is there any doubt about it? A. Not in my mind, except that this order reads otherwise.

Q. (Reading further) "Keep fireproof passageway adequately lighted."—if it is out in the open air it doesn't have to be lighted? A. The rest we don't mind.

Q. Everything else is all right? A. Yes, sir.

Mr. ELKUS: I want to say, Mr. Chairman, to those gentlemen who have not been reached, that we will hear them all at some other time and give them due notice if they will give us their names and addresses.

FREDERICK H. NORWOOD addressed the Commission :

By Mr. ELKUS :

Q. Will you give your full name and address? A. Frederick H. Norwood, 288 Decatur street, Brooklyn.

Q. Your business? A. Cotton goods manufacturer.

Q. Where is your place of business? A. Lafayette avenue and Van Buren street, Brooklyn.

Q. We will be very glad to hear what you have to say, Mr. Norwood? A. I think more competent inspectors in departments would do away with the number of inspections. All my trouble has come from an incompetent inspector. A woman came around and went through my factory. I got a communication from the Department of Labor calling for eight alterations. She came around and made another visit, then held up our help and interviewed them on the sidewalk and finally I complied with all that was asked of me. Then she went over the place with a man inspector and as a result of that I have just got notice for fourteen more alterations. I have them here. This is a specific case.

Q. Your point is if she had been competent she would have given you all the orders at once? A. Yes, one inspection would have done it.

Q. That is what I referred to this morning: you don't want any piece-meal orders? A. I want an inspector who knows the business.

Q. You know how inspectors are selected I suppose? A. I guess I do, I have a slight suspicion.

Q. How? A. I prefer not to state.

Q. Do you know the name of this woman? A. Yes.

Q. What is her name? A. Helen McCormick, I think.

Q. She is an inspector of what department, State Labor Department? A. State Labor Department.

Q. Do you know whether she is a civil service appointee? A. I don't know anything about her except I know she told me I had better go over and find out in regard to some things and I only know the result of her inspection.

Q. Then, as I understand you, Mr. Norwood, you very properly complained that these things were put into two or three orders instead of one? A. The woman came in with another inspector and we went over it and they discovered 14 other requirements.

Q. And she ought to have discovered them all at once? A. It ought to have been done all at once.

Q. And if you had been given the proper notice, you had no objection? A. I had no objection. I did not care who made the inspection. I was threatened with prosecution if I didn't do these things. No sooner had I done it then some law was signed which made it unnecessary to do it in buildings that were constructed a certain time ago.

Q. What is it a four or five story building? A. Four story building.

Q. That was because the Legislature exempted those buildings afterwards? A. I know. I suppose somebody made a loud shout.

Q. This Commission had it done? A. I don't know. I thought it was the other thing.

Q. I am very glad you have given us the name of this inspector. Of course we can only lay this matter before the head of the Labor Department. This is a matter of detail of enforcement of the law. Is there anything else you would like to say? A. No, I don't care anything about the inspections.

Q. I understand you do not; you want to have the thing done at once? A. Yes.

Mr. JOSEPH O. HAMMITT (Chief Fire Prevention Bureau)
addressed the Commission.

By Mr. ELKUS:

Q. You are the head of the Fire Prevention Bureau? A. Yes, sir.

Q. Would you like to testify today or come later? A. It would be more convenient for me to testify today and I might say this, Mr. Elkus, if I can have about five minutes just to put on your record a few suggestions that I think are constructive, it won't embarrass me in the least if the remainder of the Commission leave before I am through. That is, it is merely to get these few suggestions on the record in which I have an interest.

Q. You are at the head of the fire prevention bureau and have been since the first of the year? A. Since the end of January.

Q. Go right ahead? A. In the first place there is a certain amount of conflict of jurisdiction under the existing law. There

is such a thing in this city as a building which is both a mercantile building and a factory building under the definition of the Labor Law. In such a building by reason of the fact that it is a factory building jurisdiction over exit facilities is vested in the Labor Department, which is charged with the duty of enforcing certain requirements regarding exit facilities that the defined and are fixed by the Labor Law. Because this same building is a mercantile building the fire department of this city has jurisdiction over the exit facilities, and upon the fire department is imposed a duty to enforce requirements that are made by the regulations of the different departments for the adequacy and safety of these exits. By reason of this division of jurisdiction over the same thing there is at the present time a certain amount of conflict. This has been taken up in conference between representatives of the departments affected and I have made this suggestion which I believe would eliminate the difficulty in respect to some of the most important cases of conflict. Those are cases such as several that have been mentioned here today of orders of the Labor Department requiring changes in fire escapes. Those orders are issued by the Labor Department because of provisions of the Labor Law prescribing that windows opening on the fire escapes in factory buildings must be fire proof; that the stairways of the balconies must be built at least 60 degrees and that certain other requirement must be complied with. I believe it is possible to interpret that law that such changes should be made only in respect of fire escapes that are accepted and treated as required means of exit. Such is not the interpretation that at present is given to that provision by the State Labor Department and therefore I believe it is not probable that the State Labor Department under its present advice will waive the requirements for fireproofing the windows in any case except where the fire escapes are taken down.

Q. Won't they let you put bars up on the windows? A. The placing of bars on the windows, if they are made permanent, not easily removable, is virtually the same thing from the point of view of exit facilities as taking down the fire escapes.

Q. Except that the fire escape remains there then for the use of the fire department? A. Of the fire department in fighting fire. But I believe that if the law is not at the present time in

such shape that it can be interpreted as making unnecessary the enforcement of these requirements affecting fire escapes that are not treated as required means of exit then the law should be so changed as clearly to mean that. If that is done and done quickly it will permit us to eliminate one of the largest elements of such legitimate complaint as can be brought to this Commission.

Q. Now in connection with that isn't it possible to have that law construed as it was intended to be construed and the reasonable way to construe it? A. I understand that in compliance with a suggestion I made the Labor Commissioner is asking the Attorney-General for an opinion on that subject.

Q. I am frank to say that as we drafted that law, we construed it the way that you do, and that is the reasonable construction of it and it ought to be construed that way and that will do away with complaint, and you say the Attorney-General is now considering the matter? A. Yes. I understand the Labor Commissioner has or shortly will ask for an opinion on the subject from the Attorney-General.

Q. And until that is done are they holding up the whole subject matter, until that is decided? A. I understand not.

Q. They are filing complaints and not acting upon them? A. I do not know whether they are pressing those complaints.

Q. You do not know whether they are or not? A. I do not know whether they are or not. I think furthermore, that something can be accomplished through legislation in this way, to eliminate some of such conflict as exits, by giving through law, to some standard fixing board, authority to deal in a final and binding way with some matters in respect to which a different conclusion might be reached by different departments, because they look at the situation from different points of view.

Q. You mean where there is a difference of opinion? A. Yes, I mean, for example, in respect of such a question as vertical openings in the floors of a mercantile establishment. The Fire Department requires the protection of those openings by their enclosure in fire retarding material. The Health Department takes a sample of the air in the cellar of the department stores and as a result of an analysis of that sample they order additional ventilation. There is no conflict of orders but the Health Department

would accept the tearing down of that stairway enclosure as providing what it wants, namely, ventilation. It would not require it. There are rare cases of actual conflict of orders where it is caused by looking at the same thing from a different point of view. There ought to be, it seems to me, some standard fixing board, which would for example, provide a set of rules governing vertical openings in mercantile establishments and make those rules binding on both the Fire Department and Health Department. Then I would like to say something for this record to clear up the matter of multiplicity of inspections and piece-meal orders. The situation in the Fire Department and in the State Labor Department is much like this: a large number of complaints are received every week regarding conditions in buildings —

Q. That is complaints from citizens and other people? Is that right? A. That is true but it is also true that in the Fire Department and also in the Labor Department 80 per cent. of the complaints are not from citizens but from other city and State departments which have made inspections of buildings and have observed conditions and violations of law the enforcement of which is not under their jurisdiction. The method now used by the Labor Department (which is the method formerly used by the Fire Department is to inspect each of these buildings respecting which a complaint is made, and in the one inspection to attempt to cover every condition in that building required to be remedied. That results in a single inspector devoting perhaps an entire day to the examination of a building upon which a single complaint is received. It has resulted in the complaints in the Labor Department piling up by the hundreds — I don't know how many beyond those that can possibly be reached by the present inspection force. I found that condition in a very aggravated state in the Bureau of Fire Prevention when I took charge. There were orders being prepared at that time by the examiners on inspection reports that had been prepared seven months before, meaning that the examiners were months behind the inspection force. The clerical force that prepared the orders was perhaps six weeks behind the examiners. The complaints coming in week by week were accumulating at the rate of 100 or 200 a week more than those that were reached by the inspectors. There were pending unattended to 10,000 complaints that were on the records. I found tied up in

bundles and dumped in the cellar of the offices in Manhattan and Brooklyn some six thousand others, making a total of 16,000 complaints unattended to. Now, obviously, to make complete inspection of the buildings affected by those complaints would merely accumulate that work and the result would be that the department would not have taken advantage of information brought to its attention through complaints of fire hazards. The way we are treating those complaints is this: we have placed together all those affecting a single building. We have routed the buildings so as to reach the largest number in the shortest possible time and we are inspecting only on those complaints. That will make during the course of this year a series of piece-meal orders but it will not result in any conflicting orders and at the end of the year we will probably have cleared up that business. It will get us away very quickly from the method of inspecting different complaints which is an unfortunate method for the department to use the larger part of its force upon, because it means the man that has an enemy is apt to be discriminated against. Furthermore, we are obtaining now from the Labor Department, from which we receive the greatest number of these complaints, such additional information not formerly furnished as the name of the person responsible for the violation and his address, and the location of the violation on the premises inspected, and on that basis we are writing these people, instead of making an inspection, (which eliminates one of your duplicate inspections) calling their attention to the fact that the Labor Department has informed us of a violation existing on their premises and suggesting they would probably agree to remove that and not have the issuance of a formal order and that we will reinspect within ten days and see if it is complied with. On the first inspection we will make we will find 50 per cent. of these orders have been complied with and it is unnecessary to make further inspection.

Q. That is an example of co-operation? A. It is and the same thing can be done by the Labor Department on reports received from the fire department.

MR. ELKUS: That is all for today.

COMMISSIONER GOMPERS: Before this Commission closes today I want to indulge myself with an observation or two if I may be

permitted. I doubt that any one who has attended this hearing today but who must be affected by the valuable information elicited and I think I can say for my associates and for Counsel that there is no intention on our part to inflict the slightest injury upon the interests represented before this Commission, either today or at any other time. We have been exceedingly careful in trying to avoid inflicting unnecessary injury, but I think it is common observation to any student, at least, that there is no possibility of doing a great act to a large number of people without it must necessarily inflict some degree of loss upon some. That is the law of compensation in the world's development. The cause of the creation of this Commission, primary cause, was a great conflagration in which the lives of 140 humans were snuffed out. Perhaps no one incident in all our country made so deep an impression or aroused such consternation and indignation as did that conflagration, the killing of those workers, and the ascertained fact that it could have been prevented, the loss of life could have been prevented to a very large degree at least. The Commission was created for the purpose of ascertaining the facts, and making recommendations to the Legislature, by which the loss of life would be reduced, the possibility of such conflagrations, the possibility of injury might be lessened. In the course of such an investigation, in the course of the recommendations which we have made and adopted in large part by the Legislature some interests have been affected, but affected and hurt only temporarily. There can be no permanent injury to the rights of all the people or of a group of our people which has for its effect the safeguarding of the health and lives of the citizens of our community. During our investigations there have been witnesses come before us and we have gone into investigations both in this city and in the other cities of the State, and we have found conditions that simply would shock the conscience of men. We have gone into the factories and some of the large establishments up-State and saw human misery unparalleled, perhaps, in any part of the world. We have seen work carried on where prisoners would not be required to work under such inhuman conditions. In our tenement houses, in the canneries, we have seen little children, four, five, six years of age, working long hours; in the tenement houses making the flowers that garland the dresses

of milady. We have seen children taking the stitches out of garments, working on the garments that were on sale in some of our prominent stores. We have seen children who have been picking nuts for the confections which adorn the tables of our so called best people. We have seen workers in sweat shops and all these things going on in spite of the law, in spite of the aroused consciousness of the people of the State. We can't help that some interests may be injured temporarily, but I think that this Commission and these able assistants are actuated by the desire of doing right, of interpreting the social conscience of our time, and to hold that, while we have no intention and it is not our purpose to attack property and property rights we still have a high conception of human rights, and we believe that the legislation which we have accomplished, the legislation which we have assisted in having enacted by the Legislature of the State will tend to our industrial and commercial prosperity and to make a better concept of the value of life. We shall hope to accomplish more, and with the least possible injury to anyone, but we are going to try and make this Empire State a community of people for which we shall have no cause to blush when challenged by the judgment of the world now or for the future. I am proud in having been able to contribute in ever so slight a measure to the work of the Commission. I am proud to be associated with the Commission and these excellent, able, unselfish, earnest and faithful counsel.

Mr. ELKUS: The next hearing will be duly announced.

**HEARING OF THE NEW YORK STATE FACTORY
INVESTIGATING COMMISSION, HELD IN
ROOM OF TRIAL TERM, PART XVII, OF
THE SUPREME COURT, COUNTY
COURT HOUSE, NEW YORK
CITY, MONDAY, NOVEM-
BER 23d, AT 10.30 A. M.**

Present — HON. ROBERT F. WAGNER, *Chairman*.
HON. ALFRED E. SMITH, *Vice-Chairman*.
HON. EDWARD D. JACKSON.
MISS MARY E. DREIER.
HON. LAURENCE M. D. MCGUIRE.

Appearances — HON. ABRAM I. ELKUS, *Chief Counsel*.
BERNARD L. SHIENTAG, *Assistant Counsel*.

Mr. ELKUS: Mr. Chairman, and members of the Commission, today's session is for the purpose of hearing discussion upon a method of avoiding multiplicity of inspection of buildings and manufactories.

The Factory Investigating Commission has adopted no plan of its own. A tentative suggestion has been made, which, for the purpose of discussing and to bring forth the fullest argument upon the subject, has been placed in bill form, so that those who desire to discuss the matter could do so with a concrete basis for discussion. It is to be hoped that the owners, manufacturers and employers of labor, as well as the officials of the city and State, will come forward with full suggestions, which the Commission may then discuss with them, so that in the end a plan which will, if possible, be agreeable to all concerned, may be adopted and recommended to the Legislature by the Commission.

It cannot be made too clear that the Commission has adopted no plan in the matter. The hearing is solely for the purpose of hearing discussion upon any plan which may be presented.

In the proposed tentative plan, Mr. Chairman, the Tenement House Department was included. There has been a good deal of discussion whether that department should not be excluded, even in a preliminary discussion, from the operation of the plan. It has been pointed out that the Tenement House Department exercises a unique function in the city, being charged with the responsibility of looking after the living conditions of the people who dwell in the tenements. There has been found to be very little multiplication of inspection in which the Tenement House Department is involved and what little there is may be readily remedied.

The Tenement House Department in a sense is a welfare department as distinguished from a department dealing with the construction and alteration of buildings. There undoubtedly is some question as to whether the new department of buildings should not exercise complete jurisdiction over the construction of tenement houses and whether it would not be advisable to eliminate the present duplication with reference to the filing of plans for tenement houses now in the Building and Tenement House Departments.

This is the general attitude of the Commission, as I understand, based on a preliminary investigation of the subject. We are, however, open to suggestions from all those interested.

I might say to the Commission, and to those assembled more than to the Commission, that a great number have signified their desire to be heard today, and every one will be heard if it is possible. We will ask them, therefore, Mr. Chairman, if they will be as brief as possible, and any one who wants to ask questions of any witness may, of course, do so, within proper bounds. The first witness we shall call will be Mr. Rudolph Miller, of the Borough President's office, Commissioner of Buildings, and an expert on this whole subject.

HON. RUDOLPH P. MILLER, addressed the Commission:

Mr. ELKUS: Mr. Miller, just one preliminary question, you have made a very careful study of the whole matter which we have under discussion?

Mr. MILLER: Well, I have given it a good deal of thought, yes.

Mr. ELKUS: Will you go right ahead Mr. Miller, and give your views to the Commission upon the whole matter.

Mr. MILLER: I do not know that there is much I can add to what I have already stated on previous occasions. I believe there would be a very decided gain in efficiency and economy if the several departments and bureaus of the city now having jurisdiction of buildings could be combined into one. I think the main advantage to be gained by such a consolidation would be the enforced cooperation that would result. At the present time with five bureaus of buildings reporting to five different borough presidents, each selected by his constituents in the borough, none of them in any way responsible to the other, the Tenement House Department and Fire Department responsible to the Mayor, who is also independently elected, and the Labor Department responsible to the Governor, another elective official, the cooperation that is needed is very difficult to get if not almost impossible under certain conditions. That I feel is the main argument for such a consolidation.

In glancing over the proposed draft I have noticed that it is intended to make as a part of this consolidated department a board of standards and appeals taking the place practically of the present Board of Examiners. Such a board of standards I believe is a desirable thing. I think, however, it should not be a board of appeal in the sense in which we understand that term now and its present application. There is not a case that is being carried to the Board of Examiners that could not serve as a basis for the establishment of a general rule or principle. I feel that the appeal should not be sought on the individual case but rather on a general interpretation. There is no reason why an applicant could not make an appeal in a particular instance, but the Board should establish a rule with regard to it and not pass on it as an individual case. In the constitution of the Board it is provided that the new building commissioner shall be the chairman of the Board; and the Fire Commissioner is to be a member of the Board. I would suggest that both those officers be empowered to delegate that duty to subordinates, let us say the deputy commissioner, so that one of the deputy commissioners of the Building Department would be the chairman of the Board and in view of the fact that certain jurisdiction of the Labor Department is to be taken away

from them, so far as the city is concerned, it seems to me that the Labor Department might well have a representative on that Board of Appeals.

Mr. ELKUS: Mr. Miller, I understand that you have already in previous hearings before the Commission, expressed yourself in accord with the proposed tentative plan?

Mr. MILLER: Yes.

Mr. ELKUS: And you have examined this first draft of a proposed law, you have made your suggestions in reference to them?

Mr. MILLER: Yes.

Mr. ELKUS: Does the Chairman wish to ask Mr. Miller any questions?

The CHAIRMAN: Is there any one who desires to ask Mr. Miller any questions?

Commissioner DREIER: Would you exclude the Tenement House Department from this combination?

Mr. MILLER: In my judgment it should not be excluded. That of course is a question that is open, perhaps, to some debate, as the Tenement House Department has a double duty, that of welfare work as well as supervising construction to some extent. I think at least that part of the Tenement House Department work which has to do with buildings, especially new buildings and alterations, should be delegated to the Department of Buildings. The other work might well be done by a department which has general welfare under consideration. If there is to be any separation of work of that kind then I would say that the proposed new building department should at least have jurisdiction over everything relating to new buildings or alteration of existing buildings, that is, over the construction, the equipment, and arrangement of new buildings, and buildings as they have been altered, leaving the maintenance of conditions possibly to other departments; but I personally believe it would be desirable to combine all of that work under one department.

By Mr. CHARLES POPE CALDWELL:

Q. Mr. Miller, you are now in the city employ are you not?

A. Yes.

Q. Your position is what? A. I am engineer for the Board of Aldermen.

Q. You were at one time a building superintendent in the Borough of the Bronx? A. In Manhattan.

Q. Your idea here is based upon the facts that you found in your work as Building Superintendent of Manhattan that there was some trouble that you could not attend to or you could not give the people relief if they wanted? A. No.

Q. You found, did you not, while you were building superintendent, that you could meet the needs of the people of Manhattan, couldn't you? A. So far as my jurisdiction was concerned I met the needs of the people.

Q. So that if you had as good a building superintendent as you were in every one of the boroughs in the city of New York you would have a very successful building department, wouldn't you? A. I won't express any opinion on that.

Q. I will take your opinion? A. I won't express any opinion on that.

(Question withdrawn.)

Q. Now do you know how long it takes under the present method in the Borough of Queens for a man who has some objection to his plans to have it corrected? A. I don't know.

Q. Have you made any inquiry to find out that it has been done within twenty-four hours and has been done in that way for more than a year or two years? A. I don't know.

Q. How long does it take in Manhattan for relief to be granted to people of that kind, do you know? A. That depends upon the application, and the interest that the applicant himself displays in the papers before the Bureau.

Q. How long as a general thing? A. Take anywhere from a day to two weeks.

Q. Now under your centralized plan how many people would be passing upon these questions that are ordinarily now passed upon by the building superintendent in each borough? A. The same people would be passing upon them.

Q. You mean there would be a man in each bureau, the only difference then would be that the appointment would be by the Mayor, rather than by the Borough President? A. I think that is the only difference so far as the present Bureau of Buildings is concerned. However, the plan, the details of organization, are not in here, except that in each borough there is to be a deputy, a chief inspector as they call him here.

Q. Will the chief inspector have the power to grant those reliefs that are now granted by the Building Department? A. I should say that he should. It is not clear as far as I can see from this draft that he will have that power, but in my judgment each superintendent of buildings, I would call him, in the boroughs, would have the jurisdiction of his own bureau, and the appeal would be taken to commissioner only where it was found that possibly things are done differently in different boroughs and to the disadvantage of the people. I believe the laws can very well be administered in Queens differently than they can be in Manhattan and without any injustice to anybody.

Q. Now, Mr. Miller, isn't it a fact that the building superintendent comes closer in touch with the developers of the county than any other public official, I mean the men who are building the county or borough, as the case may be, the building superintendent is closer in contact with them than anybody else? A. I should say he is.

Q. Every man who is pouring out his thousands and thousands of dollars to make this the greatest city in the world comes in contact with that man? A. More or less.

Q. And each borough has its own problem to solve in the matter of its development? A. Yes, in the matter of development, but that is none of the superintendent of buildings' business. He is simply to enforce laws that are written on the statute books. He has some definite thing to do. The superintendent is merely a police officer to see that the public is safeguarded against the results of violations of the building laws.

Q. Isn't he there also to help the builder with suggestions which comes from the wisdom of his experience? A. No, sir, he is not there for that purpose.

Q. Don't you think that he should do it? A. As a matter of expediency he might do it, but that is not his function.

Q. Where a building superintendent works in co-operation with the men who are developing the county there is a greater likelihood of more business confidence and there will be a better result between them, isn't that true? A. I am not prepared to say that it is. It seems to me that it isn't a matter that has anything to do with this question.

Q. What I am getting at is this, Mr. Miller: I wanted to bring out here that a building superintendent who works in conjunction with the people who are developing his community is a better building superintendent than a building superintendent who hasn't the welfare of that particular community at heart, for the reason that the co-operation between the building superintendent and the builder tends to an increase of the business enterprise of the community. Now if that is the case — I want to state the idea that I have in mind so that you can follow me — if that is the case isn't it better that the man who is to cooperate with the builders of the community should be appointed by the man who was closer to that community than the Mayor? A. Well, that is a matter of judgment.

Mr. ELKUS: Mr. Caldwell, whom do you represent?

Mr. CALDWELL: I represent the Forest Hills Taxpayers' Association.

Q. Now the prime requisities of a building superintendent or inspector, as this bill would provide, is that he should be honest and competent, isn't it? A. That is a prime requisite for any official.

Q. Now do you think the Mayor is any better able to pick a local man for the different boroughs, for honesty and competency, than the various borough presidents who have been elected by those localities? A. That depends on who is the Mayor and who are the borough presidents.

Q. You think in this particular instance, for instance, that Mayor Mitchell could pick better men than Borough President Marks? A. I object to personalities.

The CHAIRMAN: Don't let us waste time on that.

Q. Don't you think the people would have a better opportunity to bring results to bear upon a person who is closer to them than the Mayor? A. I don't think so.

Mr. ELKUS: Mr. Caldwell you say you represent the Forest Hills Taxpayers Association?

Mr. CALDWELL: Yes, sir. It is a taxpayers' association composed of all of the taxpayers of Forest Hills. We are one of the fastest developers in Long Island. Within a period of five years we have built three million dollars worth of houses.

The CHAIRMAN: I want to say to other gentlemen who will be called here to discuss this question that they need not submit to the questioning on the other side unless they choose to. That is to all the witnesses on the stand. You are not to be subjected to cross examination unless you desire.

Mr. HENRY BRUÈRE, addressed the Commission.

Mr. ELKUS: Mr. Bruère, you have corresponded with me and with others, and we have had a good deal of talk about these proposed suggestions, and I know you have given the matter considerable study and we would be very glad to have your views.

Mr. BRUÈRE: I think the question is a very simple one, Mr. Elkus, at this particular time. I think that either you have to consolidate the various building and inspection functions under the borough presidents, or you have to put them under a general department responsible to the Mayor if you desire to obtain uniformity in the treatment of buildings and concentration of authority with respect to building matters. I believe your bill goes a little further than it is necessary to go in order to obtain the results aimed at, namely, the removal of the opportunity for duplication and conflict. A conference was called by the Mayor last week of the heads of various departments under his jurisdiction which have some relation to buildings to consider your proposed measure and to offer suggestions with reference to it. They were asked by him to prepare, on the basis of that conference, a definite recommendation for you and that is now in

progress. Mr. Hammitt is preparing the original draft and we had hoped to present it to you at this hearing or at such hearing as you might afford us on this question. We agreed, generally, at this conference, Mr. Adamson, Mr. Hammitt and several other members of the Mayor's departments being present, that the function of building supervision, and building inspection should be established in a central department of buildings. Again this, of course, we recognized there is a very marked, and in a measure reasonable opposition on the part of the borough presidents and borough authorities, who believe this to be purely a local function. We feel that the experiment in 1898 which has been pointed to as disastrous is not a fair experiment because the work assigned was new and because there had not been worked out adequate methods for supervision and administration. The whole government at that period we regarded as pretty much of a failure I believe. We believe that there should be taken from the Fire Prevention Bureau of the Fire Department jurisdiction over the physical alteration of buildings, except to reserve to the Fire Department power to point out the needs for such alterations in so far as they relate to fire prevention conditions or egress in case of fire. We believe there should be preserved to the Fire Prevention Bureau power to supervise the maintenance condition of buildings, so as to prevent fire risks. We believe that structural alterations now laid down by the Health Department should be relegated to a central department of buildings. We believe the inspection of lighting installation should be taken from the Water Department and given to a Central Department of Buildings. We believe that the regulation of new building construction and the alteration of buildings now vested in the Tenement House Department should be relegated to a central department of buildings. In place of its present activity the department should be explicitly charged with maintaining standard conditions in tenement houses as places of residence, and which can not be well relegated to a central department chiefly interested in the construction of buildings.

Now this suggestion does not go as far as your suggestion does. We think your plan to have a board of standards admirable, and we think that Mr. Miller's suggestion for the working out of that

board is a wise one. We can not see, however, how you are going to have harmonious supervision and a definite plan unless you have some such power as we have suggested, namely, some central authority responsible for the enforcement of standards of supervision. Now, I think as a compromise measure, if a compromise becomes necessary, the city should be given pretty broad home rule powers in regard to this matter. If I were to speak my own mind only I should say that the process of centralization should be very gradual. We can not afford to take away emphasis on the work of fire prevention. We can not afford to take away the protection thrown around living conditions in tenements. We haven't gone far enough in establishing suitable conditions in this city in respect of these matters. We can not afford to bring about disorganization by attempting to organize too large and too complex a department suddenly, but I believe you can skeletonize and establish a central department which shall be regulated by the Board of Standards and to which an appeal may be made, as Mr. Miller points out, both with regard to general questions and in particular cases. Perhaps that is wise. I am not competent to say. Now against that suggestion you have the argument that building control should be local. The argument indicated by the gentlemen who cross-examined the last witness, the question of competency of appointees does not seem relevant. If I understand the temper of the people of this city regarding city government with a central department of buildings you are going to have the kind of supervision and administration to which you may safely entrust these delicate and important matters which effect the lives and health of the people. I believe that if you establish a department of buildings with a board of standards to prescribe its rules there will be recognition of the different requirements for the different sections of the city, and there will be attention to questions of local convenience. In short you will certainly not have any decrease in the present efficiency of service and you will make a distinct gain by obtaining uniformity of regulation and concentrated instead of scattered authority.

Mr. ELKUS: And if there were a lot of work to be done in one department and not much in another it would permit of transfer?

Mr. BRUÈRE: Unquestionably. I think the powers now vested in the Labor Department in regard to building construction should be relegated to the building department.

Mr. ELKUS: Your plan as I understand it is to skeletonize this new department; turn over to it all the new work that is to be done?

The CHAIRMAN: New and alterations.

Mr. BRUÈRE: New and alterations, yes, sir.

Mr. ELKUS: Now take this case — then afterwards if this department was found to be a success turn over everything practically to it.

Mr. BRUÈRE: Yes, that might take some years.

Mr. ELKUS: In other words do the thing gradually.

Mr. BRUÈRE: Yes. The chief thing it seems to me is to establish by law a board of standards and some means of regulating the interpretation of the law.

The CHAIRMAN: You mean this gradual regulation to be by the Legislature?

Mr. BRUÈRE: Empower the local authorities to transfer existing bureaus to this department.

Mr. ELKUS: Put the bill substantially in its present form but authorize the local authorities, the same as in the Home Rule Law, to put the different departments in as they see fit, as times and conditions warrant.

Mr. BRUÈRE: Yes, sir; but to make mandatory the Board of Standards.

Mr. ELKUS: As I understood your plan, suppose this occurred now, that the Tenement House Department ordered an alteration in the building and also the Bureau of Fire Prevention ordered an alteration in that same building — that might happen under your view of it?

Mr. BRUÈRE: We had in mind as we discussed it that the orders as they were prepared by the inspectors of these departments

would be referred to the Department of Buildings and put into effect, the execution of the work to be done in one place.

Mr. ELKUS: Where even an alteration was involved — the same as in a new building?

Mr. BRUÈRE: Yes.

Examined by Mr. CALDWELL:

Mr. BRUÈRE: I am not inviting questions but I would be very pleased to try and answer the gentleman's questions.

The CHAIRMAN: It is optional with you.

Q. Do you happen to know how many departments are now under the Mayor, the heads of which are appointed? A. Yes, twenty-six.

Q. And do you happen to know how many employees those twenty-six departments have? A. Approximately 30,000.

Q. Now then under the various borough presidents there are five or six bureaus as a usual thing? A. Not always.

Q. As a usual thing I say; how many do they appoint in Manhattan? A. Manhattan has public works, you might say five or six. They are not always separated into bureaus.

Q. Generally speaking they are either bureaus or departments? A. Yes.

Q. How many employees are in those, do you know? A. A very considerable number.

Q. This would tend to add to the mayor's branch of the government about how many employees and take them away from the borough presidents? A. I don't know how many there are in the Bureau of Buildings, perhaps five hundred or six hundred.

Q. In each bureau? A. No, altogether, but I am not certain of that.

Q. At any rate it would take away from the small number that are now under the various borough presidents and added to the large number now under the mayor? A. You would make various adjustments, taking away from the fire and taking away from the tenement —

Q. But it would add it to the mayor's duties rather than the borough presidents to put it under his supervision rather than

leave them under the supervision of the borough presidents? A. Put it under the supervision of the head of the city government.

Q. This plan you have does not contemplate saving money? A. It will.

Q. It will, but it has not been figured out to save money? A. You never can figure that out in advance.

By Mr. OLVANY (Representing the Real Estate Board of New York):

Q. Do you favor taking away the present jurisdiction of the present State Department of Labor over construction and alteration of buildings and giving it to the new department? A. I should think there would be one department dealing with buildings, and Mr. Adamson made a suggestion which it seems to me is a very excellent one, that on the Board of Standard's representation, the Labor Department be provided for.

The CHAIRMAN: Mr. Miller made that suggestion.

Q. And jurisdiction over new buildings be given to this new department? A. Yes.

Examined by Mr. JOHN A. LEACH (Representing the Forest Park Taxpayers Association):

Q. Mr. Bruère, the Tenement House Commission is centralized now, isn't it? A. Yes.

Q. Also the Fire Prevention Bureau? A. Yes.

Q. Do you know any good reason for their existence, especially when the work is also covered by the building superintendents in the various boroughs? A. I know a great many reasons for their existence.

Q. You do? A. Yes.

Q. The Building Department as organized now in the various boroughs in fact duplicates that work now, do they not? A. No.

Q. It is not duplicated? A. No.

Q. I understand that it is? A. You are misinformed.

Q. I took great pains to try and be informed correctly so I do not think I am misinformed. We claim that the Building Department as organized now could for twelve thousand dollars take very good care of the work now done by the Tenement House Depart-

ment and Fire Prevention Department? A. You mean they could do it?

Q. Yes. We are in favor of consolidation, but consolidation under the borough authorities. We want to leave them as they are. We do not want them centralized. We believe that a building superintendent at three thousand dollars is better than have a deputy there at ten thousand dollars?

Mr. ELKUS: Isn't it now under the Borough President?

Mr. LEACH: Yes, but we do not want it centralized under a deputy.

Mr. ELKUS: What I understood Mr. Bruère to ask you was whether you were in favor of this plan provided the power was lodged in the superintendent in each case?

Mr. LEACH: No, we want it to remain just as it is. We want it lodged in a building superintendent and a building superintendent appointed by the president of each borough. We have had too much centralization.

Mr. ELKUS: As I understand your questions, you want the Tenement House Department in each borough, the Bureau of Fire Prevention in each borough, transferred to the Building Department in each borough?

Mr. LEACH: Exactly and save a whole lot of money.

Mr. ELKUS: That is just what Mr. Bruère asked you?

Mr. BRUÈRE: The alternative as I said in the beginning was to put them under the Borough President?

Mr. LEACH: I am not in favor of having them put under the Borough President, because they are useless.

The CHAIRMAN: Your idea is to abolish city government and put them under the Borough President?

Mr. LEACH: Not exactly, but some of the city government is useless.

Hon. GEORGE McANENY, addressed the Commission:

Mr. ELKUS: Mr. President, we would be very glad to hear your views upon this whole matter. I know you have studied it very carefully.

Mr. McANENY: I formed my first impressions of this some years ago, while serving as a member of the commission appointed by Governor Hughes to revise the city charter. The solution offered by that commission was the consolidation of the building bureaus of the borough in a single department of buildings. I am strongly of the opinion to-day that such consolidation should go further; that it should incorporate the Tenement House Department, the Bureau of Fire Prevention and those detached sections of departments that are enumerated in your bill. My only doubt is as to the proper time when this should be done. As you know, the city has appointed a new charter revision commission of which I happen to be serving as chairman. That commission will associate with itself a certain number of lay members, unofficial members at least, and we plan to send a charter to Albany in 1916. In the meanwhile we shall have the year of the constitutional convention, and the charter work running parallel with that of the convention will enable us to go to Albany with a document that embodies any changes in the city system that the Convention may have established. For that reason I have doubted the wisdom of pressing these radical changes at the present session of the Legislature,— the coming session. I have considered as a possible alternative, if immediate release from some of these conditions of over-inspection is desired, uniting these functions under the boroughs and leaving for the later debate the question of city wide centralization. That in general is my view. Broadly speaking, I am heartily in favor of the plan of centralization that you propose.

The CHAIRMAN: Does any one want to ask any questions?

Mr. McANENY: I was about to add that my judgment in this matter is based not merely on that of a student, in the charter commission, but upon my four years' experience as President of the borough of Manhattan. There is no doubt whatever that the city service suffers waste and more or less of complication because of

the existence of these separate bureaus. I was very much opposed to the legislation which took away from the bureaus of buildings the inspection that is now concentrated in the Bureau of Fire Prevention. The talk of creating some centralized bureau of inspection upon which each of the separate department might make their draft, on the other hand, I think would be absolutely impossible of realization. The inspectors must serve the authority they represent and be part of it. A separate bureau that merely furnishes inspectors on detail for the fire department or for the building department or for the tenement house department, in my judgment, would be very inadequate and insufficient and I therefore prefer your remedy.

Mr. LEACH: If the Fire Prevention Bureau and the Tenement House Department are abolished and the work done under the superintendent of buildings in the different boroughs could not a million dollars per annum be saved?

Mr. McANENY: I am not prepared to say how much could be saved nor do I believe if you speak of functions, that these departments should be abolished. Of course they have functions separate from the superintendent of buildings. But the amalgamation of the three under one head would accomplish the same purpose, it would save a great deal of money.

Mr. LEACH: I went over the figures and I figured a million dollars that could be saved if the building department were to carry on the work of the other departments.

Mr. McANENY: I imagine it would be difficult to arrive at any figures until we got to work on the plan.

Mr. LEACH: With your four years of experience as Borough President, would you say it could be done by the Building Department, that is now being done by the Bureau of Fire Prevention and the Tenement House Department?

Mr. McANENY: Under the sort of Building Department suggested here; yes.

Mr. LEACH: And it would not require a great deal of extra expense, would it?

Mr. McANENY: I think not.

Mr. LEACH: It would save about a million dollars?

Mr. McANENY: Again I am not prepared to subscribe to fixed figures.

By Mr. ELKUS:

Q. Mr. McAneny, to carry out the gentlemen's suggestions further, if all the building departments could be consolidated under one department, the amount saved would be still greater? A. I doubt if the separate departments could get along with very much less force than they have to-day, even if you consolidated them into one department. But I have always believed in the leveling of standards between the boroughs and putting a little more force behind the principles that should govern through them all.

Q. Which would come from a centralized department? A. Yes.

Q. Of course, also, Mr. President, a centralized department would permit of the transfer of employees from one borough to another, which could not be done now? A. Oh yes, they can be transferred now.

Q. From the Department of Buildings in Manhattan to the one in Queens? A. They can, as between departments, with the approval of the Civil Service Commission.

Q. I mean for temporary purposes due to an extra rush of work? A. That would be possible to a larger degree than at present.

By Mr. LEACH:

Q. It would not be necessary to transfer them if the two departments were abolished, would it? A. When you talk about abolishing something I am talking about amalgamating. Necessarily the employees of the present Tenement Department and Bureau of Fire Prevention would go to the new bureau and be part of its composite force.

Q. Whether there was any necessity for work for them or not? A. I should judge there would be considerable necessity.

Q. My experience has been if there is no work for them and if departments are abolished they must go on a preferred list? A. If the functions were also abolished it would be merely a transfer of functions to a centralized authority.

Examined by Mr. BIRCH HELMS (of the Advisory Council of Real Estate Interests) :

Q. Wouldn't it be more possible to work out this plan of consolidation through borough departments to-day? A. I think that that is so if intended for immediate operation — it could be done more easily upon the borough basis to-day than upon the city wide basis.

Q. That is, this general principle of consolidation could be worked out through borough departments and it would be more feasible to-day than through city departments? A. That is my judgment if it is done at once. I think the ultimate basis should be the centralized city department.

By Mr. ELKUS:

Q. That is, your idea is, that legislation should now be enacted transferring the functions of all of these departments into one great department of the city, authorizing the local officials, however, to consolidate the departments as and when they see fit? A. If that authority were given, leaving it to the city authorities, I should think it would be a step forward. The mandatory form I should hope will be held until we get our new charter.

Q. Your idea is, until the new charter comes in you would let it go to the different boroughs, let all this authority go to the different boroughs? A. I think that would be a distinct step forward.

Q. In the new charter you would be in favor of creating a new department? A. That is my view, subject to the debate of the coming year.

Q. So that you want to postpone consolidation for a year? A. Yes; let it stand absolutely for a year, or put it on the borough basis until we are ready to go ahead with the other.

Mr. ROBERT E. SIMON addressed the Commission :

Mr. ELKUS: Mr. Simon, whom do you represent?

Mr. SIMON: I represent a committee of delegates from the following organizations:

MANHATTAN

Advisory Council of Real Estate Interests.
Building Managers' Association.
Citizens' Union.
Fifth Avenue Association.
Harlem Property Owners' Association.
Merchants' Association.
Real Estate Board of New York.
Twenty-third Street Improvement Association.
United Real Estate Owners' Association.
Washington Heights Taxpayers' Association.

QUEENS

Astoria Taxpayers and Business Men's Association.
Flushing Business Men's Association.
Queensboro Chamber of Commerce.

BROOKLYN

Brooklyn Board of Real Estate Brokers.

BRONX

Bronx Chamber of Commerce.
North Side Board of Trade.

RICHMOND

Staten Island Civic League.

A meeting was called at the rooms of the Real Estate Board on November 19th at which were present three delegates from each of these organizations and the following resolution was passed at this meeting:

Resolved; That we favor the consolidation of all Departments and Bureaus now having jurisdiction over the construction, alteration, structural changes in and maintenance of buildings in New York City."

The organizations whose names I read voted in favor of it. The Citizens Union, the Harlem Property Owners Association

and the Washington Heights Taxpayers Association were not in a position to commit themselves but were generally in favor. The Committee asked me to appear here to-day and request that they be given an opportunity to be heard. They have not had an opportunity to study the tentative bill and the real estate interests would like to put up a solid front. They would like to agree upon a definite plan to conserve their interests best and then state what that plan is.

Mr. ELKUS: As I understand your resolution is in favor of the principle and you want an opportunity to work out the details?

Mr. SIMON: Yes, sir.

The CHAIRMAN: How soon will these views be presented to us?

Mr. SIMON: I imagine the latter part of this month.

The CHAIRMAN: Will you present those in writing, Mr. Simon?

Mr. SIMON: The brief can be prepared.

Mr. ELKUS: And have them by the first of December, if possible, or if not by the tenth of December; will that be time enough for you?

Mr. SIMON: I think about the tenth of December will be sufficient?

By Mr. LEACH:

Q. May I ask what your business is? A. Real estate.

Q. And did I understand you correctly when you said that some of these organizations asked you to appear regarding this resolution that was adopted and did not know the contents of the bill? A. No, that is not correct. A meeting was called at the Real Estate Board and the three delegates from each of these organizations were present. The tentative bill of this commission was before the meeting and the purposes of the bill was read. The purpose of the bill apparently appealed to the members of this general committee.

Q. Just apparently appealed to them? A. Did appeal.

The CHAIRMAN: The Commission understands you. I do not think you should be submitted to this sort of cross examination. As I understand it this committee agreed upon the general principle involved in the proposed plan but as to the details they had not studied them and desired to present their views later.

Mr. SIMON: Yes, sir.

Mr. LEACH: May I ask if the Citizens' Union you read is the former political organization?

Mr. SIMON: I don't know. They call themselves the Citizens' Union.

Mr. YOKER (representing the Citizens' Union): I want to make it perfectly clear that we attended this conference but we were not at that time prepared to take any attitude with respect to the subject whatever, nor are we at this time. We hope we can have a further hearing before your Commission. We want to give further study to the subject and will be prepared later.

HON. ROBERT ADAMSON addressed the Commission:

By Mr. ELKUS:

Q. You are the Commissioner of the Fire Department and you have appeared before the Commission with reference to the subject matter under discussion? A. Yes, sir.

Q. We will be very glad to hear from you upon the matter? I know you have studied it and considered it pretty carefully. A. My feeling is that the tentative bill prepared here is aimed in the right direction to accomplish something which needs to be done, but it seems to me that it tries to accomplish too much at one stroke. There are undoubtedly too many jurisdictions now dealing with the subject of inspection of buildings. We have five superintendents of buildings in the boroughs and the State Labor Department and we have four city departments dealing with it, and of course that has created a great deal of confusion and created a deal of justifiable complaint, but so far as the bill goes in proposing to consolidate the Tenement House Department and the Fire Prevention Bureau at this time it seems to me it would be in the nature of a reaction instead of progress to do it. That, per-

haps, can come in time, probably in seven or eight years, but I do not believe that time has been reached yet.

Those two departments were created in response to a sentiment in the city that conditions existed which needed special attention and they have been giving special attention to the subject and I believe we can continue to do that without creating any conflict of jurisdiction or any confusion of administration at all. As Mr. Bruère stated there has been a conference called by the Mayor and I think he outlined pretty fully the plan that was there agreed upon. Of course, there are a good many details about it that were not worked out. It seemed to us that it would be in the line of simplification and would make it very much better from the standpoint of the property owner, and building owner, if the jurisdiction over this question were reduced. In other words, if there was a central building department for the entire city; if the jurisdiction now exercised by the State Labor Department were distributed into the logical departments where it belongs, and if the police jurisdiction now over boiler inspections and the Department of Water Supply inspection, the jurisdiction over wiring, installations, if those should go to the proper jurisdiction, either to the building or fire prevention bureau; that the central building department should have jurisdiction over plans for construction work and that the fire prevention bureau should look after the work of maintenance and proper conditions in buildings so as to minimize the chances of fires occurring, to save lives in case fires did occur.

Q. In case the maintenance which you speak of involves an alteration which department would have jurisdiction over that?

A. Involved in any alteration of what?

Q. Of a building? A. If it was an alteration which required a plan and the approval of a plan the fire prevention bureau should issue the order and a copy be sent to the Building Department. The Fire Department should do that, in my opinion, because it has the point of view of fire prevention, and conditions in this city still require a great deal to be done before that transfer can be made, in my opinion.

Q. Do you take the same view as Mr. Brenère, that the building department for the entire city should be as it was sketched

out by legislation with authority to take in and have this Board of Appeals and have the building construction put in there, the construction of new buildings and then with power to the city authorities to include all the other work as they from time to time see fit? A. Yes, I think there could be a gradual transfer.

Q. In other words, to authorize it, but to put off the time when it should be transferred so that it can be done gradually? A. Yes, sir, and I believe the agency for that would be this Board of Standards and Appeals. They could certify when the transfer should be made.

Examined by ALFRED E. OMMEN (representing the Typothetae):

Q. Do I understand you correctly when you state you favor the taking away of the powers of the Labor Department and distributing them among the other departments of the city of New York? A. The local departments.

Q. How would that reduce any of the troubles of inspection? A. It would certainly consolidate the inspections under one head.

Q. I thought you meant that everything should be in *statu quo* and that these various departments should exercise the jurisdiction they now have and that simply the Labor Department jurisdiction should be distributed among the various departments? A. I should say the Labor Department jurisdiction as to construction should go to the Building Department; as to fire it should go to the Fire Department. That is what I mean by distribution.

Q. If only from the Labor Department, isn't the centralization in the Labor Department better now than it would be in again distributing it to all of these various departments? A. Not in my opinion. I think the complaint that has arisen has come from this division of jurisdiction between a State Department and local jurisdiction.

Q. But you heard some gentlemen here this morning stating that their opinion is that the boroughs should exercise the jurisdiction; we have one State Labor Department that exercises one centralized jurisdiction with one inspection insofar as labor conditions are concerned; if the plans of these gentlemen were approved would you favor that the Labor Department jurisdiction should be put into the hands of each borough president to carry out, the fire and construction and all of that of the various

boroughs? A. I am advocating the centralization of the building department in one central city department.

Q. Not that the Labor Department jurisdiction should be distributed among the five boroughs? A. No. That should go into the other central department where it would logically belong.

Q. The question of factory inspection is not a borough question but a city question? A. Yes, sir.

Q. And the question of fire inspection is a city question and not a borough question? A. Yes, sir.

Q. The one point I want to make is that whatever jurisdiction the State Labor Department now has in a centralized plan you would favor that some centralized plan be made a city proposition and not a borough proposition? A. Yes.

Mr. ELKUS: In other words, the Labor Department's work would still be centralized and not divided up?

Mr. OMMEN: Of course. I am satisfied the manufacturers whom I represent do not want the jurisdiction distributed over five boroughs of that which is already centralized.

Mr. ADAMSON: No, the plan we have just discussed here provides in my opinion for a great centralization of power. It eliminates several jurisdictions and brings it down to the Building Department, the Fire Prevention Bureau and the Tenement House Department, eliminating all the rest from the administration.

By Mr. LEACH:

Q. You believe in centralization of the departments practically in New York City or Manhattan similar to the Fire Department?

A. I don't understand the question.

Q. That is, the jurisdiction of the Fire Department is now under the Mayor and not under the presidents of the various boroughs? A. Yes.

Q. And that in your opinion is the best possible way it could be worked out? A. Yes.

Q. Do you suppose if the jurisdiction of the Fire Department in the Borough of Queens was under the Borough President that the two fire houses in Woodhaven would remain unoccupied up to this time?

The CHAIRMAN : I want to give you all the leeway possible, but I do not think that this is a hearing of criticizing of the administration of any particular department.

Mr. ADAMSON : I would be very glad to answer the question.

Mr. LEACH : This gentleman was testifying as an expert in favor of this bill. I want to bring out some things to show that some of them should not qualify as experts on this bill.

Mr. ADAMSON : My answer to the gentleman's question is that if the authority were vested in the Borough President that those two stations in Woodhaven would not be open at this time; is that the gentleman's question ?

Mr. LEACH : I asked the Commissioner if the Borough President had jurisdiction over the Fire Department if the two houses in Woodhaven would have remained idle so long after their completion ?

Mr. ADAMSON : In answer to that my answer is, I did not understand that there was any proposition to transfer the Fire Department to the Borough President, and if you want to know whether I think those two houses would be built, I might say this, that the Borough Presidents being members of the Board of Estimate and the Fire Commissioner not being a member, might get a great more, particularly on the Fire Commissioner's application for funds for apparatus for those departments, and we could probably have had them opened a good deal sooner. I might say there we have had pending before the Board for several months an application to provide funds for this department.

Q. You understand I am not criticizing the Fire Commissioner for those houses not being equipped but I am trying to bring out that experts called to affect these bills — if other things were done it might be possibly better; now Mr. Adamson the Fire Prevention Bureau is in existence to-day; may I ask if the same work is not done by the captains of the local companies — if that was done by them before the creation of the Fire Prevention Bureau?

A. They made semi-annual inspection and we have in addition to that monthly inspections.

Q. That is certainly duplicating the work of the Fire Preven-

tion Bureau — after the creation of the Fire Prevention Bureau? A. No, it is supplementing the work of the Fire Prevention Bureau. It had nothing to do with the construction of buildings. It has to do with housekeeping after the construction of buildings.

Q. The people from where I come have stated that the Fire Prevention Bureau should never have been organized, but it was largely the institution of one man who afterwards was appointed?

A. The reports were regularly sent in and put away and not acted on because there was no power to act on them.

Q. They were all stacked away? A. Yes.

Q. Similar to the way deeds are in Queens county? A. I don't know anything about deeds in Queens county.

HON. DOUGLAS MATHEWSON (President of the Borough of The Bronx) addressed the Commission:

Mr. ELKUS: Mr. Mathewson we would be very glad to hear your views upon this whole subject?

Mr. MATHEWSON: I shall be very glad to give them and at the outset I would like it understood that I am giving them as an individual with some measure of experience, quite as much as I am as Borough President. I do not expect to be Borough President forever but I am a resident of the city of New York and hope to be for some time. Might I say so far as the question of an additional appointment goes, that I feel that with one less appointment to make every borough president would have that much additional peace of mind. That is my experience. I want to say too that the views I express are based not entirely upon recent experience in my present office but upon an experience, running back through the years to a time when a good many gentlemen who are passing views upon this subject were not familiar with New York institutions. In the Assembly of 1898 I voted against the first Greater New York charter in response to the general demand of the people of what is now The Bronx, I being the only resident assemblyman at that time, because of the fact that it presented the same scheme of centralized government that is presented in this bill at present. You will recall that in the first Greater New York charter the government was centralized as to

all departments, as to highways and sewers, buildings and everything else. Prior to that time, The Bronx then being a part of the old City of New York, we had a water commissioner in Manhattan with deputies in The Bronx, and particularly at that time were we tried with the building department. It was a dismal failure and the builders who were operating in The Bronx at that time and who are now operating will tell you so. Notwithstanding the feeble protest of my youth, the charter was adopted and for four years New York tried a centralized form of government. Any one who recalls the four years from 1898 to 1901, the lack of doing anything practically in any department, appreciates the utter futility of trying to conduct an active, energetic government on that plan. The result was that in 1901 the second charter was adopted which did provide for borough autonomy — borough autonomy of highways, borough autonomy in the construction of sewers and in the supervision of buildings — and was drawn along the line, generally, that matters that required physical inspection, physical work, supervision of physical construction work, should be under the immediate authority of the local officials in the boroughs. Now I do not doubt, I do not suppose that any one does, that there are some functions that are essentially city-wide, such as those, of the Police Department, the Health Department, the Water Department — but as to this particular subject now before this Committee, my views, so far as they are worth anything, are these, there is at present a duplication of inspection which is expensive to the city and burdensome to the property owners. I believe that it should be divided at most between two departments, the first having to do with construction and alterations — if I make myself plain — the physical aspect, the erection and changing of buildings. That department I believe should be a borough department. Mr. Bruére stated, at least as I understand it, that it was conceded that under the 1898 charter, the centralization of this work under a city-wide department did not work smoothly, but that in view of the added experience of years it would work smoothly now. The answer to that is that city-wide departments do not work smoothly at the present instant, and when I say smoothly I do not mean that there is any friction but I mean that the same old question arises.

If there is a deputy in a borough he will not assume the responsibility because the Commissioner will not let him. That is my impression. I do not know that the commissioners have so instructed their deputies but I think it is very natural. If I were a Commissioner and responsible for the management of my department, I would not for a moment think of letting a deputy, for whose appointment I was responsible, in Queens, Richmond or anywhere else, pass on a matter of any importance. I would want it submitted to me. If that is the plan of this bill and it becomes law, and the old condition is restored, so far as actual physical construction goes, then it will require the submission of vitally important questions to those in authority here in Manhattan, to men who have little knowledge of local conditions unless they go on special occasions to one of the outlying boroughs to get that knowledge. I am against such a system. My view with respect to what I might call "conditions of use" is that I do not think inspection of such conditions are necessarily borough functions. I do not know but that they may well be made so.

Mr. ELKUS: You mean maintenance conditions?

Mr. MATHEWSON: Maintenance conditions. They are practically a police function, in the large sense of a police function. I do not think that there is any necessity for that supervision being vested in a borough official, but if not, I do think they should be consolidated either under the health or some other department. I do not think that there should be the duplication now existing. As to the argument that a local department as you have defined it, so far as physical changes in structures go, could not fulfill the functions of the Labor Department and that there would be a variety of rules in the different boroughs, I think the answer to that is very simple, As I understand the Labor Law, that has certain provisions as to structures. No local authority could vary them for a moment. It is simply a question of seeing that they are carried out. And so with regard to the Tenement House Law, which provides as to construction, cubic feet of air space, etc., and as to the Building Code. Those laws are for the State and the City of New York and not for any borough but for all of the boroughs. If, however, there were a borough head over physical

construction work or alterations or changes having to do with buildings, my suggestion would be that there should be some kind of an organization formed of the heads of the different boroughs to provide for uniformity of ruling in trivial matters. When I entered upon the discharge of my duties the first of this year, I found, for instance, as to street encroachments, privileges, etc., one thing was permitted in the Bronx and another in Manhattan and another in Brooklyn, and since the first of the year we have voluntarily, largely ended that by the aid and cooperation of the different building superintendents in the various boroughs so that there might be uniformity of action.

By Mr. ELKUS:

Q. As I understand you, Mr. President, you favor a consolidation of the departments that have to do this work we have been discussing, but as to some of them you favor a consolidation either in the building departments of the different boroughs or in some other department which shall be responsible to the borough head and in others they shall go to one centralized department? A. I say, while I do not favor the centralized department controlling uses, I have no objection to it. I think that that is perfectly logical. Inspection of uses may be termed a police function in the larger sense of the term. The other work of supervision of construction and alteration has to do with a physical something in the borough. The builders there prefer to go to a responsible borough official. They want a final decision promptly. They do not want to have questions affecting their work lead to a series of interviews between a deputy in a borough and the principal, out of it, with perhaps additional time consumed obtaining advice from the Corporation Counsel. We get this frequently in the different boroughs though.

Q. But what we are after is your view on the consolidation; that you are in favor of? A. I am. May I mention one or two other matters. My understanding of this bill is, it is purely tentative.

Mr. ELKUS: Absolutely.

Mr. MATHEWSON: I want to call you attention to one or two matters. I notice the salaries for the building superintendents

and deputies and chief inspectors are provided for. I would protest against that and ask that it be reconsidered. The Board of Estimate is responsible for the financial affairs of the city. There has been a good deal of legislation fixing salaries —

Mr. ELKUS: It is left blank in the bill.

Mr. MATHEWSON: It is as yet but —

Mr. ELKUS: You mean that you would provide that the Board of Estimate fix the salaries?

Mr. MATHEWSON: Yes.

Mr. ELKUS: The Legislature have nothing to do with it?

Mr. MATHEWSON: Yes, and I would suggest also what Mr. McAneny suggested, vesting the power in the Board as to their functions, which might be omitted in the bill prepared by your Committee.

Mr. ELKUS: Give a general power to the Board?

Mr. MATHEWSON: Yes, sir. I think there is also another question deserving of very careful consideration, and this is regardless of whether the commissioner would be appointed by the Mayor or appointed by the Borough President. He appears to have a most absolute power. In fact a person can not, as suggested here, even obtain an injunction from the Supreme Court until after five days. It does seem to me that is a little too much power to trust to one man.

Mr. ELKUS: Isn't that in the present Tenement House Law?

Mr. MATHEWSON: It is, I think, but if it is, it should be changed. My suggestion as to that would be that in a case of drastic action on one man's initiative it should receive the approval of some one. Probably of the appointing power. Affecting the vacating of a house because of disease — I doubt very much the wisdom of taking that away from the Health Department. The head of a new department should not be put to the responsibility of closing houses because of disease. He would need medical inspectors.

Mr. ELKUS: The bill provides reported to him by the Board of Health?

Mr. MATHEWSON: At their direction?

Mr. ELKUS: That is what the bill provides. Let me ask you this question: Are you in favor of some Board of Standards and Appeals, which ever plan is adopted?

Mr. MATHEWSON: There is no doubt that there must be one. I can not conceive of any scheme where there should not be such a Board.

Mr. ELKUS: Of course it would be a very extensive Board to cover all of these matters; you would be in favor having such a Board?

Mr. MATHEWSON: I would undoubtedly. Another thing, where it is provided that the Board of Standards has the power to call witnesses, may I suggest that there be put in the charter, if it is not already there, the general provision that any board or any head of a Department may do that. I trust these suggestions may be of some value because I understand as already stated, no one is committed to the proposed bill, it being merely a tentative form.

Mr. ELKUS: Would you have this Board of Standards a city board, or a borough board?

Mr. MATHEWSON: That should be city wide.

By Mr. OLVANY:

Q. Mr. President, how do you find the Tenement House Department Law working out in the Borough of Bronx in reference to construction and alteration of buildings, that being a centralized department? A. How do I find it working out?

Q. Yes? A. Do the real estate owners like it?

Q. Yes. As to plans filed by owners? A. The builders' plan — if I understand it the delay in sending plans first to one department and then to another — that would be covered in my general statement that whatever relates to structural work should be carried on in the one department.

Q. Do you think the Tenement House Department should be left alone and not consolidated with these other departments? A.

As I said before, I don't know that I am prepared to express an opinion on that, but I do think, if the Tenement House Department is not left all of its functions, the functions of inspectors as to uses as distinguished from control over structural work, then I should be perfectly willing to have that go somewhere else than to the Building Department, because I do not think it is an essential function of the Building Department to watch buildings after completion. However, such a department could do that work.

Q. As you know, the State Labor Department has control in reference to the construction and alteration of factories in New York City? A. Yes.

Q. Do you think that should still exist or be given to the new Building Department? A. No, I do not think the function of supervisor of construction work should be left with the Labor Department. The functions of the Building Department are to see that the laws are carried out. The factory laws provide certain things, as that bake-shops must have certain requirements, and the Tenement House Law has other requirements. Where things are prescribed by the Legislature as the supreme law-making power of the State, my idea is that the Building Department should be the administrative department to see to the carrying out of the laws instead of putting people to the trouble of going to three departments to have their work vised by each department. Such a result would be an improvement over existing conditions.

Q. Do you understand the Labor Law? A. I have a bowing acquaintance with most laws; I never pretended to understand them all perfectly.

Q. Then you must understand that the plans now submitted to the Labor Department must be submitted to the Building Department? A. I do.

Q. Then you don't believe in home rule in reference to the construction and alteration of buildings, do you? A. I believe in the very fullest home rule, but I believe the State of New York in the exercise of the police power for the care of its people should have the right to provide that the bake-shops in Elmira or Painted Post can be built in certain ways and of certain materials and that factories also can be built in this or that manner as to them may seem best. I do not regard that as a city statute.

Q. The question is, we have a building code in the city of New York which is being done by Mr. Miller. A. By the Board of Aldermen.

Q. Mr. Miller has been employed to frame a new building code by the Board of Aldermen? A. Mr. Miller has been employed as an expert to draft the code which the Board of Aldermen will act upon.

Q. Now, do you think that inasmuch as the city of New York has a building code that the State Department of Labor should say as to how these factory regulations shall be in New York?

A. I see no objection to that; the police power is in the State.

Q. It is not a question of police power. A. I think it is when it comes to the safety of the lives of the people of the State.

Q. Is there any question but what the Superintendent of Buildings in New York City could amply take care of the buildings and alterations in New York City? A. I will make the same answer that somebody made this morning, that it would depend a good deal on who the superintendent was; do you mean one man in the city as a whole?

Q. No; is there any doubt in your mind but that a competent building superintendent could supervise the construction and alteration of buildings in New York City? A. One man for the whole city?

Q. No, a superintendent in each borough; is there any question if we had a borough superintendent but that he could do it?

A. Not at all. I think a competent builder or architect of sufficient experience could devise every protection for life and property that the Legislature could devise in the factory law and see that it was carried out.

Q. Will you give us any reason then why you think the State Legislature should prescribe any building rules for New York City as against our Board of Aldermen? A. Simply, as I say, it is a matter of political economy — the sovereign power is in the State. While we are in New York City we are still part of the State, and I cannot advance any reasonable argument why, in protecting the lives of the people, the Legislature should not provide rules for the entire State from Montauk Point to Buffalo. I can

go further, but you are asking me for a logical reason on which I could argue why the State should not to anything —

Q. What I am trying to get at, Mr. President, is, do you feel that general State laws made for the entire State should govern New York City as well as small towns, where conditions are entirely different? A. I do not see any refuge from the right of the Legislature to make laws if they want to do it.

Q. That is the point; what the real estate people of New York are suffering under is that the State Labor Department is now passing rules and regulations for the entire State irrespective of the conditions in New York City; don't you feel that if the rules and regulations were passed by the Board of Aldermen, which has intimate knowledge of real estate conditions and other conditions in New York City, they would be more competent to pass such rules and regulations for that particular city than the State Legislature, composed of men throughout the State without any knowledge of conditions in New York City.

THE CHAIRMAN: You don't mean that the State Legislature passes rules and regulations?

MR. OLVANY: Passes laws.

THE CHAIRMAN: You had reference to the Industrial Board and not to the Legislature?

MR. OLVANY: Of course the Legislature passes general laws and allows the Industrial Board of the Department of Labor to make rules and regulations which will cover conditions throughout the entire State. What I want to find out is whether a law-making body in New York City could not make better rules and regulations for New York City than a State board could? A. I haven't the same respect for rules and regulations made by the Board as I have for those made by the Legislature. If rules and regulations are to be made by a board they could be better made by some one on the ground.

Q. And therefore the jurisdiction of the Labor Department as now existing should be transferred to this new department?

COMMISSIONER SMITH: Mr. President, you said that the former building superintendent of Manhattan was engaged by the Board of Aldermen as an expert on a building code for this city?

MR. MATHEWSON: Yes.

COMMISSIONER SMITH: How long has the Board of Aldermen been revising that code?

MR. MATHEWSON: From hearsay, for several years past.

THE CHAIRMAN: Isn't it a good deal like the new charter of the city of New York?

MR. MATHEWSON: No, we haven't started on the new charter; just getting ready.

THE CHAIRMAN: Ever since I have been a member of the Legislature you have been working on it.

MR. MATHEWSON: Those questions are continually talked of.

MR. ELKUS: About fifteen years it has been talked of.

THE CHAIRMAN: Of course there is always some progress made.

By MR. CHARLES MULLIN:

Q. Briefly stated, Mr. President, you favor consolidation of the building, tenement and other departments during construction?

A. Unqualifiedly.

Q. As distinguished from centralization of authority in one borough over the other borough? A. Yes, sir; because in my experience, and I have had the good fortune to have had a far larger experience connected with this government than most people, the scheme which has worked best for protection and control over the physical work is where the person interested in the work has had, at home in his own borough, practically the last resort where he could have things decided, but with a right of appeal when necessary.

By COMMISSIONER MCGUIRE:

Q. Would it be any saving to the city, do you think, to consolidate these departments? A. I have not given it thought myself, but I have had a report from my superintendent of buildings which I have not yet had an opportunity to check up which would indicate a very great saving.

Q. A very great saving? A. Yes, sir.

Q. When you have that checked up will you give it to the Committee? A. Yes, sir, I shall.

By MR. HELMS:

Q. Do you favor a central board of appeals? A. I think there must be some central board of appeals somewhere. There are cases that will come up of construction of the existing laws. Whether it will be permitted in connection with this law or not, there have been at all times cases arising under the building code, and very properly, where the superintendent, with the concurrence of the President, could allow a variation in the interest of the spirit rather than the letter of the law. There should be some central board to which these contested questions should go and where rulings should be made to secure uniformity throughout the city, which could be done if you have borough departments. If you had a city department you would have to have an appeal somewhere. You cannot allow a man with the vast powers that a city superintendent would have to be without a resort to which he could go if he thought he was aggrieved.

Q. Would you approve of having the commissioners on one central board of appeals? A. Unqualifiedly.

Q. Would it be wise to have an appeal taken from a superintendent sitting on a board of appeal to an appeal from himself? A. You could very well provide for that; that on an appeal from a ruling of his he should not deliberate.

Q. Are you opposed to the Board of Examiners as now existing, or the Board of Appeals which has been in existence for twenty-five or thirty years; do you think it has been working properly? A. I must say I haven't heard any great complaint except as to the salaries some of them receive.

Q. There are no salaries; some of them get ten dollars a session. A. Some of them have salaries, I think.

Q. But as to the working of it? A. I have heard no serious complaint of that; in fact, I have heard no complaint at all.

By MR. OSCAR LOWINSOHN:

Q. Mr. President, wouldn't you favor a Board of Examiners similar to the one that is now there but the Board to be absolutely independent of politics; in other words, a board selected by pro-

fessional or trade organizations to pass upon these questions; this board to be composed in some respects similar to the present Board of Examiners? A. Mr. Lowinsohn, I am not very much impressed with the idea that a Mayor or anybody else must appoint a man suggested by certain organizations. I think the appointing power should unqualifiedly take the responsibility for any appointment made, and no one should have the opportunity, should occasion later arise for criticism, of saying that a man was simply appointed because an organization, which may have been merely a paper organization, had suggested the man.

THE CHAIRMAN: Substituting one kind of politics for another kind of politics.

HON. LEWIS H. POUNDS, President of the Borough of Brooklyn, addressed the Commission.

By MR. ELKUS:

Q. Mr. President, as Borough President of Brooklyn, you have given some consideration, I suppose, to this matter we are discussing this morning? A. I have.

Q. We will be very glad to hear from you. A. I think my statement can be shortened very greatly by saying I agree almost absolutely and in detail with the statement by Borough President Mathewson as presented here. It is the position that I think is largely taken by the borough presidents. We have in Brooklyn a borough now of nearly two million people and with conditions quite different from those that rule in Manhattan. As a matter of fact, there is more similarity between Manhattan and the Bronx both as to the habits of the people and their being nearer to a center in Manhattan and as to their form of building, so that it would not possibly make the difference there that it would with us. We issue more permits than any other borough, and we have, I think, more buildings as distinct buildings, of course many of them being small, than three other boroughs, Manhattan, Bronx and Richmond, the other three outside of Queens. Really the conditions in Brooklyn and Queens are more identical than those. Now, I could go right on through these departments, but it seems

to me in poorer language and less explicit I would follow the statements that President Mathewson has made here, and I do not think it is necessary to take up your time. I would be very glad to do it, but I take the stand unalterably as against a city centralized department of the building interests.

Q. You are in favor of centralization in the city — A. Maintenance and supervision.

Q. But as far as construction is concerned you believe that it should be located or centralized in the borough? A. Yes, sir.

Q. But it should be centralized? A. We agree with that absolutely.

Q. The principle of the thing you are agreed upon; it is only whether it should be in the city or in the borough? A. Yes, sir.

COMMISSIONER MCGUIRE: Would that also apply to the consolidation of the various departments?

MR. POUNDS: Yes, sir.

Q. And in the consolidations in the boroughs you believe that the departments should be consolidated, all their work should be consolidated? A. Yes, sir.

By THE CHAIRMAN:

Q. Of course that would take the power from the city administration and put it into the borough president's office? A. No, I do not admit that. I do not believe that when an act is performed by a borough president that it is necessarily antagonistic or apart from the Mayor. We are just as much interested in this town as he is.

Q. But what I mean to say is, it took the supervision away from the Mayor and put it in charge of the borough president? A. Yes, sir, and there are certain features in each of these departments, the Tenement House Department, Fire Department and the State Labor Laws that I do not know yet; I have not solved at all just how they should be adjusted. I think there should be some sort of a board or else there should be some kind of a follow-up system in the separate bureaus. I just haven't worked that out, Mr. Chairman.

By MR. ELKUS:

Q. But the principle of the matter you are strongly in favor of?

A. Yes, sir.

By MR. MCGUIRE:

Q. Have you given any thought to the question of its being a saving through the consolidation of these departments? A. I certainly think it would be a very great saving, how much I don't know. I haven't worked it out. Suppose you take the construction and alteration from the Tenement House Department, for example. I should think it would cut down very materially the six or seven hundred thousand dollars that department has a year. Now, suppose they keep up a corps of inspectors to see if the different provisions are carried out as to conditions in the different rooms, and so on, the Building Department first having the formula for the construction that should be complied with, the same as is done in the original construction. Then suppose the Tenement House Department follows up as to the lighting of halls and seeing that their windows are not closed up after they are once constructed, which might occur, and the like of that; that it would then require not more than a quarter of the force I should think they now have, but I would not pretend to be explicit on that.

Q. But from an economic standpoint it is your opinion that it is desirable? A. I do think so. I will say, Mr. Chairman, that I was developing property and building in 1898 and 1899 and I did suffer very greatly from the form of centralization that they had then. I got through the first Board of Public Improvements the first sewer contract and street improvement contracts that that first board passed, and I have been connected with that kind of work ever since, and we all had a great deal of trouble, and to go back to the old principle I think would be a very great detriment.

HON. MAURICE E. CONNOLLY (President of the Borough of Queens) addressed the Commission.

MR. CONNOLLY: I can agree with Mr. Pounds in the statement that Mr. Mathewson pretty generally covered the subject and I thoroughly agree with most of what he said. I think, however, that the question of the building of factories the preparation of

the plans, the approval of the plans, can be done by the city authorities just as well as by the State, and I think that power should be given to the city officials. I oppose strongly the proposition of having a centralized bureau as provided for in this bill and believe that these various bureaus should be consolidated under the superintendent of buildings as it now exists. I do not know of any evil in the building bureau that it is sought to remedy. I do not know of any criticism that has been directed at the building bureau, and I do not see any reason why the status quo with respect to that should not be maintained. Those who feel that a change should be made should be compelled to make out their case and if they cannot make out that kind of a case there should be no change. That is my proposition. Practically it works out this way in the bureau of buildings now. Our superintendent of buildings is able to give a decision to an architect or to a builder on the moment. If the architect or builder does not agree with him and his decision, he may go to the Board of Examiners. The Board of Examiners, I believe, should be maintained in substantially the condition it is to-day. I do not know of any reason why that should be changed. On the other hand, if we have a deputy commissioner in a borough or an inspector, this is the situation: Mr. Moore, our superintendent of buildings, sees thirty or forty people and passes upon thirty or forty questions a day. It seems that the same number that went to this chief inspector in charge of the borough would be compelled to go over to Manhattan and go over the same ground and perhaps go several more times to see the man who can eventually give him a decision. Suppose he goes to the superintendent in New York, the man in charge of all of these things, the head of this commission, and suppose he isn't satisfied with this decision, he can still go to the Mayor, who is the appointing power, and talk with the Mayor about the subject, and he may be compelled first to go to his borough, then to the superintendent in New York, and then to the Mayor, and after he has exhausted his resources there he perhaps would feel that he ought to go to the Board of Examiners. Now, with the conditions existing as they do to-day in the Building Department, a man goes to the superintendent of buildings, sees him and get a decision at once and that decision is final unless it is reversed by the Board of Examiners.

That, I believe, should be maintained. I agree with Mr. Mathewson that all the questions arising upon the approval of plans for buildings and for alterations, whether they be tenement house, factories, or dwelling houses, should be in one borough, and they should be separate and apart from any supervision afterwards. Now, the Fire Prevention Bureau was organized as a result of the Triangle fire. Now what was the Triangle fire and what caused it? It was not any difficulty on the part of the preparation of the plans. The plans were all right. The exits were wide enough, but the trouble was they were locked when the people wanted to get out. Now that is inspection afterwards. On the question of expense you must now go to the Tenement House Department and have your plans examined for light and air. Now our examiner, knowing the requirements that are compelled by law, in a few moments while he is examining those plans can compute for light and air. There is no particular difficulty about that, and not near as much as finding the structural ability of the various materials to stand the weights that will be imposed upon them. That inspector can just as well inspect for light and air and it will not take him two minutes to do it. In the same way the inspector who inspects plans to-day can inspect for fire-escapes. There is no additional work involved and there ought to be a provision that one bureau can do all that work. I do not know why the inspection for fire prevention purposes after the building is erected should be by a civilian body. I believe that should be done by the uniformed firemen. They know best those questions and that would make it necessary for the firemen on the post to go to those various buildings, factories, tenement houses and others when necessary at certain periods. He is in a better position to inspect with regard to those things than anybody else, and he at the same time becomes familiar with the building so that in the event of a fire he can go there and knows at once just what conditions he is likely to meet in the factories. I do not believe that the tenement house duties of inspecting tenement houses after their construction should be taken away nor that that force should be brought into the building bureau or any other bureau. We are concerned in our bureau with this proposition only, with the proposition that everything that has reference to the building itself, separate and

apart from the use of the building afterwards, should be in one body. Now who makes subsequent inspections? Whether it is centralized in the Mayor or centralized in the State or somewhere else we don't care about, but we are interested when a man wants to build a building; we are interested in giving him an opportunity to receive a decision at the earliest possible moment, without the necessity of going to a commissioner in Manhattan or anybody else. He ought to be given his decision so that he may then go to the Board of Examiners.

We have the Water Department in Queens and the Charities Department and various other departments, and see what will happen in the Building Department if it is centralized, from what does happen in these other departments, and I know whereof I speak. I am not guessing at this. These difficulties I point out are happening to-day in every one of the boroughs, in our borough, in every one of the bureaus that are centralized in the Mayor.

Now with respect to general details, as Mr. Mathewson suggested; they could very well be taken care of — uniformity of practice in small matters — those matters could be brought about by a compulsory meeting of the building superintendents as a board. The same objection cannot be raised to the appeal to the Board of Examiners that is raised through the necessity of going to a commissioner to have the decision of an inspector reversed. In our borough since Mr. Moore has been superintendent there have been about eighteen thousand plans examined and it was only necessary for the builder to go to the Board of Examiners in six cases, so that is the situation with regard to that.

By MR. ELKUS:

Q. Mr. President, as I understand you then you, like Mr. Mathewson and Mr. Pounds, are in favor of a consolidation of these departments but you think that as far as the construction supervision is concerned the consolidation should be in the borough authorities? A. Absolutely.

Q. As far as maintenance is concerned it should be in the city authorities? A. We do not care who has it. The State may have it, the city may have it; we don't care.

Q. The thing this Commission is concerned with mostly is the

principle of consolidation; you are in favor of that? A. Absolutely, and I do not believe that there is anybody who will take an opposite view. I think that is unanimous.

By MR. LOWINSOHN:

Q. If your present superintendent of buildings was given more power, as he probably would under this bill, than he now has, although he would be a subordinate, don't you think the Commissioner of Buildings such as we now have would continue? A. No, because as long as he is subordinate to another man, as Mr. Mathewson says, he will either assume the full power of responsibility or the Commissioner won't give it to him. Now that has worked out in the Police Department, it has worked out in the Water Department and in every department of the city. A man in our borough with respect to the water supply, gas and electricity has practically no powers now. He has to go to New York with almost everything, and to the Police Commissioner in Brooklyn, and to the Fire Commissioner in Brooklyn, it is all the same. They haven't got the powers. They haven't been given to them as far as I know as long as they were compelled to report to somebody else.

Q. But the Tenement House Department which is the newer, excepting the Fire Prevention Department, has officers in all of these various boroughs who are subordinate to a Commissioner and each of those officers do have their own rulings on minor matters? A. We have no office at all. We have to go to Brooklyn for those things.

Q. In very few cases are there appeals to the Commissioner from which there is no — A. Who appoints the Commissioner?

Q. The Mayor? A. Who appoints the deputies?

Q. I believe the Mayor?

Q. Your borough happens to be fortunate in having a good, sensible, level-headed superintendent of buildings. If you had experience with some of the other boroughs you would begin to think it would be advisable to have man there from whom appeals could be made. The reason we want this centralization of authority is that our trouble has been in some of the boroughs that

the appointees are unfit. They immediately become arbitrary. We have all kinds of trouble getting opinions from them and frequently we are prevented from appealing to the Board of Examiners because the issue does not warrant it; would that be changed?

A. Very quickly.

Q. Would you be prepared to guarantee that? A. I can not guarantee anything.

Q. If you had the power of appeal over the head of a superintendent on the ground that his action was arbitrary I think then you would also begin to feel the way we do, that there should be some means of preventing us from being continually harassed by these petty, arbitrary decisions that are given? A. We could get around your proposition by having an appeal from the deputy superintendent to the superintendent and then another to the Board of Examiners. Your proposition means the reformation of men and not the reformation of the Building Bureau. You can not guarantee what kind of men are going to be appointed, that is these deputies.

Mr. LOWINSOHN: No, no more that you can guarantee the kind of men to be appointed superintendent of buildings.

Mr. CONNOLLY: So when you suggest something that will be accomplished by this, you are only guessing, you are hoping so.

Mr. LOWINSOHN: If you establish a centralization of responsibility in the superior officer that will enable you to get justice if you can not get it otherwise?

Mr. CONNOLLY: Are not the cases where you can not get justice, very few, and where you weigh the cases where you can not get justice with the tremendous amount of inconvenience in having to go elsewhere——

Mr. LOWINSOHN: I do not think so, I think it hits the people who have small amounts of money to spend and that is where the tyranny is greatest.

Mr. CONNOLLY: In what borough do you live?

Mr. LOWINSOHN: I live in Manhattan.

Mr. CONNOLLY: In Manhattan there is not the objection that there is in the other boroughs because you can go down and see the Commissioner and get your decision, but in the other boroughs it is different and the objection exists generally from the necessity of going from one bureau to the other.

Mr. LOWINSOHN: That can be obviated the way the Tenement House Department does. It is known that the Commissioner on a certain day is in a certain borough.

Mr. CONNOLLY: I have been Borough President for three years and I did not know that there was such a rule or custom and I keep pretty well informed of such things.

Mr. LOWINSOHN: You can inquire of Mr. Murphy and find out?

Mr. CONNOLLY: That is very gratifying but when you say everybody knows it, there is one that did not.

Mr. LOWINSOHN: The point is we feel there should be a centralization of authority and probably with a little more time to think over a bill of this type we will reach an agreement.

Mr. CONNOLLY: I thoroughly agree with you on the question of the centralization of authority. There is no doubt about that. These departments ought to be centralized, but I do object to the proposition of the appointive power being the Mayor and having a chief inspector or deputy of the boroughs because of the inconvenience of it.

Mr. LOWINSOHN: We all agree this is a tentative bill and requires a great deal of additional study and change.

Mr. MOORE: In order to bring out the point that Mr. Lowinsohn made I would say this: The Tenement House Law is mandatory in every provision. The Buildings Code in a great many matters is discretionary and so with the other departments that you mentioned. Taking that into consideration would you consider the question of the Tenement House Department in the matter of an appeal to the deputy and then to the Commissioner as an example?

Mr. CONNOLLY: If that be the case there is no doubt about it, the Commissioner is a perfunctory sort of individual. He does not have any discretion to exercise.

Mr. LOWINSOHN: I might mention here that the Commissioner in this draft of the bill requires practically no qualifications either; that is something that we might very seriously object to.

Mr. CONNOLLY: If a man is not armed with discretion it does not matter who he may be, and if the Commissioner in the Tenement House Department has no discretion it does not matter whether he goes to Queens or not. He has got to permit you to appeal if your plans are in accordance with the law and he has no discretion.

Mr. MCGUIRE: You think the consolidation of departments would make it economical do you?

Mr. CONNOLLY: I do not think that there is any question about it. Take this case, here is a set of plans that come in to us. We examine them for everything but light and air. If we know that there is certain amount of window space and a certain amount of air required the same man that examines for one thing can examine for the other thing. The same with fire prevention. Their plans have to be examined for fire escapes and exits only. He has to visit that building and in two minutes more do it and cut out the work that is being done over here. That is bound to work for economy because you have three men spending all of their time doing the thing that one man can do.

The CHAIRMAN: Then there is also the matter of convenience to the citizens in that, isn't there, outside of the question of economy?

Mr. CONNOLLY: Yes, there is, he will get quicker action. Now in the case of inspection why cannot the man who goes around to see the fire escapes are unencumbered or if the windows are barred up or not barred up, why can't he inspect for something else in a factory; why can't he inspect to see if the factory laws are observed. He has to visit that building and in two minutes more he can examine for the other matters. Isn't economy bound to

be introduced? You cannot cut down the cost of inspection in a factory building by consolidating the inspection after the factory has been completed but in that way I have suggested it is bound to result in economy.

The CHAIRMAN: We have heard both sides of that question.

Mr. CONNOLLY: I didn't hear the other side. That is the way I feel about it.

Mr. JAMES NOLAN, addressed the Commission. I am chief clerk in the Bureau of Buildings in the Borough of Richmond. Mr. McCormick (the Borough President) desired me to say that he thoroughly coincides with the views expressed by the other borough presidents, and further to state that his borough suffers more than any other from this multiplicity of departments and inspections on account of its geographical situation, it taking such a long time to go from our borough to the borough of Manhattan. We find that in the matter of economy it would be a great saving to have all inspections in buildings made by the Bureau of Buildings. We are opposed to the centralization in one borough of the Bureau of Buildings on the ground it would not remedy the fault we complain of. In other words it would be necessary at times for people to visit the central office, as has been stated before to receive a final decision.

By THE CHAIRMAN:

Q. Do you mean you are opposed to the centralization of the building departments of all boroughs into one? A. Yes, sir. I mean by that centralization in the one borough, the Borough of Manhattan.

Q. You assume it would be in Manhattan? A. I believe it states so in the bill.

Mr. ELKUS: No.

THE CHAIRMAN: Does any one desire to ask Mr. Nolan any questions?

No response.

DR. HAVEN EMERSON (Deputy Commissioner of the Department of Health), addressed the Commission:

By Mr. ELKUS:

Q. Doctor, the Health Department is a city department, that is, it covers the entire city? A. Yes, sir.

Q. We would be very glad to hear from you about this matter; I presume the Commissioner has delegated you to represent him?

A. The Commissioner has. It can be stated in that wherever a city or State department is created and develops a satisfactory inspection service up to the standard at present maintained by the Department of Health, the Department of Health would be quite ready to be relieved of the necessity of inspection; that whatever department is developed to maintain inspection it would not relieve the Department of Health from the responsibility of exercising its health functions; that in the face of an epidemic, even though certain functions were delegated to this special department, the Department of Health would still have to enforce its own primary jurisdiction in such matters.

Q. There is nothing in the proposed law to take that away? A. Insofar as it speaks of the structural changes in bakeries there is no reason at all why it should not, but when it comes to vacating premises and vacating tenements I fail to see how that would work under the present arrangement. The inspection would have to be made by a medical inspector.

Q. The law is exactly as it is now. The Tenement House Law reads the same way as that. A. The Tenement House Law does not give the Tenement House Department the right to vacate premises in the presence of an epidemic.

Q. It does give them the right? A. But they don't use it.

Q. That may be? A. And for obvious reasons. They have no suitable examiners to determine when epidemic conditions prevail.

Q. They would act on the recommendation of the Health Board? A. Insofar as they would act on the recommendation of another inspection that would duplicate the work of the Department. I appreciate the advantages that would result from such consolidation but when you ask for power to vacate premises or medical inspection I should say it would duplicate medical inspectors rather than simplify or diminish the number.

MR. ELKUS: That is copied from the present Tenement House Law and I presume if you are right it should be changed.

MR. ROBERT D. KOHN, addressed the Commission:

MR. KOHN: I represent in this brief the New York Chapter of the American Institute of Architects. The substance of our position will, I understand, be concurred in by representatives of the Underwriters, the building trades and other associations. I will outline merely the position taken by the architects: We favor in principle the consolidation of these bureaus. We state that the time for the consideration of details is inadequate. We see no reason why any one department any more than another should be excluded from such a consolidation. We refer specifically to the functions of the Tenement House Department and think they and all others should be included in the consolidation, or none. We specify that such consolidation should include only supervision of the construction, alteration and fire prevention equipment of structures, eliminating from the plan such functions as Dr. Emerson referred to. The "housekeeping" functions should not be assigned to this consolidated bureau.

We call attention, and I think that that is our most important item, to the distinction that should be made between the Board of Standards and the Board of Appeals. The two functions should be quite separate. We propose:

A. A Board of Superintendents, or "Board of Standards," consisting of the Commissioner of Buildings, the Superintendents of Buildings of the five boroughs and three or five experts. This Board would be required to prepare standards and regulations, uniform for the entire city on all those matters left to their definition by the building and other codes governing the Departments' work. Their proposed regulations and standards should be published in the City Record at least once a week for four weeks before final adoption, and public hearings should also be provided for. We have suggested the addition of three or five experts so as to give the Board the assistance of technical men not in the Department who could be secured for part time work, men of much higher grade than any that could be permanently employed at comparatively small or even no cost to the city.

B. A Board of Appeal. This function should be entirely distinct and separate from that of the Board of Superintendents or Board of Standards. Those connected with building work in this city are qualified to speak on this subject, and they say in no uncertain terms that the principle of a Board of Appeals (or Board of Examiners)—the principle of an independent—nonpolitical board, is most valuable, is in fact essential. By nonpolitical, we mean a Board, the members of which are appointed officially by the Mayor, but designated severally by the Architects' Societies of New York and Brooklyn, the Building Trades, the Consulting Engineers and the Underwriters; the Mayor to select the Chairman from among its members. In view of the proposed new power of the Board there should also be added members designated by organizations most interested in tenement house protective legislation. The Commissioner of Buildings and the Borough Superintendents should not be members of this Board. The Chief of the Fire Department should be a member.

None but technical questions come before this Board and it should consist of none but technically qualified men. Its composition should be carefully scrutinized. Unrepresentative organizations should be excluded. On a Board such as this—a Board that prevents injustice by permitting of new forms of construction not provided in the law, new solutions of structural and fire prevention problems not permissible by strict interpretation of the ordinances—on such a Board we can secure the services of men of great ability at little or no cost—men who will give their time as they have in the past for the good of the city. These men could never be had to serve on a permanent Board, no matter what the salary.

Now the Board of Examiners as we point out in this brief, the Board of Appeal, has worked well in the past and we desire to have a similar board maintained quite distinct from the Board of Superintendents. The superintendents should not be members of that Board of Appeals because the appeal is taken in almost every case from their decision and the present method whereby the superintendents forward their documents to the Board, or appear before it if they wish, is much fairer. We maintain that the designation by various technical organizations—while not always

perfect in the past — that that method is really very valuable. Speaking, now, for the architects alone we claim we have been able to get representatives on this Board of Appeals whom we could never secure in any other way. We, as architects, ask one of our best men in the interest of the city and the interest of the profession, that he give five or six hours a week with practically no pay for this work (ten dollars for the session), a man who would command a good many hundreds of dollars for that amount of time. Such a man cannot be secured in any other way. The history of the Board shows we have been able to secure men of exceptional character when we ask it in this way. Now finally we say that the decisions of the Board of Appeals should be published and made citable as a precedent for future action.

MR. ELKUS: Are any of them published now?

MR. KOHN: Not to my knowledge, I think not. We call attention in this brief to the failure of the plan to provide for the inspection and supervision of elevators, and the surveys of unsafe buildings. That is a requirement of the present Charter — a survey board is called in an emergency to pass upon the safety of a building and also—

MR. ELKUS: Isn't it the plan if this should be adopted that all those functions should be discharged by the Board of Appeals?

MR. KOHN: It is an entirely different function.

MR. ELKUS: Do you think they should be separate boards?

MR. KOHN: It might be the Board of Appeals could be so constituted as before with a sufficient number of men to be called on in emergency, but the qualifications are quite different, the qualifications that would be needed there.

THE CHAIRMAN: Mr. Kohn, in your opinion do you favor a consolidation into a city department or are you in favor of a consolidation under the borough presidents' offices?

MR. KOHN: The Committee was, I believe, unanimous that it should for the time being be consolidated into boroughs. I think that was due to the fact whereas we realized that in Manhattan we would be equally as well off as we are now, as far as the time

spent in appeals and otherwise is concerned; in the other boroughs the men would be at a great disadvantage with a centralized department. We have been influenced in that opinion to some extent by the expression of the opinion of other professional men.

MR. FRANKE: Article 5 I think you did not dwell on?

MR. KOHN: I think I did sufficiently call attention to the fact that the two functions of the Board of Standards and of the Board of Appeals should be kept distinct.

MR. FRANKE: I do not think you mentioned the composition of that Board?

MR. KOHN: We suggest that the Board of Standards should consist of the five superintendents and five experts to be appointed. I think technical experts could probably be secured without pay to cooperate with the superintendents in preparing those standards that would have to be supplied.

MR. ARTHUR ARCTANDER: I would like to ask you if in your profession you have found any difference in inspectors of the Building Departments and inspectors of the Tenement House Department and which of the two would you consider to be most practical?

MR. KOHN: I would rather not answer that question because I haven't any very great experience with inspectors of the Tenement House Department and am not qualified to answer.

Mr. D. EVERETT WAID, addressed the Commission.

MR. ELKUS: You are representing what association?

MR. WAID: The architects and I am Vice Chairman of the joint committee which has been giving some years to the study of the proposed building code for the city and is now working with constructive criticism to assist Mr. Miller in the work he is doing for the new code. The points have been well brought out by Mr. Kohn. I think we could add only one word or emphasis on the matter of the Board of Appeals and call your attention to the fact that this proposed Board of Appeals, as it is proposed in the tentative draft, the legislative and executive and judicial func-

tions could all be combined in one official; in other words the head of the Bureau of Buildings should have under a flexible building law the power of issuing regulations which should have all the force of ordinances. That is very important in order to secure a properly flexible law and permit us to admit new ideas, new building materials and new methods. At the same time an executive officer, if any one appeals from his decision, he sits as Chairman of the Board to pass upon appeals from his own decision. That seems very wrong in principle. I have a memorandum covering this particular point.

Mr. ELKUS: You may submit it and it will be placed upon the record.

The memorandum submitted is as follows:

Notes referring to the first draft of a tentative bill for the creation of a Department of Buildings of the City of New York, and a Board of Standards and Appeals therein.

The public should be protected against faulty construction and other dangers due to bad planning and bad workmanship. At the same time progressive ideas should be encouraged. New building materials and ingenious construction are constantly causing revolutions in building methods. It is the belief of the Joint Committee that we can accomplish our purposes of being safe and progressive at the same by the following procedure:

First.—Enact a Building Code based on general principles, and made as brief and comprehensive as possible.

Second.—Give the Building Department power to publish regulations which shall have the force of ordinances and be more easily modified in an impartial way.

Third.—Refer appeals from decisions of the Building Department to a Board of Appeals, whose findings shall be matters of public record and precedent.

The proposed new State Law, in attempting to carry out this programme, contains, in its present form, a vital mistake, in that it combines legislative, executive and judicial functions, all three in one official, the head of the Building Department. This would be a proceeding subversive to the principles underlying our whole government machinery. However able and honest the

head of the Building Department, the power of passing upon an appeal from his decisions and interpretations of the law should be lodged in a body of several men who could judge from several points of view more safely than any one mind could do.

Mr. F. J. T. STEWART (Superintendent of the New York Board of Fire Underwriters) addressed the Commission:

Mr. STEWART: Representing the Board of Underwriters I want to file with you a brief statement for myself and for Mr. Ira H. Woolson, on behalf of the New York Board of Fire Underwriters in which we endorse the scheme in principle and particularly the brief submitted by Mr. Kohn, of which I have attached a copy herewith and we also file a resolution adopted by the Board of Fire Underwriters on the 18th with particular reference to the Board of Standards and Appeals, their feeling being that they object to it as proposed but feel that it should be substantially as at present, and in subscribing to the brief that Mr. Kohn submitted we favor the separation of the Board of Standards from the Board of Appeals.

The letter and brief are as follows:

THE NEW YORK BOARD OF FIRE UNDERWRITERS,
BUREAU OF SURVEYS, 123 William Street.

NEW YORK, *November 23, 1914.*

HON. ROBERT F. WAGNER, *Chairman, New York State Factory Investigating Commission, 170 Broadway, New York City:*

DEAR SIR.— In the matter of the proposed bill for the creation of a Department of Buildings for the City of Greater New York and a Board of Standards and Appeals therein, the undersigned are authorized by the special committee of the New York Board of Fire Underwriters on this subject, to express our approval on behalf of the Board of the general object of the bill.

We are further authorized to file with you the attached resolution passed by the New York Board of Fire Underwriters at its meeting held November 18, 1914, protesting against the uncertain provision for our representation on the proposed Board of Standards and Appeals which is intended to replace the present Board of Examiners of the Bureau of Buildings.

We are further authorized to advise that the New York Board of Fire Underwriters approves in substance the attached brief approving the general plan of consolidation prepared by a special committee of the American Institute of Architects and, we believe, endorsed by the constituent members of the Joint Committee on City Departments. We especially call attention to the suggestions regarding the proposed Board of Standards and Appeals contained therein.

In voicing our approval of the principle of consolidation of the administrative functions affecting buildings, it impresses us as the only logical plan to ensure efficiency and economy, and to eliminate friction and inconsistencies. We, therefore, believe that the principle of consolidation should be carried out somewhat literally to fully accomplish its purpose, and wish to caution against digressing from this principle for the sake of expediency.

Respectfully submitted,

F. J. T. STEWART,
*Superintendent, New York Board of
Fire Underwriters.*

IRA H. WOOLSON,
*Consulting Engineer, National Board
of Fire Underwriters.*

RESOLUTION, NEW YORK BOARD OF FIRE UNDER- WRITERS, NOVEMBER 18, 1914

WHEREAS, Under section 411 of the Greater New York Charter creating the Board of Examiners of the Bureau of Buildings of the City of New York it is required that one of the members of such Board shall be a member of the New York Board of Fire Underwriters, and

WHEREAS, It appears from the first proof of a tentative bill for the creation of a Department of Buildings of the City of New York and a Board of Standards and Appeals therein, issued for criticisms and suggestions by the New York State Factory Investigating Commission, that it is contemplated to create a Board of Standards and Appeals to discharge the duties of what is now the Board of Examiners, and

WHEREAS, It is also contemplated in such bill that the appointment on such Board of Standards and Appeals of a representative of the New York Board of Fire Underwriters shall not be obligatory, as is now the case under the City Charter, but shall be at the option of the Mayor for the time being, and

WHEREAS, It is in the interests of the City of New York, of property owners and of the capital represented in the New York Board of Fire Underwriters that one of the members of the Board of Examiners or the Board of Standards and Appeals, by whatever name called, should necessarily be a delegate from the New York Board of Fire Underwriters,

Resolved, That a committee of five be appointed by the President with power to take such steps as may be necessary to give effect to these views, to oppose any proposed legislation the effect of which might be that a representative of the New York Board of Fire Underwriters would not necessarily be included in the membership of such Board of Examiners or Board of Standards and Appeals.

STATEMENT PREPARED AND SUBMITTED NOVEMBER 23, 1914, BY THE JOINT COMMITTEE ON CITY DEPARTMENTS

(Representing the New York and Brooklyn chapters of the American Institute of Architects, the Building Trades Employers' Association, The New York Society of Architects, and the American Institute of Consulting Engineers.)

1. We herewith repeat our previously recorded approval of the principle involved in the consolidation into one bureau of all those City and State Departments having supervision over the construction and alterations of buildings within the city of New York.

2. We believe that the time allowed for the consideration of the draft is entirely inadequate to prepare a detailed study of the same. We ask another and later opportunity for presenting such detailed criticisms.

3. We believe that the consolidation of Departments should be complete. We can see no reason why any one Department any more than another (such as the Tenement House Department) now independent should be excluded from such a consolidation.

4. We believe that the new Department as proposed should include all the powers of the City and State Departments mentioned in the tentative bill and in general should control only matters affecting the construction, alterations and fire prevention equipment of structures in the greater New York.

5. We believe that the Board of Standards and Appeals proposed in the tentative draft would not prove effective. We believe that the two functions of standards and appeals should be kept distinct. The Board of Appeals is a technical court of relief, a court of adjustment. There should therefore be two separate boards, as follows:

a. A Board of Superintendents, or "Board of Standards" consisting of the Commissioner of Buildings, the Superintendents of Buildings of the five boroughs and three experts. This Board of nine would be required to prepare standards and regulations, uniform for the entire city on all those matters left to their definition by the Building and other Codes governing the Department's work. Their proposed regulations and standards should be published in the City Record at least once a week for four weeks before final adoption, and public hearings should also be provided for. We have suggested the addition of the three experts so as to give the Board the assistance of technical men not in the Department who could be secured for part time work — men of much higher grade than any that could be permanently employed — at comparatively small or even no cost to the city.

b. A Board of Appeal. This function should be entirely distinct and separate from that of the Board of Superintendents or Board of Standards. Those connected with building work in this city are qualified to speak on this subject, and they say in no uncertain terms that the principle of a Board of Appeal (or Board of Examiners) — the principle of an independent-nonpolitical Board — is most valuable, is in fact essential. By nonpolitical we mean a Board of Appeal appointed officially by the Mayor but selected by the Architects' Societies of New York and Brooklyn, the Building Trades Employers' Associations, Consulting Engineers Society and Underwriters' Associations. In view of the proposed new powers of the Board there should also be added members selected by organizations most interested in tenement

house protective legislation. The Commissioner of Buildings and the Borough Superintendents should not be members of this Board. The Chief of the Fire Department should be a member.

None but technical questions come before this Board and it should consist of none but technically qualified men. Its composition should be carefully scrutinized. Unrepresentative organizations should be excluded. On a Board such as this — a Board that prevents injustice by permitting of new forms of construction not prevised in the law, new solutions of structural and fire prevention problems not permissible by strict interpretations of the ordinances — on such a Board we can secure the services of men of great ability at little or no cost — men who will give their time as they have in the past for the good of the city. These are men who could never be had to serve on a permanent Board, no matter what the salary.

6. The decision of the Board of Appeals should for obvious reasons be published in the City Record and be made citable as precedents for future applications.

7. There are many details of the plan as suggested, which in our opinion, should be modified. Such, for instance, are: the failure of the plan to provide for the inspection and supervision of elevators; the failure of the plan to provide for surveys of unsafe buildings; the failure of the plan to provide for surveys on appeals from fire prevention orders.

8. Finally, we reiterate our declaration of the approval of the principle involved in the proposed legislation, provided the consolidation includes everything properly within the scope of such a department, and we ask for a later opportunity to present a more detailed constructive criticism.

Respectfully submitted,

THE JOINT COMMITTEE ON CITY DEPARTMENTS.

Endorsed by Ira H. Woolson and F. J. T. Stewart on behalf of the New York Board of Fire Underwriters and submitted to the New York State Factory Investigating Commission, November 23, 1914.

MR. ELKUS: Mr. Chairman I have been asked to file a brief on behalf of the New York Society of Architects by Mr. Joseph

C. Schaeffler, which reads in part that the New York Society of Architects is largely in accord with the consolidation of all the various departments having jurisdiction over building operations in the greater city, the brief is as follows:

“The present draft of this bill was received too recently to permit of anything but an altogether too hasty and superficial examination.

“The New York Society of Architects is heartily in accord with the consolidation of all the various departments having jurisdiction over building operations in the Greater City of New York, but we desire more time for a careful consideration of the details involved and respectfully request that this matter be again presented for discussion at a future hearing.

“The consolidation, to be what the name implies, would of course include all departments, whether City or State, which in any way control the erection of new structures, alterations to existing structures, means for the prevention of fire, sanitation, etc., within the limits of the Greater City of New York.

“We desire at this time, however, to call attention to the importance of separating the power of fixing standards from the discretionary powers of the Board of Appeals. The Board of Standards should properly be composed of the Commissioner of Buildings and his deputies, assisted and advised by several engineers of known ability. The Board of Appeal, however, should be composed of men of known ability in the design and erection of structures (architects, engineers and builders), recommended to serve by the various organizations directly interested in such work in the Greater City of New York. The Board of Appeal must be a fully representative body. The present Board of Examiners is not fully representative. In the present draft of the bill the Commissioner of Buildings would be a member of the Board empowered to hear and pass upon appeals from his own decisions. Manifestly such a proceeding would be an injustice to the appellant. Although all those serving on both Boards would be appointed by the Mayor, the above mentioned method of selecting the members of the Board of Appeals would ensure a nonpolitical body of technically trained men, qualified by experience to judge and pass upon difficult and new methods of construction, and such

other problems not provided for in the existing laws. All proceedings and decisions of both Boards should be published in the City Record.

“ This is the only comment we care to make at the present time. We desire more time for further and more mature consideration of the entire draft of the bill so that we may be enabled to submit a more detailed criticism of same at a future hearing.

“ Respectfully submitted,

“ NEW YORK SOCIETY OF ARCHITECTS,

“ By JOSEPH C. SCHAEFFLER.”

The CHAIRMAN: The Commission will now take a recess until two o'clock sharp.

AFTERNOON SESSION

Mr. HARRY N. FRENCH: I appear for the Building Trade Employers' Association of the city and I am asked to state for them that they are represented in the Joint Committee on City Departments, from which you have already heard from Mr. Kohn, that correctly stated its opinion regarding this tentative bill.

I am also asked by Mr. Cheney for the Society of Architectural Iron Manufacturers to say that they also are of the same opinion.

Mr. FURST: I am the President of the South Bronx Property Owners' Association. We have adopted resolutions which are as follows:

SOUTH BRONX PROPERTY OWNERS' ASSOCIATION,
549 EAST 138TH STREET.

At a meeting of the Executive Committee of the above Association, held at our headquarters, 549 East 138th street, Thursday, November 17, 1914, the following resolutions were offered and unanimously adopted:

WHEREAS, the New York State Factory Investigating Commission, Hon. Robert F. Wagner, Chairman, has formulated a tentative plan with reference to the inspection of buildings in New York City by uniting different city and State departments, and

WHEREAS, the South Bronx Property Owners' Association founded in 1902, its officers and members are in favor of such plans, as stated in the said tentative plan, except as hereinafter mentioned, therefore be it

Resolved, That we want the number of Commissioners to be five, one for each borough, so as to assure in said Commission the presence of one representative from each of the five boroughs of Greater New York, according to the principles of home rule.

IN WITNESS WHEREOF, the President and Secretary have signed these presents and affixed the seal of the Association.

MR. FREDERICK C. KUNDECK,

Secretary.

Mr. ARTHUR ARCTANDER, addressed the Commission; Mr. Arctander stated: I reside at 994 Grant avenue, Bronx, and represent the Taxpayers' Alliance as a Delegate, also the Bronx County Property Owners' Association, and I am an architect.

I have conducted business in the Bronx, Manhattan and Brooklyn and so forth for the past forty years and wish to state that the Taxpayers' Alliance, which I represent, constitutes twenty-two Civic Organizations in the Borough of the Bronx.

I wish to state that we have read with great interest the tentative plan of consolidation of the various city departments consisting of: the Building Department; the Tenement House Department; the Labor Department; the Fire Prevention Department; and the Factory Department.

We are practically in favor of the consolidation of all those departments but under a five headed Commission; one Commissioner or Superintendent from each borough with full power to decide all cases coming before them but governed by the same law for all boroughs, and as has been expressed by President Mattewson of Bronx borough.

I am familiar with the plan now in operation with independent action for each borough in the Building Department, and I am also familiar with the plan in operation in said department prior to the year 1901 when a deputy was assigned to the Borough of the Bronx.

On behalf of the organizations which I represent, I wish to state that we are in favor that the five commissioners or superintendents should constitute a board to which an appeal may be taken in cases of dispute and also that a further appeal of last instance may be had to a Board of Examiners as constituted now but whose membership should be extended and to have not less than one representative from the architects; the Builders Association; the Plumbers Association with a practical knowledge of not less than ten years experience; also a representative from the Labor Organization, the State Factory Commission; the Fire Department; the Fire Prevention Department; the Tenement House Department and the Building Department.

We would recommend that the Board of Commissioners should meet once every week in the Municipal building, and that the Board of Examiners should meet not less than once every month.

We would recommend that all heads of the new department and deputies should be either architects or builders of not less than ten years' experience and that they should be appointed by the respective Borough Presidents in the various boroughs and that all inspectors in the department should be experienced craftsmen of five years' experience.

We believe that the consolidation under such a department would be a saving to the city of \$1,000,000 and would be a great benefit to the whole building industry in the city and would lessen the constant annoyance of inspectors now in existence from each department.

I believe that I have stated all the desires of the organizations which I have the honor to represent and would only say in conclusion that I appear here only by courtesy of the Chairman of the Commission, in the absence of the Chairman of the Delegates, Mr. Schoonmaker, whom I would request may be heard now.

Mr. ELKUS: Is he here now.

Mr. ARCTANDER: He is here now.

Mr. CHARLES BUEK addressed the Commission.

Mr. BUEK: I represent the Real Estate Owners and Builders Association. We are very heartily in favor of this consolidation.

We believe it would be one of the best things that could happen to New York real estate if it could be brought about. We have gone very carefully through this tentative plan or bill and have embodied some of our suggestions in the shape of a communication here. I would like to be permitted to read it, may I?

Commissioner DREIER: Yes.

By Mr. ELKUS:

Q. May I ask how many members you have in your association?

A. About sixty. I won't take up the time of the Commission by reading the whole of it, but to lay stress upon two matters to call your attention to. We think that in this consolidation the new department of buildings should not have any control over buildings so far as their sanitation or use is concerned. We think that the purview of the department of buildings should cease when the building is completed. After that whatever belongs to the sanitary part of it should be under the board of health. Whatever belongs to the fire prevention and so on should be under the purview of the fire department, as in years past when the chief of the battalion or the captain of the company sent his men through the building and examined the conditions and found whether things were right or not. That can readily be done under this bill. The business of the building department should end, we think, when the building is completed and turned in, and the owner should then have a clean bill of health so that he can know that hereafter he will not be liable for any demands so far as the structural part of the building is concerned.

We would like to speak also with reference to the board of standards and appeals. The establishment of this board is, after the general consolidation, probably the most important feature of the bill. Its functions are delicate, its powers varied and extensive, and its composition will be of the utmost importance. It should before all be a board of experts, of men of experience in building and familiar with its various problems and its phases. No others can intelligently pass upon the many questions of materials and methods that will constantly come before it, both in the laying down of rules and regulations, and the decision on appeals. Unless its members are experts, known as such, the board cannot

command the confidence of the building public. I believe that would require no argument. The questions that come up are technical entirely and no one but experts can pass upon them. It should also be entirely nonpartisan. Politics should in no wise enter into it. The board as constituted in the bill does not seem to meet these requirements. To have the chairman pass upon his own orders and decisions makes the board anything but impartial.

By Mr. OLVANY:

Q. Mr. Buek, may I ask you whether you represent the real estate owners of all of the boroughs or only of one borough?
A. Only of Manhattan.

By Mr. ARCTANDER:

Q. In your experience have you found that the building department inspectors were practical men? A. Some are and some are not.

Q. Have you found in your experience that the inspectors of the tenement house department were practical men? A. Never had experience with them. I have never built a building under the tenement house law. Since the tenement house law has been in effect I have built no more tenements or apartment houses. I don't know anything about them.

The paper submitted by Mr. Buek is as follows:

1. The new department should have jurisdiction over fire escapes, fire towers and all other means of exit in case of fire in a building.

2. The act should provide for the boiler inspection by the department of high pressure boilers only. The police now claim jurisdiction in some cases over low pressure boilers intended for heating only.

3. The bill should include not only structural changes in bakeries and food products manufactories, but structural changes in all buildings, as the health department has frequently issued such orders in respect to other buildings.

4. All matters of construction, arrangement, plumbing and ventilation, now under the authority of the tenement house department should decidedly be included in the new department.

5. The definition of a tenement should be so amended as not to include three family houses, and it would be well if the old distinction between tenements and apartments could be restored.

6. The definition of a factory should be amended so as not to include small workshops or workrooms where but few people are employed.

7. It is decidedly our opinion that the bill should designate the bureaus into which the new department is to be divided, but that the number of inspectors should be left to the board of estimate and apportionment, with perhaps a maximum fixed in the bill.

8. An officer or employee should give his whole undivided time and attention to the public business, but this provision should not apply to members of the board of standards and appeals.

9. If this provision is made to apply to others than officers and employees of the department, it would seem to invest the commissioner with judicial powers which should belong to the courts.

10. Instead of using the words "between sunset and sunrise," would it not be better to substitute "between 6 P. M. and 8 A. M.?"

11. The provisions of paragraph 21 apparently vest in the commissioner of buildings an undesirable and unsafe power. It would make him virtually the ruler of the city and all building, and the business of renting and selling would be practically at his mercy. It is too great a power to confer on any man, however competent, wise and upright. We believe the broad general principle should be laid down that the supervision of the department ends when the building has been finally turned in as completed in compliance with the law; that the owner who has so complied in good faith shall be entitled to a clean bill of health and free from further requirements. It follows that it shall have no concern with cases of disease, sanitation and nuisance, which may safely be left to the department of health to deal with, which alone is properly equipped for that purpose. The jurisdiction over vessels and piers would seem to belong to the department of docks.

12. Every citizen should have the right to be heard in court and the words "may be granted a hearing" should be changed to "shall be granted a hearing."

13. To give the city a lien on property for the expense of executing orders which very often might be uncalled for and

unnecessary, would frequently work great hardship and oppression. It would only be another burden on the already overburdened real estate of the city. It should be sufficient if the city has the right to sue for the debt.

To make the expense a lien on rents is still more objectionable for similar reasons.

14. We think that a five days' notice of a preliminary injunction against the department is much too long. It would be safe to leave the time to the court, as in five days much damage could be done.

15. Board of standards and appeals: The establishment of this board is, after the general consolidation, probably the most important feature of the bill. Its functions are delicate, its powers varied and extensive, and its composition will be of the utmost importance. It should before all be a board of experts, of men of experience in building, and familiar with its various problems and phases. No others can intelligently pass upon the many questions of material and method that will constantly come before it, both in the laying down of rules and regulations, and the decision on appeals. Unless its members are experts, known as such, the board cannot command the confidence of the building public.

It should also be an impartial and entirely non-partisan board, politics should in no wise enter into it.

The board as constituted in the bill does not appear to us to meet these requirements. To make the commissioner of buildings a member, even the chairman, to hear and pass upon appeals from his own orders and decisions, makes the board anything but impartial. No man can be an impartial judge of his own actions, and it should be borne in mind that those who appeal have already argued their case before him personally. Few appellants would care to appear against him before the board.

The fire commissioner also should not properly be a member, being in no sense familiar with the questions coming up. The chief of the fire department, the actual commander of the fire fighting force, has been and would be a very useful member, the commissioner probably not at all. With the other three members to be appointed by the mayor, without any qualification or limita-

tion, the entire board would be appointees of his and inevitably partisan. The provision that the mayor shall "consider" certain nominations if made, is of course entirely ineffective and of no value.

The method for so many years in force for the appointment of the very similar body known as the board of examiners of the bureau of buildings, and which body the proposed board of standards and appeals is intended to supplant, has stood the test of experience, and has worked well in practice. The members certified to the mayor by the societies named in the charter, and also designated in the draft bill and appointed by him, have always been of high character and standing, their decisions have always been arrived at with painstaking care, and no breath of suspicion or scandal has ever touched them. It is not material what organizations be selected by your Commission, so that they be truly representative of the different professions, trades and interests to whom the city must look for its further building up and improvement. Such a body to be truly representative and truly deliberative must consist of more than five members. The seven in the present body are none too many, and nine would be better. The great sister boroughs of Brooklyn and Queens, which have peculiar problems of their own, should be represented.

A board consisting of men so selected by the several associations for their special fitness, based on an intimate personal knowledge of their professional and business standing, and in daily touch with the problem they are called upon to solve, can be trusted to make rules and regulations reasonable and practicable and to render decisions that will command the respect of the community.

Mr. ALEXANDER MCINTOSH addressed the Commission.

Mr. MCINTOSH: I represent the Brooklyn chapter of the American Institute of Architects. I have come here to express the unanimous resolution adopted by my society to support the principle recommended for uniting the various city departments so far as the construction, approving and repair of buildings is concerned. Regarding the administration, my society was almost unanimous in recommending that it be combined under the various borough officials.

Mr. ELMER SCHOONMAKER, addressed the Commission.

Mr. SCHOONMAKER: Mr. Chairman I represent the Taxpayers Alliance of the Bronx. I came here as a representative of the Taxpayers' Alliance of the Bronx for the best interests of the Association.

By Mr. ELKUS:

Q. You heard the statement made by Mr. Arctander who spoke for the same association? A. I was outside at the time and Mr. Arctander came up on a certain proposition to take my place while I was absent.

Q. Are you going to make the same statement. A. No, I am not. I am chairman of the tenement house committee and the building laws of the Taxpayers Alliance, composed of twenty-three taxpayers' associations of the Bronx, and he as an architect expressed propositions which I could not go into detail about to the advantage of the members present but I would like to state that one of the principal facts which exist in our borough is that the tentative plan we are principally in favor of is for the consolidation of the tenement house and fire prevention bureaus in the building department and we believe the building department is the proper department to control that proposition. As many of our members who are not very wealthy capitalists have to borrow money on their building propositions, when they present plans to the different departments they have got to go from the building department to the tenement house department and from the tenement house department to the fire prevention department and to the water department and I do not know how many other departments before they can get their plans approved. Now then before these people can build their buildings they have to place upon their buildings a builders' loan and interest charged from the time their loan is placed. These people are put to numerous expenses which are unnecessary and caused by the delay of these different departments before these plans are approved. For that reason we are in favor of the tentative plan which is laid down by the State Factory Investigating Commission, with the exception of one proposition. We are in favor of the borough presidents appointing the heads of the building departments for the purpose of obtaining borough autonomy. Borough

autonomy must be obtained in order to get through these measures; not that we have any objection to the mayor or the mayor's powers or anything that he might suggest, but the mayor is surrounded by certain conditions which can not work to the best advantage of the outlying boroughs and in the interest of the property owners of those territories. For that reason we are opposed to the centralization of these powers in the mayor and having him appoint the Commissioners as proposed by this tentative plan. That is the only objection which the Taxpayers Alliance raises to the tentative plan suggested by the State Factory Investigating Commission. Now if they are willing to concede to these conditions we are willing to use our best efforts to bring forth the best conditions which are laid down in their tentative plan; otherwise we will oppose because we consider the conditions at the present time would be better than to have it where the mayor would lay down those conditions and laws and dole them out to the borough presidents; where the building department heads were appointed by the mayor of the city and placed in that territory. We feel that that would be detrimental, that it would create different opinions which would create disturbances in the different departments and would not be to the best advantage of the taxpayers, who when they want to put up a building want to do it in the most immediate and most economical way and with the least expense possible that could be done and for those reasons we are opposing the proposition to the mayor appointing the heads of the department. We wish that the deputy in each borough be appointed by the borough president and controlled by that borough. We are in favor of the tentative plan with the Commission appointed — they are not particular about how the Commission is appointed or how it is arranged but we want certain bodies that are certainly familiar with the facts and conditions of the different boroughs that will put forth the energy and the best interests and not delay and cause expense to the taxpayers of the borough of the Bronx, or Manhattan, or Kings, Queens or Richmond, or any other borough. We are looking out for the interests of all of the five boroughs, while the conditions at the present time are different in each borough. There are certain fire laws which cover certain territory. There are certain laws that provide for territories in which *nonfire* proof buildings

can be built, frame buildings of different conditions that do not come under the fire law which we want controlled by the borough and are put under the best fire conditions that can be expressed as a tentative plan or any plan that can be introduced. We are willing to accept those plans but we want borough autonomy under all conditions, and that is what we stand for and what we are in favor of. Now if this tentative plan will accede to those conditions we will certainly use our best efforts to enforce those conditions but as far as the Commission which is appointed we are not particular who may appoint those Commissioners from the different boroughs who are interested in the building laws, if they will use their best efforts to bring about the best conditions and the most economical conditions. We are willing to favor any of those recommendations presented here to the best interests of the different boroughs.

Now I do not know that I could go into further details. I believe that the other speakers have presented this in proper shape and force and we thoroughly understand what the different sentiments of the different boroughs are, but as for the Taxpayers Alliance of the Bronx we are all poor property owners paying tribute and we are paying dearly for what we are getting at the present time. We believe that the mayor has too much power at the present time, that he can not represent all of the outlying boroughs and give them proper attention which the borough presidents and his colleagues in office can give to the people who are in these outlying boroughs.

Hon. MARCUS M. MARKS addressed the Commission.

Mr. ELKUS: Mr. President, you have considered the plan which we have been discussing?

Mr. MARKS: Considered it long before the tentative bill was drawn. I have prepared a short statement in order not to take up too much of your time, which explains my attitude.

It is the general report that the acuteness of the evil of over-inspection and conflict of orders in connection with buildings in our city, has been brought about largely through the recent activities of the fire prevention bureau and the State Labor Department.

While there is room for reorganization in other existing bureaus, it is quite natural that sufferers should first seek relief from the burdens of the "two last straws which broke the camel's back."

Whether it is possible to organize a board of inspections in order to prevent duplication or conflict, or whether bureaus are to be physically combined in order to get the same result, the main point now is to proceed quickly in the direction of relief which is so urgently needed.

The tentative bill which is here offered for consideration by the New York State Factory Investigation Commission I would strenuously oppose for the following reasons:

1. Because it will bring deputies instead of chiefs into each borough. This would give less opportunity to obtain high grade talent for the then subpositions.

2. It would delay finality in action which would be caused by awaiting the judgment of the chief who would be out of personal touch with at least four of the boroughs. The boroughs building bureaus were united under central city control years ago and the plan failed dismally.

3. Because it is an unbalanced and incomplete attempt toward charter revision of borough and city functions.

It would throw out of balance the relations between city and borough and a little later, when other city and borough departments pass in review before the charter revision commission, other radical changes, now contemplated would again endanger this equilibrium.

The two principal departments under borough authority are public works and buildings. Cut out buildings and you practically break in two the duties and responsibilities of borough government.

If it be wise to aim at the destruction of borough autonomy by such a heavy stroke as the elimination of the building bureau, why not take away the other half, namely, public works, thus ending borough rule.

This subject is too large to discuss at this moment.

There has been no conflict, or overlapping of inspection or duplication of orders regarding buildings between one borough and the

others. The sharp separation of territory prevents any such possibility.

Why then now seek relief from over inspection and duplication or orders by taking from borough control a function which has operated without the slightest conflict of this nature?

If the solution of the difficulty is to be found in a city or State department, the functions of which can safely be consolidated with the borough building bureaus, I have no doubt that the borough authorities would be willing to assume this added responsibility in the interest of simpler and more efficient government.

I understand that such a suggestion is being elaborated.

It should have full and serious consideration as a logical move along the lines of least resistance.

I am prepared to co-operate with State, city and borough authorities who will work toward speedy relief from the present cumbersome and trying system of building regulation.

Mr. HELMS: Mr. Marks, do you approve of this principle of a board of appeals and standards as specified in this bill; do you believe in separate borough building departments and do you think it would be advisable to have that central board of appeals?

Mr. MARKS: I think that a combination, a board of appeals between the various boroughs would be very useful — you can call it by any name you like — a co-operation I believe, the closest co-operation between the boroughs but without cutting the boroughs in two and thus breaking up that form of government.

Mr. ARCTANDER: Mr. President, may I ask a question?

Mr. MARKS: You may.

Mr. ARCTANDER: Do you think that the tenement house department with its inspectors as they are to-day would be a department most desired to have control?

Mr. MARKS: That is a question which I think you will probably go into after you get your testimony. I prefer not to express any judgment as to the relative value of the tenement house department and the building department.

MR. ARCTANDER: Then, Mr. President, may I ask you another question; you are aware, I think, by your experience as president of the borough of Manhattan that the building department has practical inspectors to do that, that know all about buildings, and as a general thing they are appointed with practical knowledge are they not?

MR. MARKS: That is the intention, surely.

MR. ARCTANDER: You are aware, I think, that the tenement house inspectors are not appointed as practical men?

MR. MARKS: I am not aware of that.

MR. ARCTANDER: Well, are you aware that the percentage in the examination is only twenty per cent for practical experience?

MR. MARKS: I am not prepared to pass upon any criticism of the tenement house department.

MR. ARCTANDER: Thank you. I only wish to bring it forcibly before the Commission that the building department inspectors are practical men whereas the tenement house department inspectors are not.

MR. MARKS: I am willing to admit the former since the building department comes under my jurisdiction.

HON. JAMES M. LYNCH, Commissioner of the Department of Labor of the State of New York, addressed the Commission.

By Mr. ELKUS:

Q. Commissioner, will you be kind enough to give us your views on the subject under discussion? A. I am opposed to the proposition so far as it in any way menaces the power or authority of the State Labor Department. I expressed that view before and I reiterate it now. If wage earners are to have adequate protection in factories, factory buildings and mercantile establishments it must come to them through a department that is in sympathy with the laws enacted for their protection. I want to make this suggestion, however, that if this tentative proposition is to be presented to the Legislature that it should at least have a section

that will permit the State Labor Department legally to call the attention of the central board provided therein to the violations of the Labor Law so that we may retain at least that much power to exert in behalf of the people who are at work in factories and stores. That is about all I have to say.

The CHAIRMAN: Does any one want to ask any question of the Commissioner?

MR. JAMES O'BRIEN: I want to ask the Commissioner if it isn't possible for the superintendent of buildings in the different boroughs to have inspectors to enforce the State Labor Laws the same as they enforce the State Labor Laws relating to the construction of buildings?

MR. LYNCH: It is possible for him to have the inspectors, of course. As to the method for enforcing the laws from the particular point of view of the people employed I have grave doubts.

MR. O'BRIEN: You have doubts that a man employed by the borough president in Queens or in the Bronx would not be as good —

MR. LYNCH: I have doubts whether the workers could get any such protection as they have now through the State Labor Department.

MR. PATRICK J. REVILLE, of the Builders' Protective Association, addressed the Commission.

By Mr. ELKUS:

Q. About how many members are in your association? A. 135.

Q. We should be very glad to hear from you about the matter we are discussing? A. The sense of our members is that the building industry is not an illegal operation to begin with. We take exception to the spirit expressed by Mr. Miller to the effect that the duties of a superintendent of buildings are to execute. We claim, and we claim justly, that the duties of a superintendent naturally devolve on his inspectors and not only to inspect but to advise. There are many types and classes of people engaged in building operations and alterations. Very few of them are

thoroughly conversant with the laws and practically none are sufficiently active to keep up with the regulations. The result is that they unconsciously get into violations of the law or regulations and leave themselves open to a second prosecution. Now we feel that under the present borough system we have in the building department a condition similar to what the Municipal Court is to the Supreme Court. The Supreme Court has its functions and nobody would think of bringing a suit for fifteen or twenty dollars into the Supreme Court, because the cost would be so extreme and for other reasons. But in the Municipal Court is is a different proposition. In the building department it is very much the same. A person goes into a little alteration in their building and they unconsciously violate the law. They want to reach somebody in sympathy with them. They do not want to go down to the borough of Manhattan or deputy commissioner or somebody else, they want to reach a borough president, who if he does not give them a fair ruling he can chastise. We are getting nearer to the spirit of recall in our government and we ought to have it. We in the Bronx have had reason to suffer from deputies. As there are a few Bronx people here I am calling their attention to the matter. During the administration of Mayor McClellan we had the proposition of a gentleman who had spent most of his life in Albany as a newspaper man made Tax Commissioner. I question whether he knew a block east or west of Third avenue. The situation was this, that if a man came there —

Q. There are a good many people to be heard, Mr. Reville. Get down to the question. A. To get down to the question, we are opposed to the centralization of the building department in this sense, we are opposed to a commissioner being appointed with deputies.

Q. Are you in favor of consolidation? A. We are very much in favor of consolidation of inspection. We do not agree with Mr. Lynch that the same sympathy would not be dealt to the laboring man through the building department as through the Labor Bureau.

Q. Do I understand you correctly if I say you are in favor of the consolidation of all these departments for the construction of buildings and alteration of them under borough control? A. Our

association favors the consolidation of all of these bureaus relative to buildings under borough control.

Q. Now Mr. Matthewson made the distinction of construction and alteration under borough control and maintenance; he said that maintenance should be under city control; do you agree with him? A. There is this to be said as to maintenance, that we feel that factory buildings and buildings where floor loads are being constantly changed they should still be left under the jurisdiction of the bureau of buildings as it is absolutely necessary to have plans to determine what floor load can be taken care of in a building. Now the serious question comes up in reference to this particular measure before the body to-day, that is, the new bill relating to the commissioner. We question that bill in this sense, that the commissioner is not required to be a practical man. No experience is asked of him. That is not fair to the builders. There is no reason why a man at the head of the department should be a man without knowledge of buildings. We are getting entirely too much of that in our city government. The fact that a man comes from Cohoes or Maryland does not say that he is a building man. Our board of examiners who get but ten dollars a sitting are the most competent body of men in our city government, and I am ready to answer any question on that. They are men who have made a success of their own business right in this city. The same thing applies to the building department. We have men in the department who have been competent and who prove themselves competent. We want to get away from the doctrinaires. We want to get our own business in our own hands. We have been having too many people come here to tell us how to run our affairs and we have been paying them big money to do it. It is a peculiar situation. You can go to a borough president. You do not have to have an introduction. You can go in and state your situation and there is one question that has never come up here to-day, and I am surprised at it, and that is, where you now reach the head of the department without any red tape, you can eliminate graft. That to my mind is the one real thing in the elimination of graft. If the man building in a small way knows he can see the commissioner and get the commissioner's ear in a sympathetic way and show that he has no intention of violating the law,

that man can then do his business without going about in a round about rigamole way. A gentleman attempted to answer the building loan proposition. There is a question there, and that is when he goes down for a payment, if there are violations pending on his building, they may be trivial violations of some kind, they may hold back the payment. They will not take a chance with somebody else's money. Going back to the purpose we are here for, I want to reiterate the fact that the association is in thorough sympathy with the building department in the various boroughs and would like to have the various inspection forces placed under their control. If I can go back fifteen years ago, I can tell you that the bureau of buildings took care of tenement houses and factory inspections and there were no more serious violations than there are to-day. There is another feature we would insist upon and that is that an examination for inspectors in these departments be along practical lines, that a man shall be practical in the particular line on which he is inspecting. There is no reason why a man should walk into a building, tell you to do something if he does not know what he is doing, and in complying with that request you are guilty of another violation. Once the inspection is made it should be final.

By Mr. A. GOLDBERG :

Q. Are you familiar with the proposition as outlined in the proposed bill that there should be a bureau of standards and appeals consisting of the chief of the various borough departments, that is, as to whether the department will be organized in different building departments in each borough or whether there will be one set of departments with a deputy in each borough? A. I believe that it will be the policy to have a bureau of standards and appeals consisting of the commissioners of the various departments.

Q. Are you in favor of that proposition — understanding this — that in case you have a disagreement with a certain superintendent of buildings in the borough or the deputy of that borough that in order to argue my appeal I would have to go before this bureau of standards and appeals of which he is a member, in order to find relief; do you understand the proposition that way?

A. No, Mr. Goldberg, I don't understand it that way, and speaking for our association, we would not be in favor of it. We think the board of appeals should be a distinterested body so that you go before a body that is not prejudiced. We know that there is a sympathetic feeling running through a board of inspectors or board of superintendents and one is not going to rule against the other. We do know this, that if you go down before the board of appeals as at present constituted, you go before a competent, able body, who sit there and pass upon your application and judge it on the merits, and as I understand it the board of standards is not for that purpose. The board of standards is to control the regulations of the department and to decide the questions that may come up, and I think to my mind that is a very satisfying thing. It does away with the rulings of individual superintendents and it brings about uniformity.

By Mr. ELKUS:

Q. When they formed the tenement house department and created the department as a separate department, wasn't that created because the building department had not properly supervised the construction and alterations of tenement houses. A. That was an excuse. If you want my honest opinion, I think it was created for bringing about more jobs. I will put it in that sense, just exactly the same as the bureau of fire prevention. This is not a laughing matter, but this is the crux of the whole situation.

Q. You think that the tenement house department ought never to have been created? A. It certainly should not have been created.

Q. Was it fifteen years ago? A. About twelve or fifteen years ago. Understand me, I am not speaking of the provisions of the tenement house law. Those provisions could have been enacted and drafted into the law and it could have been brought about through the building department probably a great deal more efficiently than through the tenement house department.

Q. You think the bureau of buildings can take charge of the building department work, fire prevention work and all this other work; your plan is each borough should have one superintendent of buildings and he should do all this work in that borough; is that right? A. That is the opinion of our association.

Q. You are in favor of consolidation but you want to consolidate into boroughs and not into the city? A. We are in favor of consolidation and the inspection should go back to where it came from, back to the Bureaus. The Bureaus did do the inspecting under the Tenement House Law. The superintendent did have the prosecutions of tenement house violations.

Mr. STEPHEN W. DODGE, addressed the Commission.

By Mr. ELKUS:

Q. Mr. Dodge what is your address? A. 135 Front street, New York.

Q. We will be very glad to hear you? A. I am going to talk to you not only as an architect but as President of the South Midwood Residents Association.

Q. What is that? A. That is a Flatbush taxpayers' civic organization of about one hundred and twenty paying members, and I appear at their direction and also as chairman of a special committee for the City Club of Brooklyn, on the combination inspection of buildings. We feel that the combination of all the different bureaus covering the inspection, construction and alteration of all buildings under one head is along the right line and proper. We feel that the control by borough presidents of the building departments would be the best form for this organization and that the various commissioners or superintendents as appointed by the Borough Presidents would form a commission to which the matter of modifications and regulations as provided for in the code, the Tenement House Law and other matters of Standards would be passed on for all of the boroughs uniformly.

Mr. FRANK E. CONOVER addressed the Commission.

Mr. ELKUS: Mr. Conover you desire to be heard upon this matter?

Mr. CONOVER: Yes, I am a member of the Building Trade Employers Association, President of the Mason Builders Association and Vice-President of Mechanics and Traders Exchange of this city. I believe in the consolidation of all those departments having anything to do with the construction of or alteration to

buildings, and means of exits therefrom, into one department. I believe that this one department should pass upon all plans submitted and that it should have inspectors to see that these plans are properly carried out; that there should not be any conflict between the different departments and that can only be avoided by one department having the matter in charge; that it ought not to be necessary to file plans for the building or for its alteration with more than one department in this city and that one should have the say and that one department should be held responsible for the carrying out of the plans as filed with it. In the proposed draft which I have not had time to study as carefully as I should have liked, there are three things which struck me as being a little bit wrong and which ought to be changed. I believe that the commissioner of buildings should be as it is under the present law, a man who has had at least ten years' experience, either as a builder and architect or engineer because of the technical knowledge and the practical experience that is necessary for that man to have. He ought to be a man capable of determining for himself without referring to deputies whether a thing is right or whether it be wrong. I think that in another part, in another section of it, where it says that the commissioner of buildings may condemn a building and order it altered or torn down that that is giving that man too much authority. I believe that there should be a board of survey provided who should determine whether or not the judgment of the commissioner is correct, a board of survey as it is now, one selected by the owner of the building, one by the commissioner of buildings and those two choose a third and the findings of two of those three should be final. I think it is a great mistake in regard to the board of examiners. I believe the board of standards should be one body of men and the board of examiners another. Their duties are so distinct that it would be very difficult if not impossible to constitute the two into one, and I believe further that these organizations as the present charter provides for or those you may decide upon and which must be organizations absolutely identified with the building industry in this city, that the men whom they elect to be members of that board should be the members of the board and should not be appointed by the mayor. They should not be appointed by anyone. That is a

board that has been in existence for thirty or forty years, over thirty years to my positive knowledge, a board in which politics absolutely plays no part. It is too important. There is no graft in it and it should be a board that is absolutely independent of any man and it would be a moral and absolute impossibility for the mayor, or for the borough president, or for any man to whom you chose to give that power, to appoint that board to do so without politics creeping in and playing a very large part. No matter how honest that man might be he could not avoid it.

Illustrating that, a few years ago there was a bill passed amending the charter and giving the mayor the right to appoint the members of the board of examiners. He gave hearings on the bill as the charter provided and he vetoed it. Some little time after it I was talking with him. I was in favor of vetoing the bill and appeared in opposition to it. I asked him why he vetoed it. He said, "Simply because the advocates of the bill could not answer me one question." He said, "Gentlemen, there is a board in which politics never has played a part and in which politics should never play a part. If you can show me how it is possible for me to appoint the members of that board without politics creeping in I will approve the bill." He said they couldn't do it. It would be impossible for the angel Gabriel himself, were he mayor of this town to appoint the members of that board without politics playing a part. Gentlemen, for the Lord's sake keep politics out of the board. In thirty or forty years there has never been a breath of suspicion against the action of the Board of Examiners. I am not a member of the board. I am not speaking as a reformer, I am a party member and I believe in a party machine, but I do believe there are certain departments in the city in which politics should play no part whatever, and one of those departments is the Board of Examiners. For Heaven's sake, it is clean today, leave it clean, let well enough alone.

By MR. ELKUS:

Q. How is the Board of Examiners appointed now? A. There are different bodies, Mr. Elkus, for instance the Board of Fire Underwriters have a representative; I think the Real Estate Exchange has one and the Chief of the Fire Department is a member.

Q. A certain number of officials of each department are mem-

bers of this board? A. No, the only official is the Chief of the Fire Department.

Q. And the bodies represent various real estate associations? A. Yes, sir.

Q. Will you tell me how in this bill they are appointed? A. It says: "Such board shall consist of the commissioner of buildings, the fire commissioner and three other persons appointed by the mayor. In making such appointments the mayor shall consider nominations, if any, made to him by the following organizations: The New York chapter of the American Institute of Architects, the New York Board of Fire Underwriters, the Mechanics' and Traders' Exchange, the Society of Architectural Iron Manufacturers, and the Real Estate Owners and Builders Association."

Q. And doesn't it say on the recommendations of these same bodies? A. No, sir, it says "he shall consider," now shall consider does not say he must appoint.

Q. Your idea is to recommend; and being the society to recommend they shall be appointed? A. No, their election to membership on that board by the several organizations named should make them members of it; there should be no appointment by any one. The chief of the fire department should be a member of it as he is to-day. The commissioner of buildings should not be a member of it, for it frequently has to pass upon questions which he has previously decided.

Q. Some of these associations are very small associations? A. That I cannot answer.

Q. The Real Estate Owners' Association? A. I am not familiar with that.

Q. It has been testified here, I think, it has sixty members? A. Mr. Elkus, I said I did not care what organizations they were.

Q. I am just getting your views on the subject? A. Yes.

Q. The Mechanics' Exchange, how large is that? A. Between nine hundred and a thousand members.

Q. The Real Estate Board of New York how many members have they? A. I can not answer for them, I only know my own.

Q. Then there is the Council of Real Estate Owners, both of which are very large associations none of which under the present law has any representation on this Board, have they? A. That I

don't know, Mr. Elkus, they should be associations closely identified with the building industry.

Q. Your point is whatever associations are named the Mayor must appoint them? A. No — the simple fact of their being elected should make them members of the Board.

Q. Who is going to designate the Association? A. That I can not say, only they should be associations that are live associations and directly interested in the building industry.

Q. When one of these associations get in the law it is pretty hard to get them out and change them, and the complaint has been made — I don't know which one of those associations — but one or more of them were what is called paper associations?

A. That I can't say, I only speak for the Mechanics and Traders Exchange and we have between 900 and 1,000 members.

MR. JAMES A. O'BRIEN (Contractor and Builder, Elmhurst, New York) addressed the Commission.

Mr. O'BRIEN: I am a builder and I am here representing myself as a builder. I have just glanced over the bill and I believe that we should have consolidation. In fact I had a resolution introduced and passed at the last convention of the Real Estate Exchange to that effect, but that consolidation should not mean that the builders and real estate owners should be at the power of the autocrat of Queens or any other place. We are partially in the power of an autocrat in the Tenement House Department. It would be all right if the autocracy was intelligent. It is the most stupid autocracy I know of. There isn't any one connected with the Tenement House Department that knows anything about the construction of a building. I have demonstrated that. It was fifteen years before any one in the department knew that a door leading from a vestibule should be a fireproof door until I taught them and when I did teach them one of the ignorant examiners wrote back and said "Your plan is objected to because it did not show that the door is all fireproof." I have that letter here. I believe that the superintendent of buildings in the borough should have whole charge of the inspection of all of the buildings in his borough. Whether you make him independent or a Board would

be a matter of detail but I think personally there should be a Board of Building superintendents with power to make minor rules and regulations within the law. I do not believe that the State should make any law on the building code as we have a building code in preparation by Mr. Miller, the former building superintendent of buildings of Manhattan, and I believe the making of the building laws should be always in the Board of Aldermen. I believe that the building superintendent in his own borough should have the general supervision of all buildings and all inspections and then the people in the borough can hold him responsible. It is utterly ridiculous to say that if the Mayor appoints the man that all of the people of New York can hold him responsible. This is a large city. It is hard to get a man appointed by the Mayor. He may be very unpopular. He may do anything he wants as long as the Mayor sanctions it and gets away with it. We have seen that state of affairs in New York; but he can not do that in a borough because if he could the borough government would pretty soon be overturned. Particularly in my section I can speak from experience that any unpopular building superintendent can overturn a borough president which hapened in the case of Mr. Burger.

By Mr. ARCTANDER:

Q. I understand you are in active business fifteen years, in the contracting business? A. About nine.

Q. Have you ever had any opportunity to know the inspections from the Building Department and from the Tenement House Department? A. Oh, yes, all along.

The CHAIRMAN: We already have Mr. O'Brien's view of the Tenement House Department.

Q. In your opinion then Mr. O'Brien are the inspectors of the Building Department capable of taking supervision of the department which is proposed? A. In my experience of the last nine years all these inspectors I have met have been practical men in their own line of trade. Plumbing inspectors must be plumbers; mason inspectors must be masons; a carpenter inspector must be a carpenter; but it is not so in the Tenement House Department.

By Mr. ELKUS:

Q. You are a builder? A. Yes, sir.

Q. You can inspect the plastering, plumbing and carpentering and all of that kind of work in a building, can't you? A. I can.

Q. You can pass on it? A. Yes, sir, I can because I am a builder and do all my own work. I do pass on it.

Q. Why can't the Building Department have one man? A. They do have one man except to this extent, that where there is a piece of plumbing they send a plumbing inspector. For instance, if a plumber finishes he plugs the opening and turns the water on, but a plumber passes on the work.

Q. Don't they have inspectors of masonry, ironwork, etc., by men supposed to be masons and ironworkers? A. Yes, sir.

Q. You can do that yourself? A. Yes, sir, but I am a builder and it is to my interest.

Q. At the same time there isn't an architect in New York city who does not do the whole thing himself? A. Practically, yes, Mr. Elkus. That isn't the idea that I should be allowed to pass my own building and pass them lawfully.

Q. I haven't suggested that; I am just finding out this, whether or not in some of these departments they do not have four or five inspectors to do the work which one man could do? A. Yes.

By Mr. ARCTANDER:

Q. Mr. O'Brien do you know that the building inspector has to measure up all the rooms in each building, the heights of the ceilings, the plumbings, the air and everything else? A. Yes.

Q. And the Tenement House Department does the same work? A. Goes back and does the same work.

Q. It is double work and we have to pay for it, isn't that the fact? A. Yes. There is one thing more I would like to say. There is an outside inspection we have that I haven't seen in your proposed bill here. The Board of Fire Underwriters are assuming the right to come into buildings and inspect them for electrical installation, sometimes causing a delay of a week to two weeks and holding us up on buildings. Now take a building like this with twenty-three families and they hold me up two weeks on this probably or a month and the man loses a month's rent on it.

By Mr. ELKUS:

Q. Is that the fault of the Tenement House Department? A. No, it is the fault of the laws of the State of New York that allows outside people to possess functions they should not have.

Q. What department does that? A. They do that by an arrangement with the Department of Water Supply, Gas and Electricity.

Q. That is a city department? A. Yes, sir.

Q. You don't have to have them if you don't want them? A. I beg your pardon — they don't pass your building.

Q. For fire insurance? A. No, sir, the Department of Water Supply won't give you a certificate until they pass it, you cannot get your current turned on in your building.

Q. That is the Edison Electric Light Company won't turn on your power until you have this certificate? A. None of the electric light companies in any of the boroughs.

Q. You can make your own light? A. Of course you can, but very few men make their own light.

Q. What is the trouble there? A. The trouble is that we have two other inspection bureaus to deal with.

Q. That is a private enterprise? A. Instead of that department belonging to the Building Department as it ought to be and let the department give me a certificate, a full certificate, I have to go to the Building Department and then to the Water Department and then to the State Department, which tells me how many floors can be —

Q. If this plan was carried out that would do away with all of that? A. If it was carried out in a sensible way but by not giving it to another autocrat. We would be out of the frying pan into the fire.

Q. If the plan is carried out to give the power to the Borough President then it is all right? A. We would like to have in our own boroughs something to say about the man who is appointed.

The CHAIRMAN: You are sure there will be no autocrat there?

Mr. O'BRIEN: If there is we would have a power to appeal to and the chances are there would be some sensible man to appeal to.

The CHAIRMAN: Which board would you appeal to today?

Mr. O'BRIEN: We have the Board of Appeals today.

Q. On what, if they don't pass your plans? A. Yes.

Q. Now today with the borough government you have to have all these plans approved and all of these inspections? A. Yes.

Q. Am I right in saying it is your view they should be consolidated as this proposed plan is, provided the power of appointing the superintendent is in the Borough President, is that right?

A. One of the Commission, yes.

Q. Your objection to this plan is, that the Mayor has the power?

A. One man power I object to.

Q. Isn't it one man power if the Borough President appoints?

A. No, it would be five men power because the five Borough Presidents would appoint a commissioner and make it a board.

Q. You want the five Borough Presidents to meet and appoint the superintendent? A. And appoint a member for his own borough.

Q. That is one man power? A. No, because the power who be the final averages.

Q. Now the appointment is of but one man but you want each man to be a member of a board of five? A. Yes, sir.

By the CHAIRMAN:

Q. As a Board of Appeals? A. No, they would be the Board to make rules and regulations, only give them more power than they have and let them take over the inspection of all buildings. You would not need to change any laws on the statute books except to change the form of inspection and bring them all under the building superintendents. They have to meet as a Board today and make all the minor rules and make all the plumbing regulations.

Q. That is a meeting of their own accord; there is nothing that requires it? A. I was not aware of that but if it is of their own accord it could be made into law.

By Mr. SCHOONMAKER:

Q. Mr. O'Brien from an economic standpoint wouldn't it be a saving of millions of dollars to the taxpayers of the city and the builders of the city by consolidating these departments of the Tenement House under the head of the Building Department

where by the filing of the plans in one department we could get that through without going to different departments — the saving is the saving not only to the parties filing the plans but the people who are paying the taxes; isn't that a saving of millions of dollars to both and facilitating matters to a great advantage, to putting through measures which are dilly-dallied with at the present time?

A. I believe that the Tenement House Department alone costs the city for the support of the department about three-quarters of a million dollars and I believe that it costs the city of New York, the laboring men something like twenty millions because of the autocratic power that they have. I have had several talks with Mr. Murphy. He is a man I have admired very much and he has practically written down on paper that there are lots of things in the Tenement House Department which says this is better than the laws calls for but we can not allow you to do it because there are too many people watching. The Tenement House Department is not covered by the city, it is governed by a few fakirs. There was a man named Veiller and I have shown this Commission by this plan that I have in my hand where I could give each family on every floor two additional fire escapes on every floor and he told me regardless of the advantages of the plan we can not do it because of the law, I have that plan in my hand where I offered to give more fire escapes and more light to the family on the floor and still leave the fireproof construction as it stands today, because he is afraid.

Q. You say he is afraid; if the law says one thing you don't expect a commissioner to use his discretion and disobey the law?

A. It is not his law, it is his interpretation of the law, it is like every other law. You can make a law odious and you can drive builders out of New York. I know men who have been driven to Hoboken. When I come to sit down across the table with Mr. Murphy where we pulled down a building he said he was going over one hundred typical cases. The only thing he told me was that I was more technical of my criticisms of his department than his department was with the builders and he said the Tenement House Department was established to show men who did not know how to build, how to build and to save money, and he puts practically the same language and signs it. Mr. Chairman I say that

there is no other city in the world where the city will establish a school for builders. Why don't they establish a school for tailors and shoemakers. That is what your Tenement House Department is today. One of them could not draw a plan to save his life. He has to go around and hire experts and when he gets through — good night.

Mr. ELKUS: I should like to see those letters Mr. O'Brien.

Mr. O'BRIEN: I will mail them to you, where the Tenement House Department was used to prevent men making mistakes.

Mr. EDWARD P. DOYLE (Vice-President Realty Notice Corporation).

Mr. DOYLE: We represent over three hundred property owners who are assessed on over three hundred millions of property in New York city. What my people want is a simple method of inspection. They believe that all inspection that has to do with the erection of new buildings and structural changes in old buildings should be done by one department, preferably the Department of Buildings. They also want uniform laws so that they will not be compelled each year to make extremely costly structural changes at the whim of somebody. I think I can illustrate that by telling about one of my customers who, fortunately for himself, is not in good financial condition. He owns a loft building on Seventh avenue, nine stories high, three of which have been vacant for several years. He was ordered to put iron shutters on the building. He did not have the money and did not do it. Now they tell him it is not necessary. Then he was ordered to put in a ventilating apparatus. He did not have the money and now he is told it is not necessary. About a month ago he was ordered to put in a sprinkler at a cost of about twelve thousand dollars, and recently to put in a fire alarm system. He is not in shape to do either of those two things and I suppose if he waits a little he won't have to put them in, and yet all of those things he would have put in if he had been in shape to do it. It does seem that where so much is involved there should be some uniform system of laws that can be uniformly enforced, so that one man would not have to put in a sprinkler system that costs from twelve to forty

thousand dollars and the next man to him by waiting or delaying until there is either a change of government or sentiment not have to put it in.

The CHAIRMAN: Who ordered him to put that in?

Mr. DOYLE: The Fire Department first and then the Board of Health for the ventilating apparatus.

The CHAIRMAN: I am speaking of the sprinkler system.

Mr. DOYLE: The Bureau of Fire Prevention. We have one building I represent for the Interborough — the Cable building, where the structural changes and things ordered in would make a difference in the value of that building of \$124,681, thereby absolutely destroying its productive value as a piece of improved real estate. They have appealed from all of the orders. They have just had a Board of Survey on a \$40,000 sprinkler service.

By Mr. ELKUS:

Q. That is the Board of the Fire Prevention? A. Bureau of Fire Prevention and it does seem where the Board is given power to order in changes where the cost will amount to \$124,000 that it ought to be done under some uniform law and some method of execution so that the man putting it in knows that his neighbor has to do the same thing and everybody else in the city has to do the same thing.

Q. Are all the changes in this Cable building ordered by the Fire Prevention Bureau? A. In the Cable building, yes sir. In another matter I represent the Goelet estate and they were ordered to fireproof thousands of windows by the State Labor Department and if they had complied with the order immediately they would have put in fireproof windows on each side of the fire escape, a rule which is not now strictly enforced. They of course have put in the fireproof windows along the line of the fire escapes but their first orders were to put in windows on each side of the fire escapes. The order was issued to put them in. I advised them to wait and we waited, but you see that that is not a fair proposition.

Q. The fault is with the administration of the law? A. My idea is that after a building is erected in accordance with law and the plans are adopted and the man builds in accordance with the

plans that he ought not to be compelled to make cctly structural changes either through a whim of the Legislature or the whim of some individual in charge of the enforcement of the law at the time; that a man ought to know definitely what he has to do when he puts up a building.

Q. Suppose the building was erected under the law as it then was and everybody supposed it was safe; then suppose it turned out afterwards it was not safe to be occupied; would you be in favor then of preventing any change being required in that building? A. Not after it had been inspected by a board of competent men and declared to be unsafe; the building then should be changed, of course.

Q. I don't mean it should be torn down, but take this case, this very sprinkler system; it has been demonstrated that sprinklers are a great preventative of fire and at the time that some of these buildings were built people did not know much about the sprinkler system and did not put them in; now suppose the law authorized a commissioner of the fire department authority to order those sprinklers in would you be in favor of the law prohibiting that being done in every case where the building had originally been passed and approved at the time? A. Mr. Elkus, that is a very difficult question to answer.

Q. I understand your position and it is a very hard one at times when a building is erected and under the then existing law it carries out every provision? A. I believe absolutely in the right of property. I think the pendulum has swung too far the other way in favor of individual rights and too little respect has been paid to the rights of property. My belief is that if you continue on with this absolute disregard of property rights life itself will not be of any particular value anyway, and I think when a man puts up a building in accordance with the law and does everything he possibly can to make it safe under the law that before any great structural change is made it ought to be clearly demonstrated that it is absolutely necessary and that such order is not based on the unsafe judgment of an inexperienced official.

Q. You would take that view of it even if it was found that human life was endangered by letting it go on as it was? A. I am not saying that, I say it ought to be absolutely determined that

human life is endangered. Take this same sprinkler proposition ; one of the most important insurance men in town told me that he thought the time would come when insurance men would charge a higher rate on buildings with sprinklers in them than on buildings without sprinklers in them. He said he had watched the losses lately and found they were greater from water than from fire.

The CHAIRMAN: All of our large fires have demonstrated the contrary.

Mr. DOYLE: He is an insurance man and I would rather take his view of it than the view of a man who is not experienced.

Q. We have had before us the Board of Fire Underwriters and they all have been unhesitatingly in favor of the sprinkler system.

The CHAIRMAN: I was a member of a commission a few years ago and the experts all brought out the point that the sprinkler was the main thing.

Mr. DOYLE: You remember the report of the Tenement House Commission and the report of Dr. Gorgas changing the entire so-called expert opinion as to the necessity for light and air.

Q. Your view is generally speaking you do not think that any department or any legislature or any board should interfere with any building that has once been erected no matter how old it is provided that at the time it was erected it complied with the then existing laws? A. I will put it this way —

Q. Am I right about that? A. Not entirely right. I believe as far as the housekeeping and the maintenance of the building is concerned that should be absolutely under the jurisdiction of the authorities, but I think any structural change in the building should not be ordered until it is absolutely determined it is necessary.

Q. Now you know Mr. Doyle in this city and other cities for that matter a great many buildings were built for one purpose and then afterwards they were used for an entirely different purpose? A. I know that.

Q. For instance buildings were built for residences and then turned into lofts and used for manufacturing; now in a case like

that would you say there should be no change in the structure of that building even if it was expensive? A. Certainly not, that is another matter altogether.

Q. Now are not most of these changes you speak about in buildings which have been constructed for one purpose and changed to another? A. None in the buildings that I represent.

Q. You take your very Cable building, that was constructed originally as an office building? A. Yes.

Q. And now they want to use it as a loft building for factory purposes? A. Only eighty people engaged in manufacturing. There are 692 people in the building and only eighty engaged in manufacturing.

Q. But don't they want to use it for manufacturing; isn't that the fact? A. I think probably that is the fact.

Q. And that is because of the changed nature of the building, now hasn't the same thing occurred with all of the theatres throughout the city — originally theatres were built in a certain way and were supposed to be as near fireproof as possible and had adequate exits and then after one or two bad fires they discovered they were not adequate and they ordered alterations in the theatres; isn't that a fact? A. Yes.

Q. Now suppose it was discovered as it was then that those theatres that had been built hadn't sufficient exits and were not properly constructed, would you be in favor of saying even if that was so constructed that there should be no changes in the building because it had been approved and the changes were going to be expensive? A. No, but I would say that that change should be determined by some one competent to determine it.

Q. I assumed that; of course if it is dishonestly done or incompetently done that is the end of it and that is true of every one of these things? A. I do not mean dishonestly done, which is impossible you know, of course, because of the character of the men now at the head of these departments and charged with the enforcement of these laws, but I would like to ask you — although I suppose you do not care to express an opinion, if these men had any experience before being appointed that would enable them to determine whether the changes they order were absolutely necessary or not.

Q. Some of the men have had the experience, the building superintendents have? A. The building superintendents are alright and the Board of Examiners are alright.

Q. That question is up to the appointive power.

The CHAIRMAN: We are not here to criticize the Mayor's appointments.

Mr. DOYLE: I am not criticising the appointments but I do say that when a structural change is ordered the men who determine and make the order should know what they are doing and it should not be done on somebody's whim.

Mr. ELKUS: Everybody agrees with you on that.

By Commissioner MCGUIRE:

Q. You want to make the point that in some instances the department ordered sprinklers and other expensive apparatus into a building and there is no security to the owner that when they are installed that they will be satisfactory or remain satisfactory for any stated period? A. Yes, we have had buildings where all sorts of things have been ordered in. Sometime the order is complied with and sometimes it is not and when it isn't it is just as well as if it is complied with and after a while conditions change.

Q. Does that apply to the Bureau of Fire Prevention? A. It applies to all of the departments. I can illustrate that by saying that I was for thirteen years President of the Board of Health and each year we changed our health officer and each health officer told us the last health officer was absolutely no good, and his regulations of no value. In many instances where fire escapes are in the rear of the building although they were once ordered there they have now been ordered down.

Q. Take for instance the Cable building you spoke of; if they install a sprinkler system there that was satisfactory to the Fire Prevention Bureau it does not necessarily follow that it would be satisfactory to the Fire Underwriters? A. No or the State Labor Bureau.

Q. And the sprinkler system put into that building now may not be satisfactory to the Labor Department six months from now? A. That is exactly what I mean.

Q. What is the approximate cost of installing the sprinkler system in the Cable Building? A. About \$40,000.

Q. Then that owner would be put to the expense of \$40,000 in complying with the orders of the Fire Prevention Bureau and perhaps six months from now he would be put to the same expense in satisfying the Labor Department? A. Yes.

Q. Then there is no uniformity today that you know of in the city of New York over sprinkler systems? A. Absolutely none.

Q. Do you think under those conditions today any man should be compelled to put in sprinklers? A. I do not unless it can be shown it is for the saving of life or as a matter of insurance saving.

Q. Do you know whether or not the question of sprinklers being put in is necessarily a property hazard or life hazard? A. It was because it was represented to the property owners that they could get cheaper insurance, the tenants could get cheaper insurance and the owners could get cheaper insurance rates, but in no instance was it installed because it would save life.

The CHAIRMAN: If it prevents the spread of fire it saves life, doesn't it?

Mr. DOYLE: Problematically.

Q. Are you familiar with the orders coming out of the Bureau of Fire Prevention issued by the Bureau of Fire Prevention?

A. I have some every day.

Q. Mr. Doyle, are those orders directed to the property hazard or to the life hazard? A. I should think they more frequently are for the protection of the property hazard rather than the life hazard.

Q. Have you ever heard there is any form of co-operation between the New York Board of Fire Underwriters and the Fire Prevention Bureau? A. No, sir. I know there are frequent conferences between Mr. Hammitt and Mr. Stewart, but I don't know that they do co-operate in any way.

Q. Do you know whether any insurance company of New York has written to the Bureau of Fire Prevention relative to certain risks in the city? A. No, I do not.

Q. Have you ever heard anything of that kind? A. No.

Q. Would you believe it to be a fact that the Fire Prevention Bureau received over 150 post cards from one insurance concern

in the city of New York directing their attention to their risks?

A. No, I haven't heard of that.

Q. Do you believe that the Fire Prevention Bureau is maintained more for the benefit of the insurance companies and the property hazards than the life hazards? A. I think the efforts of the Fire Prevention Bureau are more to save property than to save life. I think from the very beginning Mr. Johnson instituted it with the idea that it was to save property and incidentally, of course, to save life, but the property hazard was stated as the great hazard in the city.

Q. The Fire Prevention Bureau, so far as you know, never issues any orders affecting fire escapes? A. All the orders I have had were for sprinklers or for tanks.

Mr. ELKUS: I think they do issue orders.

Commissioner MCGUIRE: I have never heard of any. If they have issued orders were they in relation to the enclosure of stair cases?

Mr. DOYLE: No, none to me. All my orders have been sprinklers or tanks or fire drills or fire alarms. That is about all.

Q. Then really the orders issued out of the Fire Prevention Bureau so far as you have been able to observe are mostly directed at the property hazard? A. Yes.

By Commissioner JACKSON:

Q. Mr. Doyle, in answer to a question of Commissioner McGuire I understood you to say that the Labor Department had ordered fire escapes down provided they were required means of exit? A. I think those orders are from the Fire Prevention Bureau.

Q. Not from the Labor Department? A. I think not. I don't remember — I don't know them — it seems to me I have had orders where there were fire escapes in the rear and there was a required exit in the front, or where there was a three feet wide through passage or fireproof passageway say from the rear to the front the fire-escape was ordered closed or taken down.

Q. Isn't it near a fact that the Labor Department might have said that they did not care what was done with the fire escape so

long as the required means of exit was maintained inside of the building?

Mr. ELKUS: What they did say was that these fire escapes could stay there if they made them safe.

Mr. DOYLE: I have orders to take down fire escapes.

Mr. ELKUS: They finally said they could stay there if they were made safe.

By Mr. ELKUS:

Q. Now what do you suggest now, Mr. Doyle; are you in favor of consolidation of these departments into one? A. I am in favor of having one department of buildings in charge not of house-keeping but with everything to do with the alteration or construction of buildings. If I had my own way about it I would have that a central department.

Q. City department or borough department? A. City department with deputies in each borough, but that bill you could not get through and I think it is best under the circumstances to compromise with the Borough Presidents.

Q. Then you are in favor of the tentatively proposed plan? A. I am in favor of the proposed plan with such a change. I do not think you can beat the Borough Presidents.

By Commissioner JACKSON:

Q. You would not be in favor of anything that would lessen the protection now thrown around workers in factory buildings, would you? A. No, the housekeeping and all of that I think should be left with the State Labor Department in the factories and I think what they have done has been excellently done but I do not think they ought to have to do with structural changes in this city.

By Mr. ELKUS:

Q. Where there is a building department in the city you think that ought to be transferred to the building department. A. Absolutely.

Q. You know in several of the other parts of the State they have no building department? A. Then it should be under the State Labor Department.

By Mr. HELMS:

Q. Are you in favor of the Board of Appeals? A. I am in favor of retaining the present Board of Examiners. That really is one of the most efficient bodies in the city of New York and one to whom we can always go and get absolute justice.

By Mr. ELKUS:

Q. That board is selected now by certain organizations who have had that power for a number of years; I suppose you would like to see that power extended? A. Yes, I would.

By Mr. HELMS:

Q. Outside of political expediency do you think that there is any serious objection to the borough departments? A. There are reasons for and reasons against borough departments. The reasons for are, it is always best if you can get a board closer to the people and yet sometimes it has turned out badly.

Q. Has not previous experience shown that the central department has turned out badly? A. Well, yes, in some ways.

By Mr. ELKUS:

Q. We have had a central Fire Department? A. The central Fire Department has turned out all right.

Q. And Health Department? A. Yes, and the Police Department.

By Mr. HELMS:

Q. As far as this proposed law is concerned? A. The Health Department has not turned out well. A year ago the Health Department ordered that all manure should be removed from the farms in the suburban boroughs every twenty-four hours and various other orders were issued showing a lack of knowledge of local conditions.

Mr. O'BRIEN: Can you see any analogy between the Police Department and these other departments we have been talking of?

Mr. DOYLE: No.

Mr. JOHN W. MOORE (Superintendent of Buildings for the Borough of Queens) :

Mr. ELKUS: Go right ahead Mr. Moore.

Mr. MOORE: I will be very brief about the general proposition. I am in favor of the consolidation of all of these departments but I believe they ought to be under the borough president for the same reasons as stated by our borough president this morning, with one additional statement that he did not make and that is this, that there is no overlapping of authority between the two boroughs and that is what brought about this investigation — that was the elemental point that started this matter. There has been no case and there can possibly be no case in which the Borough of Queens overlaps Manhattan, Brooklyn or any other place. That point was also made by Borough President Marks. The point I want to make particularly is the question of unifying the rules in the various building departments. I believe that first of all the five superintendents should constitute a board that would elect a chairman and be required to meet at stated intervals for the purpose of establishing rules such as standard forms of application and things of that kind that are going to be used in all of the boroughs and they should be obliged to meet every week or every two weeks. Now the five superintendents up to probably the first of the year 1913 endeavored to carry out that policy in an informal way and they met regularly in the office of one of the superintendents and finally one superintendent got a notion in his head that it was time wasted and he turned his back on the whole proposition and we went there twice after and finally we transferred the meetings to another borough and the four that were in the meeting continued to meet until the first of the year and we got along and cut out a lot of objectionable stuff in that way in at least four boroughs. Now the other point is, the Board of Examiners. It would be a mistake to interfere with that proposition. The Board of Examiners today are the best body that can hear appeals and there has been no time since they were organized that the same conditions did not prevail.

Mr. ELKUS: Who appoints them today?

Mr. MOORE: The Mayor appoints them.

Mr. FRANKLIN: No, they are appointed by the Board of Fire Underwriters.

The CHAIRMAN: You mean they are recommended by them.

Mr. FRANKLIN: They are confirmed by the Mayor.

Mr. ELKUS: They are nominated by the Mayor.

Mr. MOORE: If that be the case I would recommend a change and I would require that those various organizations submit names and let the Mayor make his appointments from those names.

The CHAIRMAN: As a matter of fact you could not do it any other way; it would be unconstitutional.

By Mr. ELKUS:

Q. This redraft is practically the same with a few additions?
A. You in your redraft make the Board of Standards and the Board of Appeals one body. I think they should not be; and I also call your attention to one provision incorporated in your draft in which you say that the owner of a building may submit his plans to the Board of Standards and Appeals and get their decision on them and then go back and give them to the superintendent and say to the superintendent, there is my plan, approve it, this is approved already. That is how it works out. That isn't right. It's like going to the Court of Appeals first and saying we will have the opinion of the Court of Appeals on this proposition and the trial judge has nothing to say about it.

Q. Your point is that he should have to go to the Building Commissioner first? A. Exactly, that is on page 19 of the tentative draft. Now I want to say this about a remark that was made by Commissioner Lynch. A law is a law. As long as the party who is enforcing the law is competent and honest it doesn't make a particle of difference who enforces it. I want to say that the superintendent of buildings if he is honest and competent is as well fitted to protect life and limb as the Commissioner of Labor and has that interest as much at heart. That, it strikes me, is all I care to say.

By Mr. O'BRIEN:

Q. Your inspectors inspecting in your department now, when I file that plan, for rooms of such and such a height and size,

before I get the certificate out they measure the rooms as to height, width and length? A. They do not, that is entirely within the jurisdiction of the Tenement House Department. In relation to that though I could say this, that my inspectors without a dollar's additional cost to the city could do that work because they are obliged to go to that building day after day when there is nothing for our inspector to do but pick it up on his rounds and he could do that work at that time.

Mr. ELKUS: And he could also do it for every other department?

Mr. MOORE: Every other department but I do not agree with your proposition that one man is sufficient to inspect all sorts of work.

Q. As a matter of fact the inspections of the Tenement House Department and your department are simply and purely a duplication? A. No, there is no duplication between the Tenement House Department and the Building Department at the present time.

Mr. ELKUS: The point is your inspectors could do the same work?

Mr. MOORE: My inspectors could do it. It would save the city money and it would be more convenient for the owner, but there is no duplication.

Q. Is there sometimes a conflict between your department and the Tenement House Department? A. I don't know of any.

Q. Wasn't there a conflict between your department and the Tenement House Department on this building on Amity street?

A. That is something they had nothing to do with and interfered with a matter that they had nothing to do with.

Q. Didn't they order me to take it out? A. I don't know.

By the CHAIRMAN:

Q. Are your inspectors competent to do all the inspection work that is now required to be done by the Tenement House Department? A. The Tenement House Department looks after the light and ventilation. They look after the sizes of windows and

sizes of rooms. I am talking about the building before it is completed, and that is all that I refer to. Now, a clerk, with very little practice could do that as well as a mason or carpenter or plumber. In other words any man that has common sense and education could do the work that is required of a Tenement House inspector provided he knows the law, so that my men could do it as well as the Tenement House inspector and could do it without additional cost I think.

By Commissioner McGUIRE:

Q. Mr. Moore what was the appropriation for your department in 1914? A. You mean Queens?

Q. Yes, Queens? A. \$87,000.

Q. What was the Department estimate for 1915? A. The same thing.

Q. You did not ask for any increase? A. I asked for an increase but did not get it.

Q. Would you care to approximate how much more it would cost to inspect work in the Borough of Queens if it were being done under a consolidated department? A. You mean centralized department — more do you mean?

Q. How much do you approximate the cost, how much more than the \$87,000? A. That I could not approximate but if I compare the figures of Manhattan, on which plans the department would probably be run, I would say this, that the cost would be double. I will give you my reason. We have in the Borough of Queens filed every year approximately six thousand plans and alterations. In the Greater City of New York there are but 14,000 plans filed. In other words Queens has three-sevenths of the plans filed in Greater New York. To do the clerical work in connection with a plan filed there is as much clerical work on a plan in the Borough of Queens for a chicken house in the back yard for the remotest part of Queens as there is on the plan of the Woolworth building. I make that statement and defy challenge. I get along with seven clerks and do all of that work. I have two stenographers. The Manhattan department has 47 clerks and 21 stenographers. Now if you appoint the new building department you are going to organize under this plant and introduce the Manhattan methods you will find the building de-

partment will not save the million dollars we are talking about but will double it to another million above the present cost.

Q. You believe a saving could be made by consolidating this department if you put the consolidated department under the head of the respective borough presidents? A. I do.

Q. How much do you believe could be saved? A. Nine hundred thousand dollars.

Q. On the entire city? A. On the entire city.

Q. Speaking of your own borough? A. I can not segregate the matter because I do not know just what the tenement house charges would be in Queens, what the Water Department charge would be in Queens, but I do know what additional cost would be in Queens and that it could be done for less than six thousand dollars. For six thousand dollars I will take over all of that work and do it properly.

By Mr. ELKUS:

Q. Mr. Moore we are all discussing this one plan and everybody, with few exceptions, seems to be in favor of consolidation? A. There is no doubt about it.

Q. Is there any other kind of plan you can think of? A. To get away from it?

Q. Yes? A. No.

Q. You heard Commissioner Adamson's suggestion that the Fire Department should be left, the Fire Prevention Bureau? A. There is a history to all departments. About the Fire Prevention Bureau, the cause of the creation of that Bureau was the Triangle fire. As far as that and the Tenement House and the fire protection work and the factory inspection work, that was done for years and years by the building department and was done properly and if any trouble came afterward it was not because of the building department not doing their work, but because they did not have the power to enforce the law. Now give the building department back their proper capacities, let them do this work and give them the power to enforce the law and you will do better than you will with all of these other departments.

Q. They did not have these laws? A. They did not have the laws.

Q. And did not have the power to enforce the laws, did they?
A. That's the idea.

Q. And they did not have enough inspectors? A. You will have to admit it, you have been at all of the hearings and I have been only at a few — there has been no criticism of the borough department.

Q. I can not quite agree with you on that? A. If there has it has been on the proposition that I have been trying to overcome, the uniformity of rules only.

Q. We did not start with any proposed plan; we are here to get views? A. I have had my say.

Q. One question, do you know of any other way except by consolidation of these departments into one department, whether it be in the Bureau of Buildings under the boroughs or whether it be under a centralized bureau, do you know of any other way except by consolidation? A. No, I do not.

By Commissioner MCGUIRE:

Q. Could you get for the information of the Commission the cost of the various departments now doing the inspection work in the borough of Queens, the Tenement House and other departments — I think it will be difficult to get that because they don't separate it — and tell the Commission what in your opinion it would cost to do that under a consolidated department; now that would only be approximate information but it would be helpful; do you think you could do that? A. I do not think I could, first for the reason that the other departments who were going to be legislated out of office would not be likely to give me the figures; and secondly for the reason that I do not know the methods that they are going to employ, whether they are going to employ the methods now in vogue in the boroughs of Brooklyn and Queens or going to employ the Manhattan methods.

Q. I ask you on the assumption that they are going to do as you suggest, under the borough president; tell the commission what you think it will cost the consolidated department in the Borough of Queens to do the required work? A. I will do that.

By the CHAIRMAN :

Q. Didn't you say you could do it for six thousand dollars more? A. Yes, sir, six thousand dollars more.

Q. That would make it \$93,000? A. \$93,000 and by that I mean this only that I will examine the plans for all buildings that are submitted in accordance with law including the building code, the fire prevention, labor law, moving picture theatres, and I will make the examinations and turn them over with a certificate that they are built according to the law.

By Commissioner JACKSON :

Q. How many examiners have you? A. We have five examiners. I think under the new scheme we would need an additional examiner.

Q. Five examiners to run over how many plans? A. Six thousand a year.

By the CHAIRMAN :

Q. Mr. Moore you are satisfied that the present system of inspection is faulty? A. Yes, there is no doubt about it.

Q. And you think it ought to be changed and simplified? A. Yes.

Q. And there could be a reduction in the amount of money which the city is paying for these inspections? A. Yes.

The CHAIRMAN: Mr. Moore is a practical man and he has a very high reputation and his plan is that it should be by consolidation under the boroughs.

By Mr. HELMS :

Q. Do you think this Board of Standards and Appeals could take the same duties as the Board of Examiners have to do and instead of having a separate Board of Examiners and a Board of Appeals that we have one board and have that board perform the same functions that the Board of Examiners do today? A. I do not like the plan, I think the Board of Examiners should be conducted just as they are.

Mr. ABRAHAM GOLDBERG (New York Society of Architects)
addressed the Commission:

Mr. ELKUS: How many members have you?

Mr. GOLDBERG: Over 200 members all paid in. I am directed by the society to tell you that we have not had sufficient time to go very deeply into the details of the tentative bill, as the committee having charge of this matter did not get it until a few days ago. We desire permission to submit more suggestions to the committee at some future time.

In a general way we are heartily in favor of the consolidation of the various departments as outlined in the tentative measure. We are also in favor of centralization. In view of the fact that there was so much opposition exhibited at this afternoon's session to the idea of centralization, and in view of the fact that there appeared to be so much agreement in favor of consolidation without centralization, I would like to say for myself that I would be willing to accept the plan of consolidation without centralization in order not to jeopardize our chances of having this measure become law. I feel that it would be a compromise in the nature of the Federal Reserve Bank compromise, when twelve reserve banks were planned, in spite of the fact that all the experts agreed that one central bank would have been much better. In this case it was a matter of expediency that ruled. I should like to apply the same sort of expediency in connection with this measure.

The present Tenement House Department best illustrates how the new centralized department would be organized. There is a commissioner appointed by the Mayor. The commissioner appoints deputies and superintendents, chief inspectors, etc., who are assigned to the various boroughs. Still, even under this admirable scheme, I find that there is not that evenness of ruling on the law that one is led to expect. However, the present commissioner has shown himself extremely willing to standardize the practice and rules in the different branches. The Tenement House Department lacks only a Board of Appeals to make its organization look like the organization of the new department, the creation of which we are in favor today.

The New York Society of Architects directs me to call the attention of this Commission that they are not in favor of the Board

of Standards and Appeals as outlined in the tentative bill. There should be two separate bodies as follows.

I. *Board of Standards.*—The Board of Standards shall consist of the Commissioner of Buildings, the Fire Commissioner and three (3) architects or engineers appointed by the Mayor. (In case the departments of the five boroughs are not centralized, then the New York Society of Architects favors that the Board of Standards shall consist of the five Superintendents of Buildings, the Fire Commissioner and three architects or engineers appointed the Mayor.)

II. The Board of Appeals should be organized in the same manner as the present Board of Examiners is organized, except that the New York Society of Architects should have a representative therein.

In reference to what Commissioner Lynch said this afternoon about the benevolent work of his department, that is, the Labor Department, I should like to lay before you, if it is pertinent, a very interesting case of his department's benevolence. It may be extremely efficient —

The CHAIRMAN: I suppose you offer that as an argument for the consolidation of the inspection?

Mr. GOLDBERG: I should like it to be an argument for consolidation. Mr. Lynch seems to be very positive about the benevolent administration of his department. He stated that no other department could do the social work which his department does. I wish to give an example of the social efficiency of that department. A client of mine called my attention to one of his buildings at a certain street, a six story nonfireproof building, which had only one staircase for exit purposes. The Labor Department had placed a violation on his building, which violation demanded that another means of exit be provided. This violation could be satisfied either by providing a stack of fire-escapes, or another staircase, or a horizontal exit, any of which would be acceptable, and would comply with the law. Upon investigation I found that the horizontal exit could be a solution in this case, because there was a seven story fireproof building next door of almost the same total height. I found that my client had an interest in this second building, which fact tended to help the solution which I had de-

cided. In looking through this second building I discovered that it too would have to be remedied in the same way for an additional exit because the staircase was its single means of exit. My client informed me that there was no order on the fireproof building to provide an additional means of exit; that there had been some orders for minor matters which had been satisfied, and that as far as he knew there was no violations of the Labor Department against this building. In order to verify my client's statement I went to the Labor Department and was informed there that all the violations against the second building had been complied with; that there were no outstanding violations against it.

In spite of the fact that this department has been organized for more than a year, and that this department had examined this building and had stricken its violations from the records, it would have been possible for my client to sell this building to another, both seller and buyer in ignorance of the fact that there was a serious structural change necessary in it to make it comply with the law. I have no doubt that there must be many cases of this kind in the city where such example of the benevolence of the Labor Department has inflicted unnecessary hardship on innocent purchasers.

I asked one of the officials of the Labor Department why there was no violation for the additional means of exit against the building. I was told that the policy of this department was to treat the worst cases first, and that they knew that this building did not comply with the law, and that they were holding back the violation in order to avoid public clamor; that they would place this violation on the building a year hence. The benevolence of the department is evidently brought out by the fact that the Labor Department has tender feelings for the owners of property which makes it seem to say to owners, "We are serving you with this new violation now, although we had examined your building last year, because we did not want to give you heart disease." I am unable to discover in this case that there was any social or welfare benefit either to the factory workers of the building, or to the owners of property. If it is true that that is the attitude of the Labor Department, I fail to see where the worker or property owner benefits. This offense might be condoned by saying that ignorance of

the law would not excuse the owner, who is presumed to know not only the law but also the condition of his building.

By Commissioner JACKSON :

Q. Will you give the stenographer the name of the concern and the number of the street? A. I wouldn't like to just now if you don't mind.

Q. Will you give it to me personally? A. I will. This case is under examination by the Labor Department now, and while I do not think they would be guilty of prejudice, still I would not like to speculate on that proposition.

By Mr. ELKUS :

Q. You are in favor of the consolidation of the departments? A. We are in favor of consolidation of departments.

Q. But you feel that it has to be done under the Borough President? A. As a matter of expediency only. The building departments, given the various laws now in ordinance or statute, could easily see that they were carried out. I think that too much time is spent upon going into the intricacies of the law which are not of sufficient economic or social benefit to warrant the time and the money that is spent upon them.

A proper supervision of inspector's reports could affect a great saving in the managements of the various bureaus if the departments would change their attitude with reference to the matter of their records. They require that architects shall amend their papers to a degree that is not only costly to him, but also to the city, as it involves a large amount of clerical work. They accept inspector's memoranda in some cases to note the changes, whereas they require the architect to make the changes in other cases. The attitude of the various departments should change in reference to plan examination. They should recognize that a plan represents the solution of a problem. That solution has certain economic features which they should not miss. The departments are too prone to insist upon literal adherence to the law, even in cases where there is no social or welfare gain but which could result in effecting a saving in the cost of construction. Why should not the building bureaus and other bureaus relax their efforts in causing an unnecessary economic waste. That is the reason that we

have such violent upheavals of aroused public indignation. Laws should be general. The interpretation of the law should be applied to the solution of the plan.

I have previously dwelt upon our suggestions in the matter of the Bureau of Standards and the membership of the Board of Appeals which should be patterned after the membership of the present Board of Examiners.

Q. You mean they should be selected by societies but not by those now named? A. Well, some of them. Some of them may be omitted. We could send a memorandum on that if it is wished.

I should like to speak to you about that part of the tentative bill relating to the qualifications of the Superintendent of Buildings. The law is not very clear. It reads, "a builder, architect or engineer of ten years' experience." We should like to make that a little more definite. A builder means anyone who has ever had anything to do with buildings. We have had several building superintendents who were builders in the sense that they had been factors of buildings; in other words, they would construe themselves general contractors and have buildings erected by numerous subcontractors. In that case the erection of their buildings depended more upon accident than upon the design. If the term builder must be maintained, I should like to see it read "Builder who was engaged in one of the building trades."

Q. Isn't that up to the appointing power? A. It is, but I think the definition would clear it up.

Q. You might say the same thing of architects? A. We could say the same thing of architects. A practicing architect of ten years' experience would be a better definition.

Q. Anybody can be an architect who wants to call himself such? A. There is no ruling on it.

Q. Anybody can be an engineer? A. Anybody can be a lawyer if he passes an examination.

Q. If he passes an examination? A. If you are an architect of experience your work speaks for itself.

Q. Those are professions which unfortunately are not yet regulated? A. We hope to have them regulated very soon.

The New York Society of Architects stands sponsor for a bill regulating the practice of architecture, and would be pleased to see

this Commission recommend that the practice of architecture be regulated.

I believe that the body of architects in New York city could be easily made a homogenous unit capable of being used for the highest type of social and welfare work. They could be made officers of the various bureaus, just as lawyers are officers of the courts in which they practice.

The CHAIRMAN: Does any one else desire to be heard? (There was no response.)

Mr. ELKUS: Anybody who desires to submit a brief may do so by the 10th of December.

Mr. ELKUS: The following papers have been received and I ask that they be spread upon the records.

The papers referred to are as follows:

November 20, 1914.

HON. ROBERT F. WAGNER, *Chairman*:

MY DEAR SENATOR.—Some time ago I received a letter from you, in reply to one which I wrote you in regard to the consolidation of Departments. As I can not be present at the hearing on Monday, I take the liberty of writing the following:

I have gone over this matter quite carefully and have discussed it with my architect, who is actively engaged in business in this city, and I should like to lay before your Commission the following facts:

Let us take the case of an existing tenement house, which is to be altered so that part of it may be used as a factory. I find that the statutes, ordinances, etc., require the filing of plans or making applications to five separate departments, as follows:

1. Tenement House Department — Plans and applications.
2. Building Department — Plans and applications.
3. Department of Labor — Plans and applications.
4. Bureau of Fire Prevention — Plans and applications.
5. Bureau of Gas, Water and Electricity — Applications.

Besides these five departments, the Board of Health and the Bureau of Highways would probably have jurisdiction in certain matters connected with the alterations.

Bear in mind that these plans and applications have to be submitted to these separate departments, whether the work involves an expenditure of \$25 or \$50,000. As I understand it, it makes absolutely no difference whether only one structural partition or support is altered or removed, or whether an expensive and elaborate and complete change is made in the building.

If, now, the various applications made to the several departments, related to separate matters, it would be bad enough, but the plans and applications which have to be submitted to the various departments, and the decisions of the departments thereon, overlap in many instances, and I have indicated in the following summary, by underscoring, the various items in connection with which the different departments overlap.

Tenement House Department

Plans and applications have to be filed in triplicate for altering present tenement house, covering: Size of rooms, *Halls, stairs, courts, shafts, stairhalls, enclosures, arrangement of W. C.'s and compartments, ventilation and light to same, arrangement of piping, traps and vent lines. Also fire escapes.*

Building Department

Plans and applications have to be filed in triplicate for altering present building.

No action will be taken by the building department until plans have been approved by the Tenement House Department.

The Building Department will act on structural and constructive alterations, *stairs, stairhall enclosures, framing of timbers and supports, boiler flues, etc. Elevator shaft enclosures and elevator machinery and cars.*

Separate plans must be filed showing arrangements of *plumbing pipes, traps, house tanks, light and ventilation for water closets, air shafts for ventilating of water closet.*

Department of Labor

Plans have to be filed in duplicate. This department passes on number of *exits, stairs, stair enclosures, fire escapes, number of people on floor, number of W. C.'s lighting and ventilating of*

same, retiring rooms, wash rooms. Also ventilation of factories, *also elevator shaft as far as safety of passengers is concerned.*

Bureau of Fire Prevention

Plans have to be filed in duplicate. Will pass or order fire lines, fire drills, *exits, stairs, stair enclosures, fire escapes*, auxiliary fire fighting apparatus, sprinklers, etc.

Bureau of Gas, Water and Electricity

Application must be made and approval obtained of all gas, water and electrical installations.

As I understand it, it frequently happens that what one department approves of, is not satisfactory to another department, and that orders from non-technical department, such as the Department of Labor, often involve structural changes, the carrying out of which would make a building unsafe, and would not be approved of by the Building Department, or, if carried out, would probably result in the confiscation of the property by reason of the fact that the property could not be used.

In a community which boasts of being as practical as New York City does it certainly seems absurd, to put it mildly, that, in a case like this for example, *stairs* should be subject to the jurisdiction:

1. Of the Tenement House Department.
2. Of the Building Department.
3. Of the Department of Labor.
4. Of the Bureau of Fire Prevention.

It seems equally absurd that *fire escapes* should be subject to the jurisdiction:

1. Of the Tenement House Department.
2. Of the Department of Labor.
3. Of the Bureau of Fire Prevention.

It seems equally absurd that *water closets* should be subject to the jurisdiction:

1. Of the Tenement House Department.
2. Of the Building Department in so far as it is necessary to file separate plans relating to the same.
3. Of the Department of Labor.

It seems equally absurd that *plumbing* should be subject to the jurisdiction:

1. Of the Tenement House Department.
2. Of the Building Department, in so far as the filing of plans relating to the same is concerned.
3. Of the Department of Labor; and in part, at all events,
4. Of the Bureau of Gas, Water and Electricity.

It seems to me that the mere recital of this condition of things shows that something should be done to remedy the difficulties which are encountered in the case I suggest. Of course, the same thing, applies in many other buildings, and in the case of smaller business buildings, occupied by a business which is in no sense a factory all this is troublesome, expensive and irritating both to the owner of the property, the architect who supervises the work, the contractor who does the work and the various department inspectors.

It is well known that it frequently happens that one department makes a thorough inspection of a building and orders certain alterations or changes, and when these have been made, another department inspects and orders others, some of them which conflict with those ordered by the first department. This again results in annoyance and expense and irritation.

I understand that the Building Department accepts the decisions of the Tenement House Department and also the decisions of the Bureau of Fire Prevention as to the number and arrangement of exits and fire escapes, but I also understand that all other departments pay not the slightest attention to the decisions of these departments or to each other's decisions.

I do not wish to be understood as in any way criticising or complaining of many of the provisions embodied in the new laws and regulations, for many of them I believe to be thoroughly practical, and when I was in the Legislature in 1901 and 190, I was a strong advocate and backer of the Tenement House Commission, which prepared the new Tenement House Law. But it does seem to me that in a city like New York, where everything is growing more and more expensive and more and more troublesome, and where the examination of buildings is becoming more and more

detailed, the requirements made of owners and tenants becoming more and more onerous, there should be some method devised by which as many as the departments as possible should be consolidated into one. This might necessitate, if limited, we will say, to cities of the first class, a substantial amendment to certain general laws like the Labor Law, at least in so far as this particular phase of their operations is concerned; but there certainly should be in New York city, at all events, a central board to which plans and applications for changes in buildings, or for the erection of new buildings, should be submitted and whose decisions should be final.

Thus, in the case I suggested of a tenement house being altered so that a part of it might be used as a factory, the person making this application should have some way of obtaining a final decision from some central authority, as to the legality — if I may use that word — of the plans and such a decision, represented by a proper certificate, should be binding until a change is made in the use of the property. Inasmuch as a building of this kind would be subject to inspection from time to time, it would be perfectly easy to have the central department ascertain whether more people were being employed than stated in or some business carried on, different from that specified in the original application, and in this way the improper use of a building could certainly not go on for any very great length of time. Incidentally, the question should not be looked at from the point of view of the regular bureaucratic system; that all persons are presumably violators of the law. It should be done just the other way.

I fully understand the difficulty of combining the several departments I have referred to above, but it seems to me that consolidation would not only facilitate the management of the business, but would considerably relieve the owners and occupants of buildings, and in the end greatly reduce the expense of these departments. All plans and applications would be at a certain office and could easily be referred to, instead of being filed in three or four different places.

For that reason I would be in favor of creating what you call, in your circular, a Department of Buildings of the City of New York, with a Board of Standards and Appeals in that Department,

and I believe that your Commission has had so much experience in this matter that, with the assistance of the heads of the various departments of this city, a scheme could easily be prepared by you to cover these various suggestions. To consolidate these departments would not only reduce the expense of operation and the expense to people who have to comply with the requirements of the departments, but it would do away with the conflict and possible jealousy between the Departments and very materially reduce the delays and interruptions incidental to the present condition of things.

Yours very sincerely,

(Signed) GHERARDI DAVIS."

RETAIL DRY GOODS ASSOCIATION, 200 *Fifth Avenue, New York.*

November 24, 1914.

HON. A. I. ELKUS, *Counsel to State Factory Investigating Commission, 170 Broadway, City:*

DEAR MR. ELKUS.—I regret that my throat was in such condition yesterday that it was not practicable for me to take the stand, even for a few minutes.

Had I done so I should have said, and I request that you put upon the record as an expression of the Retail Dry Goods Association, that we heartily favor the consolidation of the several departments and bureaus having to do with the construction, equipment and maintenance of buildings into a Department of Buildings in each of the boroughs of the Greater City and that the organization of the Department in each borough rest upon the Borough President.

That there be created a body to which appeals can be made from the determinations of the local building department and that such appeal body be a central organization, with members appointed from each borough.

We think the result of this would be, first, to satisfy the appellant that the merits of his case were being passed upon by a Board that was free from local influences and, second, for the reason that it would probably have a salutary effect upon the local Board to know that its conclusions were subject to review by a Board so organized.

An important part of the bill, that has not been mentioned in your proposed re-codification and which has sometimes been overlooked, should provide, in *haec verba* that existing laws, by which authority with regard to these matters now rests in the several existing departments, shall be repealed, so that there can be no question as to the jurisdiction being retained in the present Departments, in addition to the authority vested in the proposed Building Department under the act.

Very truly yours,
(Signed) E. W. BLOOMINGDALE."

At five P. M. the Commission adjourned to meet on Tuesday, November 24, 1914, at 10.30 A. M.

Dr. ABRAHAM KORN addressed the Commission.

We believe first in home rule. All the labor and factory laws should be transferred down here and be enforced by the authorities of the city of New York.

As the Industrial Board is now constituted I think they only meet about once a month.

Q. They are meeting all the time? A. I will come to that later on.

By Commissioner MCGUIRE:

Q. You believe the labor law should then be enforced through the local departments? A. Through the local departments in the city of New York.

Commissioner DRIER: You would abolish the State Department of Labor?

Dr. KORN: As far as the city of New York is concerned.

By Commissioner MCGUIRE:

Q. You mean you would enforce the provisions of the Labor Law through the building department in so far as it applies to the structural building? A. Not only that but enforce — but in so far as it applies to the employees.

By Commissioner SMITH :

Q. Now Doctor as a taxpayer and a representative of taxpayers you do not subscribe to the theory that the city of New York must continue to pay 75 per cent. of the cost of the Labor Department and then in addition to that provide on the city payroll our own inspectors to do the work they are now doing in the city — you don't subscribe to that? A. I do not think it would work out that way at all.

Q. What would become of the factory inspectors? A. The factory inspectors that were now employed?

Q. Yes? A. Those that are not required can be dismissed or they can take examinations under the Health Department if they are fit for health inspectors —

Q. That's enough, you would get rid of them; let me ask you this question: do you subscribe to the policy that the taxpayers of this city must continue to pay 75 per cent. of the cost of factory inspection in Albany, Utica, Syracuse, Rochester and Buffalo and then for our own inspection down here besides paying 100 per cent. for ourselves and 75 per cent. for theirs, do you believe in that? A. I certainly do not believe in that, and I do not think it will work out that way.

Q. Then let me ask you this question — A. Will you kindly let me finish; that is not my answer in full.

Q. It is a full answer? A. The appropriation that is now required for the number of men by the State includes the inspectors that are required down here. Now if we cut out 200, 300 or 400 inspectors, the appropriation for the State can not be the same as it is now if they want to use the money properly.

Mr. ELKUS: I do not think you get Mr. Smith's point.

Q. I am sure the doctor does not understand what I am talking about; no matter how many you cut off you leave a State Department of Labor, do you not? A. Yes, sir.

Q. Now do you subscribe to the theory that the New York taxpayer must pay 75 per cent. of the cost of that on all labor inspection and at the same time provide their own inspectors to do the work in New York city? A. Don't we pay nearly 75 per cent. and more than 75 per cent. of the running of all departments; over what the people upstate do?

Q. That is not an answer; do you subscribe to that theory?

A. I certainly do not; I think that can be remedied though.

Q. What is your remedy? A. By cutting down the appropriation.

Q. That don't alter the principle of the thing; we will assume for the sake of argument that the appropriation for the Labor Department this year was \$280,000; by eliminating the city of New York we will say we save \$80,000; that leaves \$200,000 to run the Labor Department the next year; don't you know that the taxpayer of New York pays 75 per cent. still of that of \$200,000? A. He certainly does.

Q. Do you believe he ought to do that and then have us pay for own inspectors besides? A. No.

Q. That is what home rule means; we have our own health department in New York here and we pay dollar for dollar, 100 per cent. of the cost of our health department; at the same time we pay 75 per cent. of the cost to maintain the State Department of Health and that Commission has no jurisdiction inside of the city line; the same applies to the Fire Marshal; we pay 75 per cent. of the Fire Marshal's office and we maintain our own bureau of fire prevention; now I think we have gone as far as we can go, and to have the real estate men and property owners come in with the suggestion that we do that same thing with the Department of Labor seems to me the limit? A. I still think that the thing can be worked out so that New York city — it is not a question so much as the cost of running the Department as it is of convenience to the taxpayers and the people that are burdened by the laws of that Department.

Q. Well if the taxpayers are willing to pay for the convenience that is another thing. A. We are paying dear for a good many other conveniences we are supposed to get and do not get them right here in New York city so a little more or less isn't going to hurt.

By Commissioner MCGUIRE:

Q. You have heard some discussion here as to the proposed amendment to the constitution, giving additional power of discretion to the Industrial Board; perhaps you would be in favor of an amendment to the constitution looking to New York paying

its own way and only its own way? A. Only its own way, certainly I would.

Q. Do you think that would be a solution of it? A. That part I have not given proper thought to.

Q. I only mention that in the line of constitutional amendments? A. If I had my way about it I would have a separate state of New York city; we would get along better and save much money.

Mr. SMITH: You can be sure I will agree with that if you can bring it around.

Dr. KORN: That I think would be the best solution of it, that we have a state of the city of New York, and we will be able to take care of our business itself and pay our own expenses.

Mr. ELKUS: Do you think the rest of the State would let us go?

Hon. JOHN J. MURPHY (Commissioner Tenement House Department), addressed the Commission:

By Mr. ELKUS:

Q. You are the Commissioner of the Tenement House Department and have been for a number of years? A. Yes, sir.

Q. I don't know whether you have been told of some of the testimony of yesterday. A. Yes, sir.

Q. We should be very glad to hear from you about these matters? A. Make a general statement?

Q. Anything you like, Commissioner? A. That discussion was on the bill proposing to consolidate the different departments which have relations to buildings under a single head?

Q. Yes, sir? A. Now I think when I appeared at the hearing before this Committee before I expressed rather fully my views. I said then and I say now that I think the function of supervising the tenement houses in the city of New York is so very large, involving the supervision of one-third of all the buildings in the city of New York, that it requires the special attention of a particular department created for that purpose. The department was created in 1901 with the very idea which you gentlemen have in mind at this time. Up to that time the functions which

it exercises were divided among four departments and it was found impossible to fix responsibility for the general neglect — I think I am not putting too harsh a word on it — of the provisions of the law as they existed previous to 1900. The purpose then as evidenced by the law was to concentrate in a single department all responsibility for the construction, alteration and maintenance of houses occupied by three or more families. The only function in connection with that which was omitted — and that I presume was out of deference to an existing condition, was that the standards of construction should be determined by the Bureau of Buildings in the different boroughs. Therefore plans were examined by the Bureau of Buildings in regard to the strength of structures and plans and specifications of the structure and material employed had to be filed with the Bureau of Buildings in the borough and examined there for those things but for other things by the Tenement House Department. The things for which we examine the plans are light, ventilation, fireproof qualities of certain of the features of construction and adequate means of egress in case of fire. Now I understand that this whole inquiry was started for the purpose of avoiding duplication of inspection and consequent conflict of orders. Since the matter was started I have made a careful investigation to ascertain whether in tenement houses, either generally or in such numbers as to justify complaint — there has been duplication of inspection and consequent conflict. I have asked this in publications like the Record and Guide and the Brooklyn Eagle, which has taken much interest in this investigation, for specific illustrations of hardship inflicted upon owners by such duplication of inspection and such conflict. I may say that I have not received five replies to my request. I think therefore I am well within the truth in saying that in so far as inspection of old buildings is concerned there is no conflict. As to the Health Department — as soon as a building is declared to be occupied by three families — although such occupancy may make it an illegal tenement, the Health Department ceases to take any action in the matter. By the provision in the law itself, when the Bureau of Fire Prevention was created, it was declared that it had no function to exercise in relation to tenement houses. That clause “except tenement houses” was added in the fire

prevention law wherever it seemed that the functions of the Bureau of Fire Prevention might bring it into tenement houses. So that, so far as inspection of old buildings is concerned, there is nothing at the present time in the way of duplication, and consequently there can be nothing in the way of conflict of orders.

Q. Commissioner, if I may interrupt you, it was stated here yesterday there was no reason why in passing upon plans the Bureau of Buildings could not pass upon the plans of a tenement house, that is, the same inspector, the same clerk who examines for strength and material in a building plan why he could not examine for light and ventilation, and that it was a hardship upon the owner or builder to require him to have his plans approved by two departments; I want to call your attention to that? A. That is a question that I have considered. The answer to that is that the work of examining plans for the requirements of the Tenement House Law has become highly specialized. I do not hesitate to say that if the Bureau of Buildings undertook to do what we are now doing it would simply mean the transfer of that division of the Tenement House Department which is engaged in criticising these plans to the Bureau of Buildings.

Q. Wouldn't that be better if you had to do it because it would then require only that department to examine the building? A. The answer to that proposition is this, that the housing question and the building question are different. One is a material proposition and the other is, I might say, sociological. To ask us to take care, for instance, of buildings that are turned over to us, in the construction of which we had no say, and turned over to us by different authorities in different boroughs, these authorities taking entirely different views of the importance and meaning of the Tenement House Law, would, I think, be to establish different standards all over the city. We want to remember that in this case we have a statute law which ought to operate for the same class of buildings similarly in all sections of the city and I do not think we would get that under the divided control which it would then have. I have stated that I do not think any economy would be found in this case except in one general respect — that I am willing to admit — that if perhaps a single set of plans could be filed it might be an economy to that extent to the architect or owner. As a matter of time, however, we are on the nineteenth

floor of the Municipal Building. The Bureau of Buildings is on the twentieth floor.

Q. How about the other boroughs? A. In the other boroughs there are more differences in distance but not frequently great. I think in Brooklyn they are perhaps five blocks apart.

Q. The complaint is that it took a great deal of time in the interval between the approval of the plan by the two departments, there elapsed a good deal of time, and the builders said yesterday they had to pay interest on their loans? A. I think that is an important question. I would want to have some information on the question as to how much shortening there would be. We have made it a point, and I think it is generally true, that a plan does not remain with us more than a week without being definitely acted upon.

Q. Now you inspect both before the building is erected and while it is in course of erection? A. Yes.

Q. And after it is finished before you grant a certificate? A. Yes.

Q. You have inspectors inspecting the building? A. Yes.

Q. And the Building Department also has inspectors? A. Yes, sir.

Q. The claim was that that was a duplication in this respect, that the one inspector for either the Building Department or the Tenement House Department could inspect for both purposes? A. My answer would be as to the question of economy on that ground that I think every bureau in the city has asked for additional inspectors every year.

Q. That is a kind of chronic habit? A. If they have not enough now to do the work how can they say that the men they have on the job would be sufficient to handle it if their functions were increased?

Q. I do not think that is quite the criticism; the point is this, that there are two inspectors that go there for practically the same kind of work, whereas one would do? A. But they do it now, they go for plastering, they go for masonry and bricklaying, they go for electric lighting; in other words, the Bureau of Buildings itself sends three different inspectors on the same building.

Q. Is that necessary? A. I am not defending the situation; I am only describing it.

Q. Isn't it a fact that every construction firm in the city uses one man to inspect for all of that kind of work? A. Yes, but I think they pay him more than \$1,200 a year.

Q. But wouldn't it be cheaper to have one man at "\$2,500 than four at \$1,200"? A. I am not sure that it would for the reason that in our work — I am not speaking of the kind of inspection necessary for high class factories or office buildings — but for the kind of inspection necessary in our department it would be enough to have the character of intelligence we now employ. For instance, we have only four building inspectors taking care of the entire work in the borough of Manhattan. We have eleven, I think, taking care of the work in Brooklyn. There it is a question largely of the distribution of the work so that the number of men actually engaged on this work is relatively small. You want to remember, Mr. Elkus, that somewhat less than one-eighth of our appropriation is employed in the inspection of new buildings.

Q. Wouldn't it be practical Commissioner to transfer to the Building Department the work which your department now does with reference to the construction of new buildings and the structural changes in old buildings, leaving to your department the problem of the taking care of the maintenance and the housing of the people? A. Of course it may be done.

Q. Is that the main function of your department? A. The only thing that I think we would lose is the value of this specialized group of workers that has been built up with the idea of covering this particular thing. As I say, it is physically possible but it has a tendency to return to the old condition before the law.

Q. Of course as it is now every first class apartment house has to have your certificate before it can take tenants? A. Yes, sir. I feel and have felt for a long time that the city would do well to progress a little rather than retrograde, that is to say, other States throughout the Union are making two families in a house the standard of tenement occupation and they are regulating the housing of all kinds. It therefore seems to me that the more natural line of division, if you are going to have it, is the factory and office buildings, and residence buildings — that the functions to be exercised in these two things are of enough difference to make it desirable that the difference should be recognized.

Q. Yesterday the claim was made by some witnesses that your inspectors in your department were not practical; you heard that didn't you? A. Yes. I might say I believe I heard the same statement from Mr. Carlin in Brooklyn some time ago, as the result of a controversy that came up between our departments, and I found that of 228 inspectors 149 had been engaged in mechanical occupations of one kind or another before they came into the Tenement House Department and became tenement house inspectors.

Q. Now is there anything further Commissioner? A. I think that the question involved in the inspection of alterations is that they would practically have to be ordered by us in order that the working of the Tenement House Law may be effected. It had better remain pretty much as it is because there is bound to be a determination by us later on as to whether these alterations conform to the Tenement House Law or not. I think you can take it today that in every profession, in your distinguished profession, men are going more and more into specialization. You won't attempt to advise a client on a certain class of cases, because they are matters with which you are not familiar; you send him to somebody else. Now in the ten years the Tenement House Department has been going on we have built up a group of men who have specialized on this class of work and I do not believe it will be possible for a building inspector inside of a year to acquire the information which the ordinary inspector in the Tenement House Department has acquired as a result of his nine or ten years of work. Just before I came up here I heard you referring to the question of fires in old law buildings. I would like to make a comment on that. You do not have to go back in point of time. You can take yesterday. There was a fire in an old law house. They are a continuous danger. We have eighty odd thousand of those old law houses. It is necessary that they be permitted to continue to be occupied because there are no accommodation for the people anywhere else, yet the structural conditions in many of those, the stairways, are highly inflammable, and it is because of the constant and persistent eye that we have to keep upon those things that the special work of ours is so necessary.

Q. You have had no loss of life in a new law tenement? A.

We have had no loss of life due to conflagration. I like to have the word conflagration put in for the reason that you will have statistics upon the loss of life in tenement houses, children playing with matches or someone's clothes, catching fire from a gas stove; the buildings may burn, that may happen, but we have had no loss of life due to conflagration in the 24,000 tenements erected under the new law.

By Dr. KORN:

Q. Did you know of any old law tenement house buildings where there have been lives lost where there has been insufficient or inadequate fire escapes? A. In almost five years I have been in office I have known of one case in which loss of life could be regarded as due to the inadequate means of fire escapes. That was where between one inspection and another an apartment had been divided in two. You refer to a building on Monroe street. In that building there were three fire escapes and it was a corner building, a fire escape on one street, one on another and a fire escape in the court and the loss was due apparently to the people being suffocated while asleep and therefore unable to make their way out of the building.

Mr. JOSEPH O. HAMMITT (Chief of the Fire Prevention Bureau) addressed the Commission:

By Mr. ELKUS:

Q. Mr. Hammitt you are at the head of the Bureau of Fire Prevention of the Fire Department? A. Yes, sir.

Q. Chief of the Bureau I think it is called? A. Yes, sir.

Q. And you have been since the first of this year? A. Since I believe the 26th of January.

Q. You are familiar with the testimony which was given yesterday with reference to your department? A. Only from hearsay. I did not hear the testimony. I know roughly that there was some testimony which possibly created some slight confusion as to precisely what is the function of the fire prevention bureau as to its responsibility for the protection of life and its responsibility for the protection of property.

Q. Yes, it was stated yesterday by one of the witnesses, that the

function of your department generally, was to protect property and not life? A. The fact is that the function of the Bureau of Fire Prevention is primarily the protection of human life. The purpose of fire prevention is the same as the purpose of fire extinguishment. It is primarily the protection of human life. It is secondarily the protection of property. It is not possible to fully state the purposes of fire prevention or fire extinguishment without including both of those.

Q. It was stated yesterday that the sprinkler systems which your department is ordering into many buildings were ordered for the purpose either of affecting a saving in insurance or to protect property but not to protect life? A. The purpose of the installation of the sprinkler equipment as ordered by the Fire Department is for the purpose of all of the work of the Bureau of Fire Prevention — primarily, the preservation of human life. There are certain classes of buildings in which in case a fire starts there would be absolutely no method what ever by which water could be introduced into the building by the firemen for the purpose of extinguishing the fire. Especially if such risks expose neighboring property in which there is a considerable human occupancy and endanger a conflagration in the city, which if it ever got well beyond the control of the fire department would unquestionably exceed the catastrophe of the Baltimore Fire or the San Francisco Fire, it becomes necessary for the fire department to acquire some means whereby in case a fire starts it may be extinguished. It is also true that there are some buildings in which under normal conditions there may not be more than three or four occupants on a floor and yet under fire conditions there may be 25 firemen on the same floor. It is a somewhat difficult thing to bring to the attention of legislative bodies, but it is nevertheless a fact that firemen are workers as well as those who are employed in factories and that while the city demands of firemen that they make all necessary sacrifices and encounter unpreventable hazards in preserving the city against conflagration, it is considered quite within reason that where it is possible to create a condition where a fire can be put out without sacrificing the lives of the firemen that condition should be created rather than preserving a condition where the fire can not possibly be put out without the cost of lives of men.

I can not remember any building in which a sprinkler equipment has been ordered by the fire department where the purposes of the order would not be generally in line with the various purposes that I have stated. If I had a description of any building in which the sprinkler system had been ordered as to its construction and its contents and its occupancy I could explain precisely the basis for that order and would be very glad to do that for the information of the Commission in one or one hundred or any number of cases that were presented and to do it carefully and thoroughly and in writing.

Q. Reference was made here to the Cable Building; are you familiar with that? A. I do not believe that I am by that name.

Q. The building at the corner of Broadway and Houston street? A. Broadway and Houston street — what is the occupancy?

Commissioner McGUIRE: Part office and part factory.

Mr. HAMMITT: That is a building regarding which there was an old order from the Fire Department for a sprinkler equipment. The question was raised as to whether the requirement of sprinkler equipment in that building was reasonable. At the suggestion of the special corporation counsel assigned to the Fire Department in order that a decision might be made that would be satisfactory to the owners of the building and so well considered that the Fire Department would be justified in depending upon it, the question of whether that order should be sustained was submitted to an informal board of survey on which there was no officer of the fire department as there is generally on a Board of Survey. I believe that a member of your commission served on that Board of Survey. I do not believe the decision has yet been reached.

Commissioner McGUIRE: It has.

Mr. HAMMITT: What was the decision?

Commissioner McGUIRE: The order was reasonable but if certain other requirements were complied with the fire commissioner was justified in rescinding his sprinkler order. I served as a member of that Board of Survey on that building and made a report to the fire department. That matter was testified to here yesterday I believe by Mr. Doyle.

Mr. ELKUS: He did not tell us anything about the survey?

Commissioner MCGUIRE: But that I believe Mr. Hammit will tell you is rather a new way of arriving at the solution isn't it?

Mr. HAMMITT: It is.

Commissioner MCGUIRE: And has it proven satisfactory so far as it has been carried out?

Mr. HAMMITT: It has. Ordinarily a Board of Survey as provided for under the law consists of one member appointed by the owner of the building, another member who is an officer of the fire department and is appointed by the Fire Commissioner, and a third who is selected by the Fire Commissioner from one of several lists submitted by several different societies. Now the dissatisfaction that we have had with that kind of a Board of Survey has been that there is a natural inclination on the part of the owner first to assume that his representative is his advocate and not a judicial surveyor. A natural attitude on the part of the officer of the fire department to assume that the representative of the owner is not going to be fair and the thing resolves itself frequently into a decision by one member of the Board of Survey as between the absolutely uncompromising and conflicting views of the two other members and if the law does not work it out for us we are going to endeavor so far as we can, with the co-operation of representative organizations of property owners, to work out some method by which we can submit these questions to a more satisfactory and more impartial board of review.

By Mr. ELKUS:

Q. Mr. Hammitt some statements have been made that the attention of your bureau has been called to conditions in buildings by outsiders whose interest in the matter was ulterior? A. I think that is unquestionably true and it is the very reason why it seems to me essential for us to get away as quickly as possible from the policy of making most of our inspections upon complaint. It arises in a great many different ways. A tenant recently attempted to break his lease in a building in Brooklyn. He was sued by the landlord and a judgment recovered against him for damages for the breach of the lease. It is represented to me and

I believe it to be a fact, that he thereupon informed the owner of that building, in which there was a private school, that he would communicate with the fire department and have orders placed on that building and "get even,"—a question of vindictiveness. He did communicate with the fire department. The fire department made inspection and issued orders. The problem relating to that building was a rather peculiar problem and the matter was given a considerable amount of attention by the Bureau of Fire Prevention with a view to working out some method of changing the design of that building at the least possible expense so that it would provide adequate facilities for the occupants of this private school. There was involved by that process several months of delay before the orders were all complied with, and regularly every month letters came from this same complainant—they not only came to the Fire Commissioner but they came to the Mayor's office complaining of the inactivity of the fire department. They were transmitted by the Mayor's office regularly to the Fire Commissioner and also with reference to the fact that this was not the first time the matter was called to our attention. Inspection upon complaints results in a great deal of inequality in the administration of the law because the building against which a complaint has been received gets first attention. Orders are issued and the owner is required to make changes which, while they may render the building safer, may not increase its renting value, and right next door or across the way is another building competing for the same class of tenants, quite as unsafe as was the building regarding which the complaint was received, but not yet reached because the fire department has been inspecting only on complaints. In order to meet that situation we decided, with 13,000 complaints pending and uninspected in February and increasing at the rate of five hundred to six hundred complaints a month, that we must clean up that complaint file by the quickest possible method. We therefore instructed our inspectors: "When you go to inspect a complaint your duty is to inspect only for the matter complained of, and when you have finished that, leave that building and go to the next one where you have a complaint to inspect." By that process we expect fully that by the first of the year we will have completely cleaned up our complaint file and

thereafter the matter of dealing with complaints will be but a small part of the work of the Bureau of Fire Prevention and we can take the most hazardous classes of occupancies first and the buildings requiring the greatest amount of immediate attention and inspect every one of them in the city before we are through with that one class of work, so that there is an even handed method of dealing with the matter. But this very policy that we have adopted of cleaning up the complaint file has resulted in duplication of inspections necessarily because if we receive another complaint two months later regarding the same building another visit is made and this is also limited to the particular matter complained of.

Q. Is it a fact that your attention to defects in buildings is called by contractors who want to do the work? A. I do not believe that that is true to any considerable extent. I have made a study of the complaint file and I have traced the inspiration for a large number of complaints, particularly I have traced the inspiration of certain complaints that come in in very large numbers from virtually the same source but I have not found very much evidence that the contractors desirous of getting the work make complaints.

Q. It has been called to the attention of the Commission that very frequently a contractor notifies the owner that the work is going to be required to be done before the owner hears of it from the department; can you account for that? A. That might arise from a number of causes other than the sending of a complaint to the department. For example the Labor Law specifically requires in every factory building more than two stories in height and with more than twenty-five persons employed above the first story the installation of an interior fire alarm. It also provides that where there are 200 employed above the seventh story a sprinkler system must be installed, and with that kind of law a contractor might follow it up —

Q. It is also called to our attention that simultaneously with the receipt of a complaint a contractor appears and wants the work; is there any way by which that knowledge can be obtained? A. There is one way by which everyone can obtain knowledge, due to the publication of the orders of the fire department in the

City Record weekly. That publication however does not precede the service of the order and could not explain the contractors appearing at the same time that the order has been issued. Now I can not say that there are not leaks in the Bureau of Fire Prevention. It would give me a great deal of satisfaction if any who have information of particular cases in which the contractor has appeared as soon as the order was issued would immediately let me know because if I have that information promptly it seems to me quite possible that I might be able to trace the leak. It would be a very important matter to trace the leak. It was in order to avoid any possibility of particular contractors having as you might say an inside track in the fire department that we decided on publishing all of these orders in the City Record and also upon preventing or discontinuing the practice of sending them to various newspapers, trade publications, that had been receiving them prior to that time.

Q. Is there anything further Mr. Hammitt that you would like to say? A. No, sir.

Mr. ELKUS: Anyone else desire to be heard?

Commissioner JACKSON: For the purpose of the record and in answer to Mr. Goldberg's criticism yesterday of the action of the Labor Department regarding the premises at 15-17 East 17th street the buildings were inspected April 23d and orders issued in both buildings for additional means of exit. In the fireproof building it was withheld in the office for the reason that the Industrial Board had not provided the department with specifications for fire resisting materials, therefore the stairway could not be erected until such information was forthcoming. This accounts for the withholding of the order. They did not order the stairway because they could not approve the specifications necessary to construct the stairway.

Mr. ELKUS: No one else desires to be heard Mr. Chairman.

The Commission thereupon adjourned until Tuesday, December 1, 1914, at 10:30 A. M.

**HEARING OF THE NEW YORK STATE FACTORY
INVESTIGATING COMMISSION, HELD IN
ROOM OF TRIAL TERM, PART XVII, OF
THE SUPREME COURT, COUNTY
COURT HOUSE, NEW YORK
CITY, TUESDAY, DECEM-
BER 1, 1914, AT
10.30 A. M.**

Present — HON. ROBERT F. WAGNER, *Chairman*,
HON. CYRUS W. PHILLIPS,
HON. LAURENCE M. D. MCGUIRE,
MISS MARY E. DREIER.

Appearances:

HON. ABRAM I. ELKUS, *Chief Counsel*.

BERNARD L. SHIENTAG, *Associate Counsel*.

Mr. ELKUS: The hearings to-day and to-morrow are to be mainly devoted to the presentation by the Director of Investigation and his assistants of the facts as to wages and working conditions which have been found by the Commission's staff of investigators during the greater part of two years' work.

This is an unusual plan of procedure. Usually the investigating commissions present the facts which they have found directly to the Legislature for such discussion and action as then may seem proper. In this case the Commission is presenting its findings to the public for discussion, and, if necessary, for amendment.

During the two years of work of the Commission upon this subject over 150,000 records of individuals (men, women and children) as to wages and other facts of their lives have been obtained, and a synopsis of these will be presented by Dr. Woolston and his assistants.

The substance of Dr. Woolston's report — Dr. Woolston is the Director of Investigation — will be presented to the Commission and to the public and will be available for discussion by all per-

sons who are interested in the matter at future hearings of the Commission, the dates of which will be fixed later. This will enable those discussing the question of minimum wage to have before them concrete facts or evidence upon the subject of wages received in the various occupations which are directly concerned by the investigation.

The Director of Investigation on the minimum wage will present the methods of obtaining information, the trades and numbers of people reached and the result of the investigation, showing the facts of wages earned, etc.

The first witness will be Dr. Howard B. Woolston, Director of Wage Investigation.

Dr. HOWARD B. WOOLSTON, addressed the Commission.

By Mr. ELKUS:

Q. Dr. Woolston you have been the Director of Investigation for the Commission since when? A. Since the 18th of August, 1913.

Q. And you have had under your charge the investigation of what is known as the minimum wage question? A. Yes.

Q. Now will you go ahead and tell what you did in your own way and take just as long as you like, stating what facts you have obtained. I might say by way of introduction that your report is already in type, isn't it? A. Most of it I believe.

I should like to state very briefly and simply five things: First, the plan and scope of the work as undertaken by the Commission. Secondly, the character of the workers found. Thirdly, what these workers get. Fourthly, what they need. Fifthly, what business can afford.

Q. May I interrupt you a moment? I think we would like to have on the record your history and your qualifications for this work. I wish you would give us a little biography. A. I am a graduate of Yale, Harvard, Chicago and Columbia. I have been a social worker in Boston, New York and Cleveland. I have been a lecturer in the Chicago School of Civics, in Western Reserve University and for the last four years in the College of the City of New York.

Q. And you have made a study of economic questions? A. That has been my subject — economics and sociology.

Q. What was your position in the City College? A. Assistant professor of Political Science.

Q. And you have been there for how many years? A. Since 1909.

Q. You obtained a leave of absence from the college to take up this work? A. Yes.

I think it would show the connection of the wage investigation with the general work of the commission if you were reminded of how the Commission came to be. You all recollect the horrible loss of life in the Triangle Fire of March, 1911. That aroused the people of New York State as very few things have done, to have some provision made for the safety of the workers. The Factory Commission was the result of that demand.

For the first year or two of its life the Commission investigated conditions of safety in the factories. It soon found that there were other things besides the fire hazard that menace the lives and welfare of the people. It found that unguarded machinery, that improper ventilation, that dust and vapor have an effect on people's lives. It also found that while a great many people are killed outright that some of them are worn out. This is particularly true of women and children. So the Commission regarded as part of its work the study of the hours of female and minor employees in factories, and secured the reduction of those hours.

But it seemed to many people impossible to secure the lives and health of the people even though model factory conditions were secured. Suppose a man does work in a model factory. If he can not support his family on what he earns, that is the end of the man or his family. It seems rather futile to protect a young girl against the dangers of overtime, if she can not live decently on the wages she is going to receive. And so to the Commission was given the task of investigating the wages as well as the conditions of work in all occupations in the State of New York. For this purpose it was given the right to subpoena witnesses and to examine all books and papers pertaining to this investigation.

Now as to the plan of the Commission. I was instructed in my first interview with the counsel to make the investigation as scien-

tific, as impartial, as thorough-going as possible. The Commission first wished to know what the facts are; to discover the conditions underlying these facts; and then, and only then, to propose any fair or adequate methods for improvement that might naturally grow out of a study of these conditions.

The first thing, therefore, was to find out what should be the scope of such an investigation. It seemed to us to fall in the main into three parts:

First, what wages are actually paid in typical industries throughout the state, so that we might know what people receive.

Second, are these wages sufficient to maintain employees in simple decency and working condition?

Third, are the industries able to increase wages on the basis of the earning capacity of labor?

Those were the three things that we attempted to discover.

Obviously we could not study all the industries in the state of New York with the time and money at our disposal. Consequently we were directed to select certain industries which are typical. For this purpose we took Bulletin 93 of the Federal Census, showing the earnings of people in various industries throughout the country. From this Bulletin we found that certain industries, notably canning, the making of shirts, paper boxes, confectionery, silk and knit goods were far below the average of the state.

Now inasmuch as the Commission had already reported on the canning industry, the Department of Labor was contemplating the investigation of the knit goods industry, and also because the Federal authorities had investigated the silk industry, we confined ourselves to the paper box, confectionery and shirt-making lines. The Factory Commission had also previously decided to investigate further retail stores (the department stores as they are generally called) because it had found in them a large number of women and children employed at low wages. Public attention had been turned to the matter of wages in stores from the hearings in Illinois, and because of some discussion on the report of the Civic Federation. Therefore, the retail stores were added to the list.

Q. That is the retail stores of New York State? A. In New York State. These investigations, all of them, covered the entire

State. Miss Van Kleeck of the Russell Sage Foundation had been studying the millinery trade, and with the co-operation of the Commission, was good enough to carry her investigation further into the wages of the trade.

Mr. Roswell Skeel made a special study of the button industry. This is the field of our work.

Now what were the methods employed? What were the sources to which we applied? First, for discovering wages and hours of labor there is no place to go except to the payrolls. That is the official source of the information. Secondly, for general information as to the condition of the trade, the efficiency of labor, seasons, etc., there is no other source but the employer who knows the business. And to him we went. Third, as the matter of trade experience, domestic conditions and age, there is no other source of information but the employees. So to them we went for these facts.

The schedules were worked out by the Assistant Director with the assistance of the authorities at Washington, and such hints as we could get elsewhere. I have a complete set of them if they are desired.

Q. Will you at some time tell us how your staff was selected?
A. I am about to come to that. Special studies were also made on the standard of living by Professor Frank H. Streightoff of Depau University; on wages and training by Mr. Wilson of the Department of Education; on the irregularity of employment and wage legislation throughout the world by Mrs. Irene Osgood Andrews of the American Association for Labor Legislation.

Having planned out the work, the next matter, as counsel suggests, was to select the staff. Out of 160 applicants some forty persons were selected by merit, mostly young college graduates or persons who had worked in similar investigations in other states. The investigation of the clothing industry at that time just ceasing, we were enabled to get many of these investigators on our staff. We must also include the advice and assistance of various welfare and aid societies, notably the Consumers League, trade societies, the charity organizations, and other societies, as well as the State Department of Labor, the Department of Finance and the Department of Insurance. The State Department of Labor loaned us four of their expert investigators.

The time selected for this investigation was in the fall, winter of 1913 and early spring of 1914. Our purpose was to strike the industries when they were busiest, when the payrolls had the most names, when we could find out most about the people who worked in the industries. In New York City the work was carried on during the early winter of 1913. We were then delayed and were not able to finish in the up-State cities until May and June of 1914. In this investigation all the important centers in the lines that we studied were covered, all the first and second class cities and twenty third-class cities and villages. We covered in all nearly 580 establishments. Five hundred and seventy-seven precisely were scheduled, and over 104,000 employees in these establishments. Therefore I think the statistical base of the investigation is broad enough to warrant pretty definite statements.

Now as to the attitude of the manufacturers and employers regarding this investigation a word or two may be said. In general they received us in a kindly manner. I can not say they were overjoyed to see us appear for another investigation in their busy season, but in the main they were courteous and considerate.

The retail merchants had promised their assistance from the beginning. In the fall of 1913 union agitation becoming rather evident, they decided it would not be good policy to have the names and addresses of their employees given for fear these might somehow fall into the hands of unionizers. Although it is very much more difficult to identify persons by numbers than by names where a shifting force is concerned, this concession was made to the merchants rather than antagonize them.

As to the attitude of employees, they were in general very willing to give us what we asked of them. Several of the women objected to stating their ages at first, and some of the people were uncertain as to the details of their personal expenditures. The information was given, however, and usually, as soon as the persons understood what the purpose was, they were very glad to supply us with the facts. It was extremely difficult in some cases to get information as to overtime and fines, because some of the interviews were carried on in the presence of the firm. Again, the retail merchants insisted upon this method in New York, and

also the same attitude was adopted in Buffalo. With these exceptions the investigators were very satisfactorily received.

Now this information was tabulated first by firms, then by classes of establishments, then for each locality and finally for the whole industry throughout the state. For each establishment we tabulated rates and earnings for each sex according to their occupation, age, experience, conjugal conditions, and nativity. We also studied the days and hours of work, the weeks worked per year, and the annual earnings where they could be discovered. For each trade we tried to find the seasonal fluctuations, the fines and the commissions that were received, the piece rates, the home work, and for all the workers, the character of their residence, their family relations and income.

I have spent time trying to outline the investigation in order that you may understand what we attempted to do and how we started out to do it. Now what kind of people did we find in the trade? In the main they were young men and girls. Three-fifths for whom I have returns were females. The proportion varies in different trades, from 59 per cent. in the stores to 77 per cent. in the shirt making industry. This has an important effect upon wages, women being paid generally less than men.

In the next place, as to their age, we found that over 60 per cent. were adults, about one-third between 16 and 20, and 4 per cent. were children, that is under the age of 16. These proportions vary in the different occupations. For example, whereas two-thirds of the employees in the stores are adults, one-half of all in the box making trade are minors. The matter of the age of the persons is another important factor with regard to wages because that affects their rate of earnings.

Next as to the nativity of the persons. We found that about 30 per cent. of all were foreigners. Again the proportion varies in the trades. In the shirt and candy making industries, especially in New York city, about one-half are foreigners. In the stores the small proportion of foreigners are mostly English speaking persons; but in the industrial lines, in candy for instance we find the Italians composing over one-third of the employees, and in paper boxes the Russians constitute about 16 per cent. This is another important fact with regard to wages, because as a general

thing the foreigners enter the least skilled lines and are paid accordingly. We find also that the majority of foreigners are older than the natives. That is there are comparatively few foreign born children. We also found the proportion of foreigners living in New York City much greater than the up-State cities.

In the last place, regarding the conjugal conditions of these people, we found that nearly three-fourths of them were single persons, about one-fifth married, and about five per cent. were widowed or divorced. Of course these proportions vary between the sexes. Eighty-six per cent. of the women were unmarried, largely because of their younger age. Nearly half of the men were married. Please bear this in mind in discussing wages. Six per cent. of all the female employees are widows or divorced. So much as to the personnel, the kind of people we found. They were young people, mostly women, with a large proportion of foreigners and the majority single persons.

Now then what did these people get? Of 91,000 persons for whom we have returns by rates, 11 per cent. ordinarily received — I am now quoting rates — ordinarily received less than five dollars a week.

Q. Doctor do you mind if I interrupt you? A. Please do, Mr. Elkus.

Q. I would like to get for the record whether any other commission which you know of, and I know you have studied the subject, has ever gone into the facts as you have done for this commission, obtained these exact facts? A. I think many commissions have obtained much the same facts, Mr. Elkus, but I do not believe any commission has obtained so many facts.

Q. Or taken so many people? A. No, of that I am sure.

Q. Go right on? A. It has been suggested that the distinction between rates and actual earnings, which will later be quoted, ought to be made absolutely clear. The rate is the amount that is fixed for a person, which he may hope to earn if he works steadily or completes the allotted task within the period for which the rate applies, say seven dollars a week. That is if one works six days a week and for the full time. I am now quoting rates.

Q. And no deductions? A. And no deductions. I said that 11 per cent. of all the persons for whom we had returns on rates

received less than five dollars. Forty-seven per cent. received from five to ten dollars, while 24 per cent. received from ten to fifteen dollars, and only 18 per cent. received as much as fifteen dollars or over.

These proportions vary in different lines. For example in the stores, one-half of all the male employees are quoted at rates less than fourteen dollars per week. One-half of all the females in the stores throughout the State are quoted at rates of less than seven and one-half dollars a week. In shirts and paper boxes one-half of all the male employees are quoted at rates under twelve dollars a week and one-half of all the females employed at rates less than six dollars and a half a week. In the candy trade one-half of all the males are quoted at rates under ten dollars a week and one-half of all the females at rates less than six dollars a week.

Naturally these rates vary with occupations. They include all kinds of workers. They vary from the salesmen who will range from twelve to twenty dollars, and the cutters and candy makers who range from twelve to eighteen dollars, to the little messenger girl who ordinarily gets say \$3.50 to \$5.00, or the helpers in the candy factories who get from \$4.50 to \$6.50. In the main, the range in men's wages that we have been studying are those between \$10 and \$15, and for the women those between \$5 and \$10. These are the general levels that we have been discussing.

Of course there are greater variations in the rates paid. I need not tell you they vary with localities. The rates are both higher and lower in New York City than up-State. That is, there are more people that get the very high rates here, and more people who get the very low rates in New York City. Moreover, in different kinds of stores there is a variation. In the large department stores 53 per cent. of the female employees get less than \$8 a week. In the smaller neighborhood stores, as we call them, 68 per cent. of the women and girls get less than \$8 a week, while in the five and ten cent stores 99 per cent. of them get less than \$8 a week. This may serve to indicate the basis and variations in rates.

Let us now consider the matter of age, for at once it will be said these people are paid low because they are young and experienced. We have figures with regard to the age and rate of

wages. I have said that the majority are young people. There is a very rapid dropping out after the age of thirty for women and after the age of forty for men. The majority of women in any five-year age group reach the \$8 level only after thirty years. The majority of men reach the \$15 dollar level after thirty-five years of age. I am now using medians. Though one-half in any age group may surpass these rates, one-half will fall below. There is a great difference in age between the different lines and different occupations. For instance, in the stores the average man reaches his maximum of \$16 at forty years of age and the woman her maximum of \$10 at thirty-five years of age. In the shirt and box industries the average man reaches his maximum of \$15 at thirty-five or forty years and the average woman her maximum of \$9 at thirty years of age. In the candy trade the highest rate by age for men is that of \$12 at forty years. For women \$7 at thirty years.

Q. Why didn't you take average wages? A. I will tell you if you are interested in this statistical detail. I will give you an example. The average wages of saleswomen in the large department stores is about \$9.34, according to our returns. But the largest number of women actually received \$7 — about 18 per cent. of all if I recollect correctly. Now between the rate which most of them received and the average is a variation of 33 per cent. I have used what is called the median. That is, if you were to take all the people in this room and line them up along the wall according to height, and pick out the one that was half way from both ends, the height of that person would be the median height of those in this room. That is this person is the farthest from both extremes. In the industries where we have a large number of high paid people and a very large number of low paid people this median falls between the high average and this low mode, as it is called.

Br. Mr. BLOOMINGDALE:

Q. Then when you speak of the maximum you mean the median? A. I mean the median.

Q. You used the word "maximum" as if that were the extreme limit? A. No.

By Mr. ELKUS:

Q. May I ask you why from a statistical standpoint it isn't fair to take the average rate of wages? A. Well suppose you had a foreman who received \$100 a week and a number of workmen who received \$10 a week. Suppose you had ten working men. There would be \$100 for the working men and \$100 for the foreman. Divided by eleven it would give you a wage that nobody received actually — much less than the foreman, much higher than the low paid workmen received.

Q. Give you \$20 a week? A. Something like that, about twice what the workmen get. We have used distribution tables in our published report.

Q. So that an average wage, any statistics or any argument based on an average wage is statistically incorrect? A. It is apt to be misleading. I wouldn't say it is incorrect. There are many kinds of averages. Most people know only one — the arithmetical average. There are many known to statisticians. The thing to do is to get the fairest representative figure, the one that shows best what the central tendency is.

Now I have quoted the median rate at each age and showed where it was highest. We found three thousand adult women in the stores quoted at rates under \$6.

Q. Three thousand out of how many? A. In all the stores there were about seventy thousand persons, two-fifths of whom were adult females — say, thirty thousand women. We found about two thousand four hundred women in the shirt trade quoted at rates under \$6. We found in the candy trade that the median rates for adult men are under \$11 and for adult women less than \$6.50.

Q. That is a week? A. A week. Now these are rates —

Commissioner DREIER: Is that the median rate.

Dr. WOOLSTON: Yes. They vary up and down. We found people getting less than \$3 a week.

Q. I didn't quite hear that. A. We found people getting less than \$3 a week. We also found buyers in department stores getting more than \$10,000 a year. Neither is typical.

These rates are what people are supposed to get. What do they

actually get? What are their actual earnings? Without boring you with any more figures than I can help, let me say that the actual earnings are below the rates in most lines, especially in the low levels of payment. Because of loss of time, because the workers could not complete the task, they fall below the rate. Although this is made up in certain cases by premiums and by commissions, still, as a whole, the actual earnings fall below the rates that are quoted. Let me give you an example. In the stores we found 99 persons were quoted as receiving a weekly rate of less than \$3. For the given week, when we went to the store we found that over two thousand persons actually received less than \$3 for that week. Now the cause is not here considered. It may have been due to shiftlessness or due to industrial causes. Nevertheless, more than two thousand people got less than \$3 for that week. Let me show you by another example in the confectionery trade, 13 per cent. of the people were supposed to get less than \$5 a week, according to the rates. Actually, however, 22 per cent. of all the employees got less than \$5 for one week.

Q. How many is that 22 per cent. in numbers? A. One thousand nine hundred.

Mr. BLOOMINGDALE: Will you ask him why?

Dr. WOOLSTON: I have stated, Mr. Bloomingdale, that the causes of reduction need not enter here. Many of these people were absent. But as a matter of fact they got less than three dollars a week — no matter why.

Mr. BLOOMINGDALE: During that week?

Dr. WOOLSTON: During that week only.

Let me summarize with regard to the workers in New York city. Out of 42,000 people in the stock and sales departments of the larger stores and in the factories of the three lines mentioned half got less than eight dollars for a week when we investigated these plants.

Mr. BLOOMINGDALE: Wouldn't it be more exact if he should say got that during the week instead of for the week?

Dr. WOOLSTON: Will you please translate when I say "for" to "during" the week?

Mr. BLOOMINGDALE: It makes a difference on the record.

Commissioner DREIER: Point out the difference for the record,

Mr. BLOOMINGDALE: If a person worked but four days a week they got it during that week but not for the week.

Dr. WOOLSTON: What did they get it for?

Mr. BLOOMINGDALE: They got it for four days' work, or as the case may be.

Dr. WOOLSTON: Let me give you another illustration. Of 15,000 women and girls employed in the industrial lines mentioned about 8,000 received less than \$6.50 during that week and nearly 4,000 got less than \$5 for the work performed during that week. This gives you some idea of the difference between rates and the actual earnings.

Now I have said that the difference is due to certain causes. First, there are premiums and commissions paid in many of the stores. These vary widely from one per cent. on all sales to two per cent. above the department average. They vary widely. They do bring up the receipts of the more skilled sales people. For example, here is the largest commission we found — one per cent. on all sales. Whereas at the rates quoted, the average rate for salesmen in this store was \$9.93 for a full week's work, because of the commission that was earned on a week preceding Christmas, the average man actually earned a little over \$14. Among the saleswomen the average rate for a full week's work was quoted at \$5.76, and because of the commission the payment was raised to \$8.85. This is the largest commission that we have found.

There are also deductions, deductions for the time lost, which I will come to presently, and also deductions from other causes. Out of 831 women interviewed in 20 New York stores, 194, that is 23 per cent., testified to having been fined from 10 cents to half a day's pay for lateness. Forty-one testified to other fines for shortages and for errors. A number of men also stated that part of their wages was withheld for loss of packages or breakage.

Also where the mutual benefit associations were compulsory, as they used to be, there were deducted from the actual receipts of the person the amount that was taken for his benefit. When it was optional we did not deduct this amount.

Q. Now will you explain what the mutual benefit assessment is? A. The mutual benefit assessment is an amount of the wages of the persons, varying according to their salary and position, say from ten cents to twenty-five cents, for benefit in case they are ill, for the services of a physician or payment for so many week's illness. In this respect the Insurance Department of the State of New York has made an investigation which will be published in the report of the Commission.

The CHAIRMAN: Compulsory insurance of that kind is done away with so far as corporations are concerned?

Dr. WOOLSTON: According to law.

The CHAIRMAN: The last session of the Legislature did that.

Dr. WOOLSTON: Yes, sir.

The CHAIRMAN: Was that because money deposited in one or more of the department stores was lost when the concerns failed?

Dr. WOOLSTON: I think that occasioned some stir about the matter.

Now with regard to deductions in the other lines. In the shirt trade, in some Troy factories, the sewing women rent their machines from the firm, and they also pay for the thread they use and sew into the shirts and for their needles. In one place they were taxed for ice water. I deem this an exceptionally mean example, but it is an example showing that you cannot foresee from the rate of a person how much is going to be in her envelope at the end of the week.

We now come to the question of the days and hours worked.

Mr. ELKUS: Was the payment of commission to those ladies in department stores a general thing or an exceptional thing?

Dr. WOOLSTON: It is a matter that varies widely. We found twenty-nine stores where commissions were paid, and we also

found premiums. We also found Christmas gifts and presents which are not commissions.

Mr. ELKUS: Is it so among the larger stores?

Dr. WOOLSTON: Yes.

Now as to the days and hours worked, there is little point in stating the hours that the stores and factories are supposed to keep open, but a good deal of point in finding how many hours the persons whose pay envelopes we had, worked during the preceding week. We found that about 20 per cent. of the people investigated lost a day or more during the week; that about 7 per cent. of them lost about 2 days or more. So there was a considerable deduction from this cause alone. This amount varies. In the department stores pretty nearly 90 per cent. of the people worked the full week. The situation is worst in the candy industry, probably due to the slack seasons. One-quarter of the people lost a day or more during the week studied.

The CHAIRMAN: Is that loss due to the employer or employees?

Dr. WOOLSTON: I was speaking of the amount of time lost. Why it was lost I shall speak of in a moment.

The legal hours were followed in most cases, except there came a rush order, or except in very busy times of inventory, or stock taking, when persons might be asked to work at night occasionally or on Sunday. We found the twelve-hour day on Saturday very frequently in the smaller stores up-State. We found that in New York city half of the women testified to extra time before the holiday season. Twenty-eight men and 62 women said they had some night and extra work to do during the year. One hundred and four men and 250 women (that is, out of a thousand interrogated on this point in New York city in the stores) said they had some overtime besides the Christmas season.

By Mr. ELKUS:

Q. Now will you explain how these 1,000 whom you interviewed were selected out of the large number? If I have anticipated you, wait until you come to it. A. No, I am very glad of interruptions. We handed to each employee a card asking for the name, address, age, conjugal condition, trade ex-

perience, whether paying board, etc. For a representative number we wished to have a more detailed interview regarding their trade experience and their domestic conditions. We tried to get a reasonable number in each line, in each factory, from the women and from the men, from the single and from the married, from the foreign and from the native employees. In the main we took the low paid persons because there was very little question as to the success of the persons who got the high rates. We took in the stores and the factories, roughly, about one per cent. of the persons. We tried by taking many persons in many factories to get typical returns.

Q. These people were selected outside of their marital condition and age; they were selected at random? A. Yes.

Q. No particular selection was made? A. Yes. We tried to get people of the various kinds and at the different wage levels up to a reasonable amount. It was not thought necessary to inquire as to the domestic responsibilities of any one who gets 25 or 50 dollars a week. It was assumed that they could live reasonably well.

Q. And these thousand persons were personally interviewed by members of your staff? A. Personally interviewed as to their trade history and as to their domestic conditions. Shall I continue?

Q. Yes. A. We were speaking about hours. I said that legal hours were followed in the main. It may amuse you to know that when the law was changed and we inquired of the New York city stores how they had readjusted their program so as to conform to this law, that several firms — three, to be exact — I don't wish to exaggerate — three wrote saying that they would be pleased to return the hours they observed if we would first tell them what hours were supposed to be observed. We found violations in the factories and stores throughout the State. Quite incidentally we found 143 children working more than 48 hours; 717 women working more than 54 hours in this one week when we struck them; 134 young men between 16 and 18 working more than 54 hours — 909 violations in all, quite incidental to our work.

Q. That is in that week? A. In one week.

Q. And this week was selected at random? A. This week fell

between the 15th of September, 1913, and the end of June, 1914. But the violations for stores were found upstate under the new law. It was difficult to get the employe to testify as to violations of hours when a member of the firm was present. And it was impossible to find the violations from the books, except as shown in payment of supper money — which we did find.

There are great seasonal fluctuations in these businesses that throw a large part of the people out of employment. They displace from season to season from ten to fifty per cent of the working force. For example, right after the Christmas season in the confectionery industry, 25 per cent. of the working force is thrown out. The drop in wages is still greater. Upstate in the shirt factories we found a fluctuation of 12 per cent. above and 30 per cent. below normal, a total fluctuation of 42 per cent. — I beg your pardon. I have misread. I should say a fluctuation of 6 per cent. above and 27 per cent. below normal, or a total fluctuation of 33 per cent. was found. The fluctuation in wages quoted amounted to 45 per cent. The variations in the wages are greater because in busy seasons all the best workers will be making a lot. In the slack season they will all be running under. So that out of nearly 400 women interviewed in the shirt and box trades, we found that the fluctuations in their wages were about 33 per cent. between prosperous times and dull times. Now fluctuations of 33 per cent. in a wage of \$7 a week is a pretty serious matter. It means a standard of living either pretty low or extremely elastic.

In the stores, which are generally supposed to be steady, we found the fluctuations still greater. From the returns given us from 18 large department stores in New York City we found that in their busy season before Christmas they employed about 56,000 people. In their low period during the summer holidays they employed about 35,000 persons. That is a difference of about 20,000 people. Now the normal number of persons in those stores is about 42,000. This is then a fluctuation of 33 per cent. up and 15 per cent. down, or a variation of nearly 50 per cent. around the normal working force of the stores. This is the total fluctuation of the business. But it by no means represents the number of persons who passed through the establish-

ments. This is like the rising and falling in the tide. The number of waves that beat on the beach still has to be spoken of.

In 11 large department stores in New York City, according to their own returns, about 43,000 persons were "hired and fired" during one year. Their average working force was about 27,000. That is the drift amounted to about 160 per cent. of their stable force.

Mr. BLOOMINGDALE: May I ask you to correct the statement of "hired and fired"?

Dr. WOOLSTON: Some of them left voluntarily. Now with regard to the other industries, 2,300 persons in nine New York box factories were employed and left during the course of the year. The average force of these factories was about 800. There were twice that number employed and twice that number resigned or were asked to resign during the course of the year. Their tenure of office was also somewhat brief. One-half stayed only two months or less; only one-sixth stayed eleven months or more. In the candy factories we find the same running through of unstable fluid labor. Of 3,000 employes reported during the year in 10 New York candy factories, we found that 20 per cent. were with the firm ten months or more; 60 per cent. five months or less; 40 per cent. less than five weeks. Now obviously there is a great loss of time between jobs, and that is the next point I should like to mention.

Mr. BLOOMINGDALE: Will you state whether your statistics cover those who voluntarily left the stores and those who were discharged?

Dr. WOOLSTON: That was asked for but only in one or two cases did we get that information.

Mr. BLOOMINGDALE: You asked for it but didn't get it?

Dr. WOOLSTON: Couldn't get it.

Mr. ELKUS: May I ask you whether after you obtained all these facts as to each establishment what communication you made to each establishment?

Dr. WOOLSTON: That their records were open to inspection.

Mr. ELKUS: And correction?

Dr. WOOLSTON: Yes, sir.

Mr. ELKUS: Did any of them avail themselves of your permission?

Dr. WOOLSTON: They did. A number of men from the stores came and looked over the records and made suggestions which we were glad to carry out.

Mr. ELKUS: So that you have taken into consideration every correction they wanted to make?

Dr. WOOLSTON: So far as we were able.

Mr. ELKUS: Those figures were open to each manufacturer and each store where you obtained them?

Dr. WOOLSTON: Yes, sir.

Now as to time lost and the causes. This is an important matter. Let me give you a summary lest I weary you with a mass of figures. Of 1,500 women employed in different lines in New York City, two-thirds had lost during the preceding year on an average about one month. Two or three weeks of this time was due to industrial causes. That is slack work or no job. One to two weeks were attributed to personal causes. That is, to personal illness or trouble in the family. Even holidays and vacations caused loss in the industrial lines, because they are not paid for, and in some cases there were enforced vacations. Of course a holiday is always a loss to a piece worker. In the stores the majority have one or two weeks' vacations at half or full pay. That depends on how long they have been with the firm. So much, then, for lost time.

I have tried to show you the variation from rates and the causes thereof. Now as to the annual earnings. It is important to know not merely what a man or woman gets in one week, but what that man or woman gets for an entire year. You realize that the only way to find the annual earnings of a person is to tag her around with a little book and take her earnings every single week in a year. That, of course, is manifestly impossible.

But we did take from the books of the concerns where we were able to find such memoranda, the earnings of all persons who had worked there for 43 weeks or more; calculated their annual earnings; and found their average weekly earnings on this basis. May I then summarize by saying that out of some 3,000 persons from whom we were able to obtain this data half of the men earned less than \$700 for a year's work, and half of the women earned less than \$400 during the year. These are the steady workers. These are the better paid employes. These are foremen and cutters. A great number of less skilled hands come and go; but the people who remain with the firms are the better paid employes. Now upon this basis the average earnings of the men was under \$14 a week, and the average earnings for the women under \$8 a week.

Of course these amounts vary in the different trades. Let me then give you for two trades, the boxes and the candy concerns, the average weekly earnings on the basis of their annual receipts. The men — the males, I should say, get about \$11 a week; the females about \$6 a week. So much for annual earnings.

The next question is as to whether these people were worth any more. Maybe they were young and inexperienced; maybe they were just beginners. I have some facts then as to the relations between earnings and experience. The typical employes in the lines studied are young persons who have worked ever since leaving school. About one-half of their working years have been spent in the trade where they were found, and approximately one-half of their trade experience has been spent with the firm where they were recorded. Girls begin at about \$4 or \$5 a week. I am now giving median figures. Boys begin at about \$6 or \$7. Men arrive at their average of \$14 or \$15 after about five years experience in the trade. The women and girls arrive at their average rate of \$6 or \$7 after about two or three years in the trade. After this the advancement is much slower and the dropping off is very rapid. Most skilled men — for we studied not only the whole mass of employes, but also certain skilled trades as those of cutters and candy makers — most skilled men do not arrive at \$20 after thirty years experience in these trades.

Mr. ELKUS: After thirty years of age?

Dr. WOOLSTON: Thirty years of experience in the trades. I have already given figures as to years of age. I am now giving the age in the trades. For a person may be young in years and old in a trade or vice versa. Most skilled women do not rise to a wage of \$10 after the same length of experience — thirty years in the trade. Comparatively few gain such levels, because there is a very rapid dropping off. In stores it is true that there are women who receive \$15 (mostly those in charge of stock or heads of small departments) after twenty years. But these constitute only about 2 per cent. of the employes.

The chances, then, of promotion are slight. The rise is slow and uncertain. About 15 per cent. of the forces that we studied received a rise during the year preceding our investigation. This amounted generally to a dollar or two during the year. We took the statements of 240 women in the New York City stores regarding this matter. We found that those women who had always been with the firm where we found them — who had always been in the one firm — had secured a rise on an average of about fifty cents a year during their incumbency. The promotion is manifestly slow. When we asked these women how they secured the rise they said, in the main, by asking for it. Some of them (approximately a half) said they believed their length of service and their efficiency had something to do with it. Others said a rise was to be secured by jumping, that is by threatening to leave and saying they would receive more in another place. So much for the experience.

In these lines there is competition between certain persons who live at home, and in the shirt trade between prison labor and free labor. We found "extras" in the stores, and made a study of some 800 of them throughout the State. These persons are on duty certain days of the week or certain hours of day. In the main they were young women in the sales departments. The majority worked for a day or half a day, and received for their work about seventy-five cents or a dollar. There are also some men who work at special sales, and who receive ordinarily \$2 for a day's service, unless they happened to be on straight commission.

In shirts we found a good deal of home work. We studied 100 home workers in the Troy shirt district. They were engaged in turning cuffs and collar bands. That is, the material, after it has been sewed on the wrong side is turned and the edges are pressed for the final stitching. The workers are mostly married women that live at home. They the paid 5 cents a bunch of two dozen, and they can earn a dollar a day, minus collection charges, which the driver abstracts from their envelope before he returns it to them from the factory.

Mr. ELKUS: How many hours a day do they have to work?

Dr. WOOLSTON: That means working a full day. Some women to earn more than that will neglect their household and work at night. The work is uncertain in the main. The average weekly earnings for the 100 cases that we found, in a week in June amounted to \$3.23. Obviously this is not sufficient for the worker. But the system does put into the market forces competing with independent labor.

There is an aspect of the condition to which I wish to call your attention. That is, these goods go out of the factory into the homes of the workers and are then returned to the factory, with all the sanitary danger that this transfer causes. The law says that this is allowable for the class of goods that are subject to a laundering process. This class of goods is not always subjected to a laundering process.

The shirt trade also suffers from competition with prison labor. We have reports from five State institutions employing about 1100 persons, who worked ordinarily from eight to nine hours a day in the shirt shops. The institutions are paid from 30 to 50 cents a dozen for making these work shirts, or they are paid from 45 to 66 $\frac{2}{3}$ cents for a worker per day. Obviously this is less than a free worker could work on.

Mr. ELKUS: In what prisons are these made?

Dr. WOOLSTON: I can find that for you. The competition in shirts comes largely from Rhode Island, Vermont and Maryland prisons. There are also large institutions in the west. The state furnishes everything except materials and machines. To give you a notion of the output of these factories — two institutions pro-

duced 195,000 dozen shirts in 1913. Now this is a serious competition in the market with free labor. A manufacturer must either come to the terms of contractors who sell these prison-made shirts, or else cease selling that line of goods.

We also found some home work in the box making trade, but comparatively little, so I will not stop to mention that.

Two other points as to the conditions of these people: How about their earnings with regard to their marital conditions and with regard to their nativity? In other words do foreigners earn more or less than natives, and do married people earn more or less than single persons. I shall now speak of earnings — median weekly earnings.

By Mr. ELKUS:

Q. Before you take that up will you at some time bring before the Commission what facts you have with reference to the number of people who live at home, that is girls who live at home? A. I have that coming.

Q. Go right ahead? A. As to earnings and nativity: Immigrants, especially those who do not speak English, as has already been stated, tend to fall into the less skilled trades, and in general receive low rates of wages. This is well marked in the confectionery and shirt industries, where, for example, the native men usually earn eleven dollars, the foreign men will earn ten dollars. However, this is marked in the case of the stores, where the immigrants are generally English speaking people. There, on the other hand, because of their greater age, the foreigners earn slightly more than the natives.

Now as to home relations and marital condition, let me in an equally brief way summarize. Married persons do, fortunately, earn more than single persons. This is due in the main to the fact that they are older and are usually more experienced. Whereas single men ordinarily earn from eight to eleven dollars a week, a married man in these lines will ordinarily earn from twelve to sixteen dollars a week. A single woman will ordinarily earn from six to seven dollars and a married woman may earn from six to eight dollars. Of course this varies in the different trades. The married men in the confectionery trade did not earn in the week in question an average of twelve dollars. Married women in this

same trade did not ordinarily earn in the week in question as much as six dollars. We found in the stores and the shirt factories throughout the State, 937 married men who earned during the week in question less than ten dollars, and 434 widows who earned in the week in question less than six dollars. This may give you some notion of the actual earnings, weekly and annual, according to the various conditions of the persons in question.

The next point to be briefly treated is what these figures mean. I shall not develop this side of the work, which was done in the main by Professor Frank Streightoff. The principal facts under this head will be brought out in the discussions by Miss Packard and Mrs. Orenstein tomorrow morning.

Q. Professor Streightoff did his work for the Commission? A. Yes, sir.

Mr. ELKUS: He isn't able to be here today or tomorrow.

Dr. WOOLSTON: What do these people need? We have seen about what they get, now what should they have according to the judgment of persons who are supposed to know? The Factory Commission inquired of many people throughout the State — persons connected with trade and business organizations, with philanthropic and educational institutions. It asked them what they believed was a reasonable amount for a young unmarried person in the city, and also for a family consisting of a man and wife and three little children. Most of these people agreed that to live decently, simply, efficiently, in our cities today, requires from eight to ten dollars a week for a self-supporting person. Professor Streightoff's investigations led him to believe that at least nine dollars is required for a young woman living independently in the city of New York. Eight dollars or more has been fixed as a minimum rate by wage commissions in four states in the United States. It is therefore about as low a figure as we can talk about on the basis of standardization. You will then remember that about three-fifths of the female employees in the stock and sales departments of the stores and the industrial lines in New York city earned less than eight dollars a week, and out of 15,000 women and girls in the factories that 8,000 earned less than six dollars and a half in a week.

Let me present an eight dollar budget and see what you think could be taken out of it. Clothes, \$1.50; room, \$2.00; breakfast and dinners, \$2.00; six lunches at 15 cents, 90 cents; carfares at ten cents for six days, 60 cents; insurance and medical care, 25 cents; dues, reading and amusement 50 cents; savings 25 cents. Where will you cut?

Q. How much does that amount to? A. Eight dollars. Professor Streightoff has said that most women who receive less than ten dollars can not or do not save.

Q. That is assuming that they earn the eight dollars the year around? A. Assuming they earned it the year around — which is a very large assumption.

Now with regard to families: These same persons who were requested to give estimates say they believe it requires from 15 to 20 dollars a week to support the family of a working man; and the probability is that it would be over eighteen dollars. Professor Streightoff's studies lead him to believe that at least seventeen dollars is required for a man, housewife and three small children. It is then interesting to note that one-half of the married men in all lines studied in New York city, during the week considered received less than \$15. These lower amounts mean crowded homes, poor food, insufficient clothing, no provision for medical care or insurance; no saving for a rainy day. And if people do get along, it is a make-shift existence that they lead.

Now, what can business afford? I speak with much less assurance on this point because the firms were unwilling in many cases to give us their financial accounts, telling us quite frankly that it was none of our business. But in some cases they gave us a pretty definite notion.

Before I get to that, however, I should like to speak of a point that is connected with this matter of home conditions. That is the personal circumstances of the workers. How many of these women live at home? Counsel has asked for that.

Of 1,300 female employes in different lines in New York city, we found that 65 per cent. were living with their families; about 20 per cent. with their friends or relatives; approximately 15 per cent. were living independently or with strangers or friends. That is to say, 84 per cent. may be said to be within reach of assist-

ance in case of dire necessity. We found however, that in half of the families of the wage earners in the stores, there was no male wage earner. We found, regarding earnings, that the median earnings of those who lived with relatives or friends was seven dollars; of those that lived independently, nine dollars. So that residence with or without ones family may be a matter of necessity as well as of choice.

Then as to contributions, we found by interviewing over 300 women who lived at home, that 75 per cent. of them turned over all of their wages to their families, and that more than 20 per cent. of all paid board in amounts varying from two to eight dollars. That is the "pin-money" idea is pretty well knocked in the head. Only 5 per cent. is left to be accounted for. The rest turned over their money to their families.

Q. What do you mean by the pin-money idea? A. Some people say that many women work for pin-money. They haven't anything to do, and so they go into the factory or store, and spend the money they earn on dress and amusement.

Q. Do not contribute to the family? A. Do not contribute. As to self support, the returns from 500 factory workers show that 23 per cent. of these people had to be helped by their relatives.

Q. That is you took 500 cases and — A. Inquired into their circumstances. We found that 40 per cent. may be called self-supporting (that is paying their way). Thirty-six per cent. or more than one-third, were helping to support some one else. Their earnings were actually necessary in order to carry on the family group. We found that the average family consists of about five persons. This is from an investigation of about 156 box workers' homes. The representative family consisted of about five persons — three wage earners, a housewife and a little child. When all the people were working, they brought in about \$25 a week, of which the box worker contributed about \$7, or 28 per cent. You can see that if the earnings of that box worker were subtracted, it would be difficult for the four adults and one child to live on the remainder.

Now then, what business can afford: First, we found a remarkable variation in the standard of wages paid. We found, for example, one New York department store paid 86 per cent. of

its saleswomen less than \$10; another one paid 86 per cent. of its saleswomen \$10 or more. The standard was perhaps somewhat due to the character of the trade and the ability of the woman. But it is a marked difference. We found paper cutters in Brooklyn in one factory were receiving from \$10 to \$15, and for about the same kind of work in another factory, from \$15 to \$20. We found in one wholesale candy factory in Manhattan that no laborer received \$8; that no dipper received this amount; and that no fancy packer received as much as \$6.50. We found in another wholesale factory that every laborer received over \$8, and that the majority of dippers and packers received above the amounts mentioned.

There seems to be no standard in the trades. Let me quote you the difference in shirt rates. In New York City in the work-shirt line, the rates per dozen for a section of the work are from one to five cents a dozen. In the Troy district for a slightly better grade of work, it is from five to ten cents a dozen for all sections of the work. Some of the persons who came to see us and asked about our returns protested that no such rates as we had recorded were paid. We were obliged to go to the cards that were filled out by the workers and corrected in the office of the concern, to show them that there were persons entered in certain occupations at these rates. These men were unfamiliar with rates outside of their own factories, and did not believe that such low rates were paid. There is no standard.

Q. You mean one manufacturer would say that he did not believe that any other manufacturer paid such and such a rate? A. Paid so low a rate.

Q. You had to show them? A. We had to show them. Now what does labor do for the amount that it is paid? Let me take some typical rates, if I can, and illustrate what labor does. Strippers in a paper box factory get from five to fifteen cents a hundred for covering the sides of boxes with pasted paper. Suppose they averaged ten cents per hundred. That means 6,000 boxes for about \$6 a week. That is about two a minute for fifty-four hours.

Q. Is that hand work or on machine? A. That is all hand work. On the machines it is different. They were not classified as

strippers. In dipping a good chocolate dipper will cover 800 pounds of chocolates at a cent a pound for eight dollars a week.

Q. Tell us what dipping is? A. Dipping consists in taking the cream center of confectionery when it comes from the mold and dipping it into a paste of chocolate, thus covering the surface, and then making a little curlikew on the top. Sometimes it is done with the fingers and sometimes with a fork. It is usually thrown into the hand and covered, or dipped into a pot. Fifteen pounds an hour may thus be coated.

The proportionate labor costs in the various industries vary enormously. But first let me give you an idea of the earnings of clerks on the basis of their commissions. I am sorry I am obliged to confine myself to these excerpts, but I want to give you the figures as nearly correct as possible. In one New York City store we found that the commissions of the men for a week shortly before Christmas showed an average of \$437 worth of sales. This was on a 1 per cent. basis. The women averaged about \$309 for the week.

Q. That is they got 1 per cent. of that? A. They got 1 per cent. of that in addition to their salaries. According to the estimates of 227 saleswomen, their sales for a week will range between \$30 and \$200, depending upon the department, the season and the location of the store. The men range from \$50 to \$350.

Now as to the cost of labor: You probably know that the proportionate labor cost in the total expense of manufacture and sales varies enormously. According to the Federal statistics it ranges from 4 per cent. in the making of sugar to about 49 per cent. in the making of steel cars. We found from the financial returns of ten representative paper box factories in New York city, that the labor cost varies from 17 per cent. to 30 per cent. of the expenses, averaging about 25 per cent. of the value of the sales. To give you a more concrete example, a more vivid one, let us take the case of the blue chambray working shirt, such as motormen and carters wear, which retails for about 50 cents. It costs the manufacturer to make it, about \$2.85 a dozen, and he sells it to the jobber for about \$3 to \$3.50 a dozen. Now the material that is in that shirt costs the manufacturer about twenty cents and the labor for cutting, sewing and packing costs a little less than five cents.

It has been asked what the cost of increasing wages in certain lines might be. For purposes of illustration I made some calculations as to what the cost of a rise of wages would mean. In the industrial lines we found some four thousand women of 18 years and over who were getting less than \$8 a week. They averaged \$5.79. What would it cost to raise these women up to \$8 a week? It would add about 7 per cent. to the payroll. But the wages of labor being only about 13 per cent. of the total cost of manufacture, it would add 7 per cent. of 13 per cent. to the cost. In candy that would mean increasing the cost of 100 lbs. of candy twenty-four cents.

Q. How much in money, can you tell us that? A. In round numbers it would amount to \$9,000 a week.

Q. In which line? A. In the three industrial lines.

Q. In all three? A. Yes it would mean for each establishment \$1,300 a year on the average, and for each woman who is raised an average of \$115 increase in a year.

Q. You gave an illustration of 100 pounds of candy by percentages; how much would that be in money if you can give it to us? A. It would amount to $9\frac{1}{4}$ per cent. increase on the labor cost in confectionery. The total labor cost in confectionery is 13 per cent., nine per cent. of 13 per cent. is 1.2 per cent. That would make it on 100 pounds of candy, twenty-four cents.

Q. Twenty-four cents on 100 pounds of candy? A. Yes, sir.

Q. That would be about one-quarter of a cent a pound? A. Yes, sir.

The same thing was figured out about raising the sales people in the stores. It would amount to one-third of 1 per cent. to raise the saleswomen to \$9 for the large department stores. In the neighborhood stores it would necessitate pricing articles at a full dollar instead of 99 cents, in order to raise the mature women to \$9 and the girls under eighteen to \$6.

With regard to profits, it has sometimes been asked, what would the effect be on them? You see there are three things that may be affected — the price of goods, or the number of workers who may be displaced, or the profits that may be cut down on the basis of the figures we have. To raise 5,000 women in the large New York City stores to \$9 would add about \$11,000 to the pay-

rolls. Supposing that the cost of stock and sales departments in the stores is about 8 per cent. of the expense, it would amount to one-half of 1 per cent. of the net returns on the sales. Now if the annual turnover, as in most stores, is five or six times per annum, this would amount to abstracting from the net earnings of 5 per cent., one-half of one per cent.

Q. Where do you get your figures? A. The figures as to the persons involved and the amounts paid are from the returns from the stores. The proportions used in determining what percentage is paid are from the returns of accountants to whom we were referred by persons interested and concerned in the dry goods business. I can not mention the names of the accountants unless the Commission articularly wish me to. Many of their returns were published without names.

By Mr. BLOOMINGDALE:

Q. Have you figured out what the effect would be on the payroll if the wages of all women were raised? A. No, I did not.

Q. That would have to be taken into account? A. It would.

Q. So that these figures apply to a very small proportion? A. No, not a very small proportion. That is not fair to say. I do not think you are correct in saying it is small and insignificant.

Q. I did not say that but I say applying figures to a proportion would not be particularly significant? A. I do not accept your statement. It is significant. It is not conclusive.

By Mr. ELKUS:

Q. Now you have some charts there doctor, do you want to take them out? A. Mr. Elkus if I thought that by describing them at a distance people would understand them, I would be glad to do it. I think the best thing would be to put them up and let them be studied. We have charts showing the variations in rates and earnings and all the other facts, and I wish they could be studied.

Mr. BLOOMINGDALE: Do I understand you to say then you have not figured these percentages out as they would apply if the wage rate were fixed for all of the employees of the stores?

Dr. WOOLSTON: No.

Q. You took what limit? A. For purposes of discussion I took in the industrial lines of work a wage of \$8 for the adult women

in the factories and for the mercantile lines a wage of \$9 for women eighteen years or over, and a wage of \$6 for girls between sixteen and eighteen.

Q. And for what proportion of all of the workers did you base your figures on? A. I think the stock and sales will amount to two-thirds of all the employees in the stores, will they not?

Mr. BLOOMINGDALE: Perhaps — not two-thirds.

Dr. WOOLSTON: I can find the proportions for you in a moment.

Q. You took it upon the proportion which you found in your figures? A. Yes, sir.

Q. Mr. Bloomingdale wants to know if you applied this minimum wage or these figures which you fixed as the minimum, how much that amount to in dollars?

A. I have the figures here if Mr. Bloomingdale is interested. In seventeen large department stores, there were over 5,000 women receiving less than \$9 a week. That is 53 per cent. of all females 18 years or over in the stock and sales. To raise these women to nine dollars would require eleven thousand dollars a week, adding 5 6-10ths per cent. to the payrolls. If sales are five per cent. of the price of goods, six per cent. of five per cent. is one third of one per cent. added in the selling price to raise these women in the stock and sales departments.

Q. All of the women? A. Yes, sir.

Q. May I sum up? One half of the people discovered in this investigation get less than enough to live properly and independently, according to the standards fixed by those persons who have expressed an opinion and made a study of this matter. Nevertheless business does make profits out of this cheap labor.

Q. You say one-half of the people; can you give us the number? A. Yes, that is something over 50,000.

Q. That is you examined 100,000 people? A. 105,000.

By Mr. BLOOMINGDALE:

Q. Is that New York city or the State? A. In the State.

Q. How does New York City compare with up-State? A. In New York City both higher and lower rates are paid. I believe

on the average the rates would be a little lower up-State, due mainly to the cost of living.

Q. That is, wages are lower up-State? A. I believe so. They are analyzed in tables here for each locality.

Q. You spoke of one industry in which the wages are higher than in New York City? A. In the shirtmaking industry.

Q. It is a fact, isn't it, that where foreigners are employed wages are less? A. Yes, sir.

Q. That is, New York City takes much of the large numbers of foreigners who come here and settle here in New York City?

A. Yes, sir.

By Mr. ELKUS:

Q. Go right ahead doctor. A. I think I have said about all I care to say, Mr. Elkus. If there are questions I shall be glad to answer them.

Mr. ELKUS: I might say, Mr. Chairman, that the Commission sent a letter to every manufacturer and every employer whose business was investigated of the hearing today and asked him to be present so that if he wanted to ask any questions he could, and I presume now you will permit anyone who desires to interrogate Dr. Woolston to do so?

The CHAIRMAN: Does anybody desire to ask Dr. Woolston any questions with reference to the testimony he has just given?

By Mr. RIEGELMAN:

I do not represent anybody in particular. I am just generally interested. I am an attorney.

Q. With reference to your statement that 50 per cent. get less than enough to live on, of those investigated, I understand that to be less than enough to live on for independent living? A. Yes, sir.

Q. Your figures do not calculate what per cent. get enough to live on in conjunction with other members of a family living together? A. No. I tried to indicate when I stated that half of the married men do not make \$15 a week.

Q. But when you say half of the married men do not get more than \$15 a week, are you taking into consideration these case if there are other people contributing? A. No, independent living.

Q. So that the mere statement that they are earning less than \$15 a week, notwithstanding that the family may be living very comfortably? A. It means other people have to work in order to do that.

Q. You don't know in these cases whether they do in fact? A. No; I can find out in how many cases they do, but I do not have the figures at my finger's ends.

Mr. ELKUS: But you have them in your detailed report?

Dr. WOOLSTON: Yes, sir.

Mr. BLOOMINGDALE: I want to say that Professor Woolston's recital this morning is intensely interesting. But unfortunately it would also bespeak a command of statistical knowledge that very few people would have to take them up and discuss them, or examine them without trying to study them is a rather difficult matter, and I think perhaps you will get a better suggestion before you by permitting these figures to be studied rather than to question some incidental effect.

Mr. ELKUS: You were not here at the beginning of the session?

Mr. BLOOMINGDALE: Yes, sir, I was here before the beginning of the session.

Mr. ELKUS: I announced that Dr. Woolston would give his report and then we would have later hearings where these facts could be discussed and there would be ample time for discussing them.

By Commissioner MCGUIRE:

Q. Doctor, these investigations did not include any organized labor? A. No, we avoided that because we thought where the trades were organized they were looking after this, and we took the lines where there were mostly women and children, because those persons seemed to be less able to take care of themselves.

Q. Have you reached any conclusion as to whether the organization of labor is not better than the establishment of a minimum wage? A. Now you are asking me a question about policy which it seems to me it is not my place to answer. If you will pardon me, I understand I was to state only questions of fact.

Q. I merely asked of you, have you come to any conclusion on that point, or have you given it any consideration? A. Yes, I have.

Q. Would you care to state now what your conclusion is? A. Yes, if you wish me to.

Q. I think that would be interesting. A. I think that where the people are able to look after themselves there is no necessity for this sort of work, but where you have a trade that is composed very largely of women and children and where there is no organization, then these people are powerless to present a united front.

Q. But they are not powerless to organize? A. But they are powerless to organize because of their character.

Q. What do you mean by their character? A. I mean that these people are young and inexperienced; that they are women and children; that they are foreigners. It is hard in the first place to get them together. In the second place the objection of the manufacturers to organization and the pressure of want at home makes them fear to lose their jobs and they do not dare to get together.

By Mr. BLOOMINGDALE:

Q. Are you stating this in the industries or mercantile? A. Both.

Q. Mainly aren't the industries organized? A. No, these industries are not.

By Commissioner McGUIRE:

Q. You would not make that as a general statement, applicable in all cases, that they fear to organize? A. No, but certainly the organization of employees is looked upon with great disfavor by many of the employers. In fact so much so that one of our cards which had a question with regard to the union — whether a member of a union or not — we were requested by one group of employers to completely eliminate. They feared lest the subject be mentioned.

Q. But the manufacturers generally are not entirely opposed to organized labor? They co-operate to advantage frequently? A. Sometimes.

By Mr. ELKUS:

Q. Do you understand that the trades investigated were not at all organized or entirely unorganized? A. I would reply by saying that they were scarcely organized at all. There is a struggling union in the paper box trade. There is the beginning of one in the stores. I can find only vestiges of one in the confectionery and remnants of one in the shirt trade.

Q. Have there been times when there has been contention between employees and employers in the candy and paper box trades in which all the employees joined on one side as against the manufacturers; I ask that for information, I don't know? A. I am unable to give you the information.

By Mrs. FREDERICK NATHAN:

Q. Doctor Woolston said that he did not find that there was opposition to organization in the stores? A. I didn't mean to say it. I said there was in some of them.

Q. Have you found that in the mercantile establishments they have objected? A. There is a bit of history that is rather amusing in that regard. You were not here Mrs. Nathan when I began by saying that employers in the mercantile lines requested that the names and addresses of the employees should not be entered upon the cards, because before that time union agitation had been active in the city and they feared that these names and addresses might fall into the hands of organizers.

Commissioner DREIER: I would like to say for the benefit of Commissioner McGuire that after working for about eight years in this field that I know the great majority of employers are opposed to trade union organization and I think that ought to go down as a statement from some one who does know something about it.

By Miss ROSE SCHNEIDERMAN:

Q. May I ask Dr. Woolston what becomes of the women who go in and out of the trade, who are discharged in the paper box trade, or resign their positions in the stores, or the shirt trade,— what happens to them; aren't they the underbidders in organized trades coming in and wanting to work for less at times of strikes?

A. I cannot say with regard to times of strikes specifically, but I believe this floating element does do just what you say,—underbid those now in one occupation or another. Mrs. Andrews will have to-morrow a very comprehensive statement on the rise and fall of the different trades and what happens to the people that are pushed in and out. She will answer much better than I can, Miss Schneiderman.

By Commissioner PHILLIPS:

Q. These trades are practically all non-skilled? A. Some occupations are skilled.

Q. It does not take long to acquire knowledge of the business? A. No, except that shirt cutting is relatively skilled work. Hand dipping in the confectionery trade takes considerable practice. I wouldn't call them unskilled lines, but they are not the most highly skilled trades.

Q. The percentage of hand dippers in the candy business is small. Aren't they using forks more than they used to? A. Both hand and fork dipping are increasing. The proportion of machine and fork dipping is increasing very rapidly.

Q. The proportion of hand dipping is increasing? A. Yes, sir.

Mr. ELKUS: Do you wish to explain what the charts are?

Dr. WOOLSTON: I wish we could get the people to study the charts. I think the charts would speak for themselves.

Commissioner MCGUIRE: I might say for the record that Mr. Gompers, who is perhaps best qualified to speak on the labor organization question, unfortunately is not here to-day. He will be here to-morrow and then perhaps we could take up that question from a little different standpoint.

Mr. ELKUS: Dr. Woolston will be here to-morrow.

Dr. ARTHUR D. DEAN, addressed the Commission.

By Mr. ELKUS:

Q. Doctor will you give your full name? A. Arthur D. Dean.

Q. And are you connected with the Department of Education of the State of New York? A. Yes, sir.

Q. In what capacity? A. Chief of the Division of Vocational Schools.

Q. Doctor Dean has Dr. Finley the President of the University of the State of New York, and your superior in the Education Department prepared a statement for the Commission?

A. Yes he has, and he regrets exceedingly he can not be here to-day, but the three assistant commissioners are away and the law requires that some one be at the department who is in authority. He worked up a statement on Sunday and sent it to you, I believe.

Q. Have you a copy? A. Yes, sir.

Q. Will you present it to the Commission? A. Yes, sir.

Q. Then I understand you yourself have made a study of the subject under discussion? A. Yes, sir.

Q. We will be very glad to hear from you? A. Mr. Chairman and members of the Commission, the question has interested us a good deal at Albany on this matter of minimum wage and the Factory Commission investigation and the relation it might bear to vocational education. The minimum wage matters, while I do not claim to be in any sense of the word an expert on it, it strikes me oftentimes as though we were legislating for eggs, so to speak, legislating for wages while we might legislate for efficiency.

I was at Cornell a short time ago looking over their poultry plant and there they so to speak legislate for eggs but not directly. They legislate for a better hen, which means better housing conditions, a better educated hen, a better fed hen, and the result is more eggs. Now an average hen, I believe, they tell us, a good hen at least ought to lay 180 eggs a year. Poor ones lay fifty. Supposing at the agricultural department at Cornell this 50-egg hen ought to lay 180 eggs and so they will put under her 130 eggs, they will buy them somewhere and put them under her, that would be legislating for eggs. Instead of that they breed hens and they feed hens, and they house hens — in other words they educate hens in such a way that hens will lay 180 eggs a year.

Now I realize and we all realize that wages are not high enough perhaps to live on—particularly for our women—I do not see why we should except the men any more than the women in this matter, but to pay extra wages through some form of legislation when they may not—when these wages may not be earned—or when the work that these people do is not the kind of work that they should be doing any how—some of it is cheap work at cheap pay, it is nothing but cheap work anyhow, it might as well be legislated out, some of this feather making work in these tenements but instead of legislating as I say for eggs, for wages alone, couldn't we legislate for the opportunities to get efficiency through education. That is the State is concerning itself, it strikes some of us in Albany at the educational department, concerning itself a great deal with repair jobs rather than with constructive jobs. For example, the farm bureau work is to take care of the adult worker, the adult farmer, who is not a scientific man because he has not been to a country school that taught scientific agriculture. He did not go to school very long, but only occasionally, and the length of time he did go was devoted largely to things unrelated to the business of farming. He is an unscientific fellow, and the farm bureau is trying its best to work on his unscientific mind and develop an adult so that he can develop his farm better. If the State put this money into educating the youth of the State it seems to us, to some of us, that that would be a constructive job rather than a repair job. This workmen's compensation law I would not for a moment say anything disparaging in reference to, but I would like you to think of this, that we are going to compensate workmen for injuries in factories, etc., and we are going to forget possibly that this State contains over 400,000 adult illiterates who can not read and write, and it seems to me the constructive job would be to take the adult illiterates and teach them to understand the directions given in the factory in connection with the work, as well as the repair work of paying those that are injured.

Q. Where are the 400,000 illiterates? A. 281,000 are in New York City and the rest are up-State.

Q. Whereabouts up-State? A. In labor camps, lumber camps, construction work and some on the unskilled factory work. That

is our people say that while we can not legislate brains or legislate efficiency, which I think sometimes we are trying to do — we are trying to legislate brains or legislate efficiency — we can legislate for the opportunity for the getting of brains and the getting of efficiency. I have here five pressing constructive educational propositions to present to you, that are pressing in this State. The first problem is absolutely ignored — I say that carefully — is this problem of 400,000 adult illiterates than can be reached through the factory vocational school during the day where they are paid to go to school and at the same time they can work in a factory, something like this D. E. Sicher work that was carried on in New York City. The New York Central Railroad is perfectly willing to develop this in such a way that some of their foreigners engaged in construction work will go to school for a few hours each week, but this sort of work requires money and at present there is no provision for the work outside of the big cities, because these labor camps, Mr. Chairman, are in these small school districts and these small school districts are not interested at all in the proposition of giving education to those who do not permanently reside there. This must be it seems to us a State affair rather than a local district matter. New York City, of course, has started out well on this proposition of adult illiteracy, made a beginning. These adults can not be reached through evening school. After a man has worked all day, or a boy has worked all day, or a girl, evening school is hardly the place for them. They can not be reached. They can however be reached in four hours a week during their working time, when the school is brought right to their very doors, as it could be, if the schools co-operated with the factory or labor camp work.

Q. Suppose these illiterates are taught to read and write; how does that increase their capacity for work? A. Well, in the first place, probably the first and last place, they would have the ability to read and write which constitute the very first two essentials in industry, the ability to take orders, the ability to read directions, the ability to know a little about something they are doing.

Q. Most of these men, are they not engaged in manual labor of the crudest kind; that is, they are excavating, digging subways and ditches and doing work of that kind; how is the ability to read

and write going to help them to do that work any better? A. If Mr. Elkus is right in the assumption that might grow out of his question it would then seem that there was no necessity at all of having people in some lines of work understand directions; that there were no directions to be given or understood, and surely you don't mean that Mr. Elkus?

Q. I only asked you the question to get the information?

A. I know. Now the other reason, which is not an industrial reason directly, is the effect of citizenship possibilities or impossibilities of these illiterate foreigners. How can we expect them to enter into the American Democracy, such as we hope to have, unless they know about our language and the thought that goes with it.

Q. The mere fact that a man is a foreigner does not mean that he is illiterate? A. No, I refer to these illiterate foreigners.

Commissioner DREIER: How do you propose to have the men in the vocational schools get the time to attend; is that not deducted from their wage, and if they are not getting enough now how are they going to meet the situation?

Dr. DEAN: I shall be absolutely opposed to any deduction made from their wages while they attend the vocational schools four hours a week. It seems to me that the manufacturer, the employer, owes it to the State, in return you might say for the privilege of employing help, which is dangerous to the State unless he is willing to give that time in order that State rights may be preserved.

By Mr. ELKUS:

Q. Would the manufacturer or the employer be compensated in any increased efficiency by giving his workmen the training in the vocational schools? A. The manufacturers that have tried this work in the last winter in New York in the D. Sicher factory state that there has been an increased efficiency, and in the investigation which was made by Miss Hedges in connection with some Teacher's College work she did, with some private funds furnished for the purpose of making an investigation, she discovered that the employers stated an increase in efficiency due to such work.

Q. Did any of the employees receive increased wages? A. Mr. Elkus asked whether these employees received increased wages. I am personally of the opinion they did not. That is a weakness that has shown up in some of our vocational training. The employer has got the additional efficiency and he has not recognized it always by additional wage. It is interesting to note that these adult people can be taught to read and write in anywhere from thirty to two hundred hours.

Q. Would not the fact that these employees did not receive any additional wages indicate that vocational training in that particular case did not add to their commercial value? A. No, sir; it would indicate to my mind that the manufacturer, or the employer, had not arranged his factory production in such a way that he was capable of recognizing the increased efficiency which came or make any provision for it. We are discovering that the factory organization today is such that individuals get less, and these boys, because there is only a boy here or two, in this vocational work, thrown in with other boys who have not had this training, because the factory organization is such that he is interested in what is called production rather than in the boy. It is to my mind not weakness of vocational training as much as a weakness of factory organization.

Then the second thing which is pressing upon us educationally is this matter of prevocational training for children between the ages of thirteen and sixteen, a type of training that would start in at the end probably of the sixth grade or seventh grade; anyway for boys and girls between thirteen and sixteen years of age, in which about half the day would be given over to some sort of shop work, and about half of the day to some sort of book work, the two touching each other at every possible point. Now this type of training is not trade training, it is to give these boys and girls an idea of different industrial activities, so as to allow them to try themselves out, in order that when they go to work they may go to work more intelligently than at present. There is, as we all know,—I do not suppose I need to emphasize it here this afternoon, a tremendous waste of childhood between the ages of thirteen and sixteen. How great that waste is, is brought out in every investigation, but I do not suppose anyone has yet gone into

it as far as they might to see how tremendous this waste is — a waste in two directions if I may be allowed to criticize our public education, a waste in these upper grammar grades when the education these children have does not appeal to the adolescent years, when it does not appeal to child interest, to that activity, to that desire which children have to do things. An education at that time which fits in almost entirely with the trivial type of education, largely memorizing, book work, touches a line of work pretty much unrelated to the great work outside. That is a time when the boys and girls want to be a part of the great work-a-day world.

Q. Miss Dreier asked you whether the time occupied in these vocational schools should be deducted from the wages, and you said no; what would you do in the case of those workers who worked by the piece? A. That involves a point that is almost beyond me to answer in this short notice, although, of course, we have thought of it a good deal in connection with our work. It has seemed to me that there is where the relationship comes in to the minimum wage, that these people must have at least so much, and if the piece work does not provide that when the time is taken out to give to these vocational schools that you will have to make up that amount. Now the other half of this thirteen to sixteen year old proposition is — I have spoken of what the schools do for many of these children at this age — but the other half of the proposition is what does industry do for these children, between thirteen and sixteen. As near as we can find out industry is not organized to take care, in an educational way, of the needs of these children. I want to speak of that a little later on. Then third is the all-day trade school after sixteen. We have quite a few of those established, and I have no special remarks to make as to that.

Then the fourth, a very large proposition, in which we have made but a poor beginning, and that is the part time day or trade school. I refer to a school where these boys and girls who are sixteen years of age or older work part of the day in the school and part of the day in a factory. In some places they are to work half a day in the school and half a day in the factory; two people laboring, one in school and one in the factory, making the equivalent of one person at work all the time. In other places or cities

it may be half a day a week or in other places one week in the school and one week in the factory — that is the idea — part of the time in the school and part of the time in the factory.

Now this type of work necessarily divides itself into two heads, one in which the school work supplements the work in the factory. If a boy is in a machine shop he can take mathematics, and if in a foundry the general nature of the flow of liquids and the making of cores and mathematics and drawing. That is where the work of the schools supplements the work of the shop.

But there is another great phase, probably a larger phase, which all of us are more or less uncertain how to handle, and that is the type of continuation school work whereby the work in the school cannot supplement what is going on in the shop or in the store, because there is nothing in the work in the shop or store worth supplementing and that is probably the largest proposition. To take a concrete illustration, there may be in Little Falls a textile mill that requires perhaps — and I think I might be quite accurate in saying does not require more than ten young men there to know anything about mathematics or textile design, or the designing of a loom or strength of materials, and those things which would properly come in a trade or technical school, and they may have there 500 young workers who are doing the same thing day in and day out. Now to establish there a day continuation school which provided the instruction, supplementing the daily employment in a way, that is draughting, textile designing, mechanics, strength of materials, etc. would only hit ten young people, perhaps, to a town. Now what shall we do to hit the five hundred young people who are in the textile industry there. The interesting thing, probably, is we ought to try to get them out of that sort of business, and yet how can you expect the employers to give time off to get them out of that sort of thing. We know they are not going to stay in that always, particularly as in some trades they are only there as children, because they are called children's trades, and what we are to do in that case is something I would like to hear someone else explain. We present it to you as a problem. We can readily get the employer to give the time and the wages when the work in the school will benefit the industry and the boys and girls working for him, but when it is

going to benefit the boys and girls alone and educate them away from the industry then it is a much larger and more difficult proposition. That may come out later. Now the last is the evening trade work. We are doing a great deal in this State in that direction. It is where we take usually the older people — these evening schools are made up probably on the average of boys and girls and men and women from about 20 to 22 years of age, which is probably an average, and there the work is both of the general order and of the technical order. Now the thing concerning which I came particularly before this Commission today, and in which I represent Dr. Finlay very specifically is in this question that if the State is to pay people for profitable employment in the industries we must know what profitable employment means. We have vocational schools in this State established. They are doing, I suppose, fairly well. I suppose it is always advisable to start something and then stop a while and look at it and investigate, and then make some modifications and go on, but I believe the time has come, and Dr. Finley feels it, for us to study into what the relationship is between education and industry because if we are to fit people for profitable employment in industries we educators need guidance in what the needs of the industries are, and I would not want to lack emphasis on this — not only what the industries need but what the people in industries need.

The State is already giving aid to vocational education. It supports about 40 per cent. of the instruction given on this subject in the State. The National Government very likely inside of two years is to reimburse all these states now giving state aid. That is New York State will, I think, very likely in five years from now be expending over a million dollars a year for vocational education, and in five years from now I think the United States Government will be reimbursing New York State to the extent of about \$500,000. The Government and the State are interested in this question of vocational education, but we are interested in the question of how we best shall do that.

Q. Why should the U. S. Government reimburse the State? A. For the same reason that the State reimburses localities. A child is not to be disadvantaged by the community in which he happens

to be born. The child, for example, born in the town of Podunk is to receive as fair a chance in his educational work as the boy born in Rochester, so the State steps in and provides special aid for general education. It helps out with considerable State aid now the rural schools. As some people put it, it takes some money from New York City and Buffalo and gives it up-State, but it does have to even up educational opportunities in the State.

Now if you train, for example, a boy as a machinist in Rochester, and he moves afterwards to Buffalo, it is fair for the State to give State aid because we don't know whether the boy is going to live in Rochester or in Buffalo or in New York City. Now the same thing holds true in the question of national aid because these people are moving. I suppose that is one of our necessary evils, the migration of industrial workers all over the country, and so it has become a national problem to the same extent that it became a State problem.

Now our educational department would like to know just what are the specific educational needs of workers, and what are the specific technical needs of industry, and while we are looking into the specific technical need of industry the educator would like to challenge industry to see that it offers a clean bill of health to these young child workers, that this opportunity for educational content within the mill or the store, that is opportunity for advancement, opportunity for increase of wages when increase of efficiency is connected with it—we would like to know about hours, about apprenticeship systems in factories, etc. Then the schools, on the other hand, must be challenged: why don't they hold young people? Will they provide this co-operation between the school and the factory? And the question comes up of all the year round schooling? Are our vacations too many and the hours too short, and one hundred and sixty days a year and the educating process stopping at that 160th day, and then the question of whether this prevocational training affects high school training? Will it affect the junior schools? Will it bring about different types of schools in the same city?

I have here, which is probably the reason of my appearing before this Commission — I have become interested, and Dr. Finlay is very much interested in it also with me and the State Labor

Department, and the United States Department of Labor are interested in this idea of an industrial educational survey, and we have been carrying one on — I say one — I mean the National Association for the Promotion of Education — has been carrying one on in Richmond since last May and it involves the very same points that Dr. Finley would like to see studied out for our own State, and I am going, if I may, to bring out some of the points they want to find out. Now we would like to find out, we educators, about the occupations in certain trades in this State. We would like to find out first what the processes are. I have here before me the findings about the occupations in the metal trades in the city of Richmond, and it takes up the processes of the puddler, and the heater, and the roller, and the iron moulder, and the core maker, and so on. What are these processes? We need this in connection with organizing our courses. Then, second, the importance of the trade in the various localities. For example, there happened to be only eight journeymen used in metal pattern making. Certainly, then in Richmond, there would be no day school training for metal pattern making when there are only eight needed for the industry in the entire city.

Then the conditions of employment. First, those that involve physical or nervous strain. Second, those that stimulate intelligence and honesty. Third, those that narrow or restrict mental development. Fourth, those that in other respects affect the welfare of workers, like liability to accidents, occupational diseases, etc. Surely these vocational schools do not want to fit people for industry if it is to injure them. We must know what we are doing there.

Then the question of wages, the question of hours; then the question of seasonal activities, because if industry is now organized, as we all know, upon the basis of seasonal work, it means that some of our continuation work can come in when the season is dull; it may be that we can fit boys and girls for two trades instead of one, somewhat related to each other, so that they can go from one to the other, depending upon the seasonal occupation of each. Then the trades union end of it should be studied. The age, the years required to learn a trade, what is the source of supply for workmen, and then the findings about education for these people.

These are findings about the occupation. What does the worker need to properly equip him for the trade. And the interesting thing is that in every one of the findings, in every one of them, the first thing found needed by every worker in every trade was a better elementary school education. That came long before vocational training. Then we found out what the need was for trade education. I will read just one — what the brass moulder needs: An elementary school education. A knowledge of the processes and of foundry practice as in iron moulding, metallurgy, and the chemistry of the trade, especially as regards alloys; some shop mathematics and mechanical drawing.

And what is needed in manipulative skill? We find in most cases that can be taught best right in the shop.

Then what the industry gives: Conditions of apprenticeship, and in Richmond right along the line no apprenticeship, no opportunity. Provision made in the shops for systematic instruction — none, none, none, all along the line. Then the provisions made for technical knowledge; provisions made for teaching skill; extent to which the trade can be learned in the shop; provisions made in the shop: Provisions made in the shop for systematic instruction of journeymen as well as apprentices. Then about promotion, and the opinions of these workers. Some ten thousand of them were asked questions, what the school could have given him? What it might have given him? What he would expect of the school if he went again? What he would expect of the vocational school if established?

Now, it seems to me, if I may make bold to say it, that your factory commission has been investigating for some time and it has undoubtedly some facts to present to the Legislature. It has a good many figures and statistics based upon its investigation work. Now, is there no way that that work which you are going to present to the Legislature, this work which you have been doing, this sentiment which you have been arousing — can that not be turned in some way to educational advantage in the State, either by advocating a further investigation along the lines of educational opportunities and the possibility of developing the work in the State, or interpreting what others have done with the same experts to do it; interpreting it so that the educational

forces of the State may have this material in order to do a piece of constructive work and not have this work that you have done die either in the enactment of minimum wage or not — to have it go on into the educational system. I make this plea for this reason, that in Buffalo, Rochester, Schenectady, Troy and New York City and other places in the State private money is being spent, public money is being spent in investigating the educational and industrial opportunities in these various places. It seems to me that it might well be the function of the State to make an investigation along the lines which I have suggested in this chart for about five of the trades which would serve as a basis for local investigation to see how in this general investigation different localities were affected — that is the opportunities of machinists could be analyzed in the State as a whole, and when it came to Schenectady or New York City or Buffalo there would be a little local investigation to see how much change there would be.

Q. Doctor I think as to four trades the Commission has begun that investigation under Dr. Woolston and under your Mr. Wilson? A. Yes, sir. Now my point is to somehow to continue and save up what we have and line it up with the idea to make it of value to the educational forces of the State as well as possibly to the legislative forces.

MR. ELKUS: Now will you read Dr. Finley's statement?

Dr. DEAN (Reading):

THE NECESSITY FOR AN INDUSTRIAL SURVEY FOR EDUCATIONAL PURPOSES

The State of New York is already committed to the support of education whose object is to fit people for profitable employment in industrial work. It has expressed its willingness to aid any and every agency that really makes for a better citizenship through training that is called vocational. The State Education Department has for several years maintained a Vocational Schools Division under the best expert guidance in this country. And the government of such schools has given intimation that education may, while keeping its disciplinary values, be made

more vital, more serviceable to thousands of communities in which the public schools stand and in which they should be or become the most helpful forces.

But we are not to support any and every school that is or is called vocational, appealing as that word is. Money may be needlessly and so unwisely and wrongfully spent, even for vocational purposes. What we most need to do now is to determine with accuracy in what varying ways the adaptation of such instruction to the higher wants of communities can be made. That means a closer study of individual communities and a comparison of the results of such studies throughout the State.

This involves to a challenging of each industry as to what it has to offer the boy or girl whom it invites into its factory doors, — a challenging to show a clean bill of health with respect to such factors as opportunities for advancement, educational content, wages, hours and hygienic conditions.

What such an educational-industrial study of survey should discover and indicate with some degree of definiteness, is:

First. What type of vocational instruction will best serve this community or that,—for every community must develop in its own best way, which may be different from that of any other.

Second. What specific pre-vocational training rather than specific trade instruction will be most valuable in the guidance of youth between 13 and 16.

Third. Whether there should be a clear differentiation of courses at the end of the sixth grade and so a reorganization of the high school which grows out of that.

Fourth. Whether the part time system of industrial training does not offer the greatest opportunity for usefulness at a minimum of expense in raising the standard of industrial efficiency.

Fifth. How the de-energizing jobs in the shops, jobs which are still necessary, are to be supplemented by that which will offset their enervating effect upon the individual and the community.

These are some of the many questions which need to be answered before we give State aid to new vocational-educational enterprises. And while in all this I am thinking primarily of the boy or girl to be trained, that is of educational methods, such

a survey would incidentally be of value to the industries themselves.

Already hands have been laid upon the schools in the name of industry, of national efficiency. Shall we not lay hands upon industry in the name of the immature child, on the way from dependence to assuming all the responsibilities not only of livelihood but of social obligations.

I hope that this industrial survey will but give basis for a continuing study of the relationship of education to community happiness and well being through industry.

Mr. L. A. WILSON, addressed the Commission.

By Mr. ELKUS:

Q. Will you give your full name, Mr. Wilson? A. Lewis A. Wilson.

Q. And you are connected with the Education Department of the State of New York? A. Yes, sir.

Q. In what capacity? A. Inspector Vocational Schools.

Q. And you were loaned by the Education Department to this Commission? A. Yes, sir.

Q. For the purpose of making an investigation of the value of vocational training and its relationship to wages? A. Yes, sir.

Q. And how long were you engaged at that work? A. About six or eight weeks on part time basis.

Q. Tell us what you did, Mr. Wilson, very briefly? A. The Factory Commission was very anxious to secure, if possible, some definite information concerning the possibility of offering vocational training in so-called unskilled lines of work. They had spent considerable time in investigating the paper box industry, department store work, collar making, candy manufacturing and millinery, and it seemed possible to make some investigation and determine the possibility of offering vocational training to people who entered these particular lines of work. Vocational training to be effective must deal with the conditions that arise in the shop. After considerable discussion we decided to investigate three lines of work: First, the paper box factory which presented

a power machine industry, that is about 90 per cent. of the paper box work is accomplished on machines. Second, we decided to investigate department store work as another distinct type, and lastly the candy manufacturing.

The several investigators who spent about six weeks in investigating these industries will report this afternoon in detail as to their investigations. The investigation of the value of industrial education was carried on by Mr. O'Leary. Mr. O'Leary sent out about 350 questionnaires to people who had completed industrial courses either in the day or evening schools and we found in 90 per cent. of the cases that vocational training had a definite money value. Mr. O'Leary can not be here this afternoon. He is connected with the National Society for the Promotion of Industrial Education, and he is at Washington doing some work for the department. We found that the men who had completed vocational evening courses, had increased their salaries, running from five to fifteen or eighteen dollars.

Q. You mean an increase of from five to eighteen. A. From five to eighteen dollars.

Q. How much vocational training had they received? A. From one to three years.

By Commissioner DREIER:

Q. In what lines? A. Machine shop work; pattern making; carpentry; forging, that is, power forging, and terra cotta work.

Q. All skilled trades? A. All skilled trades. There are no vocational courses offered for non-skilled workers. These men were very emphatic in their statements that the vocational courses were of definite value to them. They said that the work that they received in the school, either in shop extension work, work on machines or shop mathematics or drawing was directly connected with their increase in salary.

We also made an investigation to determine, if possible, the possibility of offering vocational training for people engaged in the so-called non-skilled industries. There are three distinct types of industrial training. One which offers general industrial intelligence, that is, one that trains men to appreciate certain general industrial facts. Men must know something about safety; men must know something about factory conditions; they must

know something about materials; they must know something about fire prevention and factory laws and liability insurance. Second, there is a demand for industrial skill, hand skill, and lastly, a demand for industrial appreciation. I really believe that a large per cent. of the unrest is caused by a lack of industrial appreciation. Our industries are so highly specialized that a man feels lost and cannot appreciate his connection with the trade as a whole, and if he can give these men some definite training as to the possibility of their work, as to the future in their work, they will be much better workmen. We find in our vocational schools that the man who is a plumber wants his son to become a machinist and the machinist wants his son to be an electrician, and the electrician wants his son to be a carpenter. They seem to be dissatisfied with their work, and if we can teach them to take an interest in their own trade it will do much to dissipate the unrest there is today.

By Mr. ELKUS:

Q. That applies to the skilled trades; how about the unskilled ones? A. There are no vocational courses offered in the unskilled trades.

Q. Will vocational training be useful in the unskilled trades? A. Undoubtedly.

Q. In what way? A. In the first place it will increase the general intelligence of the men.

Q. Is it of any service, or rather isn't its greatest service in taking the men out of the unskilled trades and putting them into skilled trades? A. Eventually it will become selective and take the men best fitted for the trades and the men unskilled — that is, vocational training is largely selective.

Q. Then vocational training is going to help the unskilled worker in that particular trade, if he stays there, in the matter of increasing his wages? A. It will in this respect: it will increase his efficiency. The overhead charge in the average factory is enormous and if we can increase the efficiency of the worker to a certain extent that we can cut down the overhead charge the men will be able to earn more money.

Q. In that way only? A. In that way only, I believe.

Q. That is, you get a better trained body of unskilled workmen they won't need so much watching? A. Yes, sir, and that is also true in our larger factories, in our skilled factories.

Q. That would be true among skilled trades too? A. Yes, sir, the skilled trade today is overrated. It is so subdivided today it is not a skilled trade. I do not believe I have anything further to add, except that the people who made these investigations will discuss them this afternoon.

Mr. ELKUS: I want to read a telegram I have just received:

"ALBANY, N. Y., Dec. 1, 1914.

"HON. ABRAM I. ELKUS or HON. ROBERT F. WAGNER, 170
Broadway, New York:

"All Assistant Commissioners and several heads of divisions and members of staff absent today in various parts of State, two representatives at your hearing for this reason added to others makes it imperative that I should be here. Regret that I cannot be present to read brief paper which I prepared and forwarded to you. Doctor Dean will tell you how much appreciative we are of your great work and how desirous of carrying forward an educational industrial survey in this State.

"JOHN H. FINLEY."

Mrs. IRIS PROUTY O'LEARY addressed the Commission.

By Mr. ELKUS:

Q. Mrs. O'Leary what is your occupation? A. I am expert assistant for vocational education in the State of New Jersey, I have charge of women's vocational work.

Q. How long have you been in that position? A. I have been in that position since October.

Q. October of last year? A. October of this year. I was in charge of a girls' vocational school previous to this time.

Q. Mrs. O'Leary, were you retained by this Commission to make an investigation? A. I was.

Q. And when and for how long were you engaged at the work? A. I was retained during July and August for the purpose of making the investigation and writing this report.

Q. With reference to what in particular? A. With reference to the possibility of vocational training for the employees of the department stores.

Q. Only of the department stores? A. Of the department stores.

Q. Throughout the State of New York? A. It was confined to New York City.

Q. Now will you tell us just what you did in general and what you found; what conditions you found and what facts you found and your opinion upon the facts? A. I will be very glad to do so.

In defining the scope of this report, I would like to state that during the two months, July and August, when I made the investigation for the New York State Factory Commission, I was concerned with the possibility of vocational training for department store employees, and if I may be permitted I would like to emphasize that the possibility of vocational training is an entirely different question from the desirability of vocational training, the necessity of vocational training or how vocational training might be given. These are all important questions, but are outside the scope of this report. Furthermore, I would like to add that anything that has to do with the efficiency of the employees must take into consideration three factors: the first is the question of health. This may be dependent upon housing, sanitation, food, recreation; conditions of employment, and while I recognize that these are questions of the utmost importance, I wish to say that they are questions entirely outside of the scope of my report. They are questions with which I did not concern myself. The second factor, in the efficiency of the employee is the relation between employer and employee, and this is another important question which I recognize, but I would say, that throughout my investigation I think I consistently maintained the position that I was not concerned with the personal affairs of the department store; that any information as to wage, hours, working conditions, was none of my business and any evidence in regard to this would embarrass me very much. I know the importance of this in relation to the efficiency of the employee, but it was outside of the province of the report which I was making. The third factor in the efficiency of the employee is the content

of the job. This content may be manipulative skill or technical knowledge and that is the question with which I was concerned, I was vitally concerned.

Now any investigation which is to be made inside of two months, and a report written, cannot go into details to the extent which might be possible in a longer time, and which might be desirable, for that reason I am very insistent in confining my report to territory which it was possible for me to cover.

Now one of the first things that we have to consider is the extent of the field. It is a large field. I think perhaps none of us realize until we get into it just how large this field is. When we consider that the number of department stores in New York and Brooklyn were given me as 98 and that a single large store often has on its payroll between 3,500 and 4,000 persons, we begin to realize that it is a pretty big problem.

In considering the extent of the field there is another point to be recognized, and that is, that we usually regard the training for service in a department store as merely a question of training for salesmanship. Now I think we will find that only about 50 per cent. of the employees of the department store are engaged in selling, and are in positions which enable them to come into intimate contact with the public. This means that there are in the store a great variety of employments open to a man or woman in which there is no contact with the public, and the man or woman, boy or girl who has not the personality for a selling job is not debarred from service in the department store. There are opportunities in the auditing department and in various kinds of clerical work for women. This is clerical work of a degree less skilled than that which requires an expert bookkeeper or expert stenographer. There are opportunities for men and boys who desire outside work in the delivery department. The chauffeurs and drivers are a definite field of employment, as also are the packing, receiving and shipping rooms. Few of us realize the opportunities for employment in the department store and few of us realize the variety of employments. I am cutting out from this report the electricians, plumbers, milliners, packers, carpenters, dressmakers, and the elevator men — all employments which include representatives of distinct trades, for I felt that their training might best be treated under an analysis of the trade

itself rather than to be included here or to give to them a part of the limited time I had for this investigation. So you might say the field for employment in the department store is large.

Now there is another thing to be considered, and that is that in some industries employment is restricted by sex. Of course we have a few men dressmakers who are earning large wages, and we may here and there have a woman carpenter, but when we come to consider them as trades we consider them as trades in which sex is a factor determining employment. This is not so in the department store. There are openings for both the boys and the girls.

The source from which the department store obtains its workers should be considered. Workers in the department stores may be classed as juniors and adults. The juniors are recruited largely from the boys and girls who leave school as soon as they can get their working papers and go into the department store, sometimes in answer to advertisements for "help wanted," as messenger, cashier, etc. Many adult employees are recruited from the most competent of the junior force. Also they are to a limited extent recruited from the employees of the five and ten cent store. I would say right here that employment in the five and ten cent store is not regarded as altogether desirable training. There are certain departments in the store where a smaller degree of salesmanship is required, where the boy or girl can go from this preliminary experience. I might diverge and say the experience in the five and ten cent store is peculiar. While very little selling ability is required, the merchandise is all displayed, still there is the responsibility of the whole transaction. One person must do the selling, make the change, wrap and deliver the parcel. When you come into the department store you come into a more specialized industry. The neighborhood store is another source of supply for the larger department store. This is regarded by some superintendents as an extremely valuable training. The employment in the neighborhood store brings the employee into more personal contact with the customer. There personality is often a large factor in making the sale, and this gives the training a more human element. There is not the feeling of irresponsibility which a saleswoman has in

selling a card of buttons to a customer she will not recognize again. In the neighborhood store the saleswomen's manner in making the sale may influence the return of the customer. This certainly is not as personal a factor in the large department store.

There is also in the department store the mature applicant for employment whose lack of experience, is perhaps offset by some other quality. I will say one thing which I omitted, and that is certain factors in salesmanship have been omitted from this report, and that is the abstract virtues of courtesy, honesty, promptness, etc., these are necessarily omitted from the concrete statement of the content of the occupation. It is also recognized that the ability to sell goods is both a gift and an art, and that this can not always be imparted to a person no matter how desirous they are to learn. Now the report was not vitally concerned with the need of training, still there are certain indications of this need which might be briefly stated.

First of all the employers say that while for the low grade positions they have only to select from the large number of applicants when it comes to filling the high grade positions in the selling force and the more responsible positions throughout the store it is extremely difficult to find the men and women with the necessary qualifications for these positions. Now if the minor positions are easily filled, and the positions of responsibility are more difficult to fill, this discrepancy between the number who enter the industry and those who are qualified for promotion would call for serious consideration and would indicate a need for training.

The analysis of the industry also shows that the content of the low grade job is small. The high grade positions have a much larger content. The normal method of promotion in the department store, is from the low grade job, what we might call the elementary, the beginners' position through successive steps in the industry to the high grade job which involves more responsibility. Now the promotion necessitates in every case the mastering of the content of the job ahead and if promotion depends upon this mastering of the content of the job it is necessary that in some way this additional information be made accessible to the employee. I think we can consider this a second indication of

the necessity for the training of the department store employee and I am not going into that question any further.

Now, does the opportunity for the training exist, or will it be asking for something which would necessitate a reorganization of the business? I think we will find that in every department store there is a certain amount of what we might call "dull time". It is stated differently among the stores but generally recognized as the first two hours in the morning — I think I found only one store which stated they had no dull time. One store told me that they were not busy until noon.

Now between the number of employees that can take care of the trade during what I have called the dull time, and the number who are required to wait upon the customers during the rush hours there is a great difference. In only a few instances did I find that the store employed an extra force during the afternoon. Of course we must recognize there is other work required of the sales person than the mere giving out of the goods, the mere serving of the customer. There is for instance the keeping of the stock in order which requires much of this "dull time," but there still remains a margin of time which might be utilized, and in many cases is used, for purposes of instructions. By arranging a shift between the employees of the departments it would be impossible to release sections at different times. I found that most employers agreed to this, and I found, furthermore, it was being done in certain cases. For instance section A might be composed of ten girls selected from different departments and they could be instructed on Monday and Wednesdays from nine to half after ten. Section B might be composed of other girls from sections or departments that could be instructed on Tuesday and Thursday.

Q. Instructed in what? A. Instructed in whatever was found necessary for their efficiency.

Q. Would that add to their wages? A. As I said, the question of increase in wage I considered outside of the scope of this report. I was concerned with the possibility of training.

Q. Then they would be trained in simply making them more efficient employees? A. There are a great many things that go into the efficiency of the employee.

Q. Now, outside of your report Mrs. O'Leary, you have a great deal of knowledge upon this whole subject? A. Yes.

Q. What is your opinion as to whether or not the increased efficiency gathered from training would increase the wages of these girls or men in the department stores? A. Any answer that I might give to that would be my personal opinion and would not be the result of my investigation.

Q. That is what I am asking you for? A. I would say, that where the selling of goods is on a percentage basis any increase in efficiency would quickly bring returns in increase of percentage.

Q. How about where they are on wages? A. As I say, that was outside of the province of my investigation.

Q. I want your opinion? A. My opinion is a personal matter and not based on sufficient evidence to make it worth while. I have many interesting instances of promotion due to increased efficiency. I have also found many interesting instances of increases in wages, but evidence to be convincing must be produced in large quantities and I spent no time in collecting this evidence I will cite, if you wish an interesting incident of one man in the delivery department of a Brooklyn store — he had a five dollar increase. He is drawing five dollars extra a week above any other employee in the department because he has the tact and is on sufficiently good terms with the customers on his route to be able to suggest to them the things which the store carries and which would be to their advantage to buy. Now this, of course, is a dangerous gift in some ways. The housekeeper might regard it as an impertinence for some deliverymen to suggest purchases. This particular employee makes so many sales while delivering goods that the firm have increased his wages \$5 a week. I found many different instances and found them interesting.

Now one thing we have to distinguish between is the training for efficiency and the training which is welfare work. I was not concerned with training which I found to be welfare work. I was only concerned with training which lead to increased efficiency of the employee. Any proposed increase in remuneration, whether it is in the professions or in industry is always hampered by the presence of a large body of average workers. The fact that these average workers constitute the majority, I think should

make them the group on which any definite attempt at training should be centered. The existing methods of training I will not take your time at present to discuss. I will say that there are a number in existence at the present time, but the existing methods of training are not at all adequate to need. I think they are experiments all hoping to lead sometime to a solution of this very interesting problem. Doctor Dean has taken up the question of the analysis of the industries in the shops as it was cited in the Richmond survey. The body of this report is devoted to the analysis of the different departments of the store into jobs, the comparison of job No. 1 with job No. 2 and of Job No. 2 with job No. 3 to show the difference in content. Now if I should go into that detail sufficient to be illuminating it would take me the rest of the afternoon and I will spare you. If there are any questions to ask in regard to this analysis I would be very glad to answer. I would like to state that there are many different ways of organizing the department as there are department stores and any analysis which I have made could only be called illustrative. I think perhaps I will finish this by giving you the conclusions I came to in this report as a result of this investigation.

First, this report finds that there is need for vocational training in the department stores. The difficulty of securing competent workers, the lack of those properly qualified for promotion and the special knowledge required for efficiency in various occupations indicates that this need exists.

Second, there is a wide field for this kind of training, as shown by the number of employees and the variety of occupations in the business.

Third, the industry largely depends for its new workers upon the untrained boy and girl who leaves the school between fourteen and sixteen years of age.

Fourth, store organization is such that there are opportunities to give the necessary training.

Fifth, while there are now schemes of training in operation they are confined to relatively few occupations and have not yet been developed to the point where they fully meet the needs of the industry.

Sixth, very little information is available as to the value of the training in terms of increased wage or promotion. Such data as

could be obtained is given in the appendix of this report (and I would say that the lack of this data may be due to the fact that no one has kept any records of it, as far as I can find; that it is an aspect of the situation that has not seemed to appeal to the statistician).

Seventh, promotion is common in the business and is normally through successive steps or occupations within each department.

Eighth, the analysis of the business into departments and occupations shows that in each type of employment there is a certain distinct content of knowledge or manipulative skill or both by which training can be given. In certain places this content of knowledge is considerable and must be acquired by the efficient employee. I will also read you the recommendations with which I close the report. They are:

First, that training for department store service be conducted on a part time or continuation basis.

Second, that for the present this instruction be organized as trade extension rather than trade preparatory training, the possibilities of the latter being limited.

Third, that the fundamental aim of the training for an increased vocational efficiency of the worker is that the instruction be specific, supplementing the employment in the store, and not general in character.

Fourth, that the training be carried on in the store or in some place in conjunction with the store, where the necessary business atmosphere can be secured.

Fifth, that schemes of training should first be planned to meet the needs of the average worker and later extended to other employees.

Sixth, that any plan of training should be preceded by a careful and comprehensive analysis of the industries for the purpose of determining the content of each occupation and its factors of efficiency. This analysis might well be undertaken by some responsible organization closely associated with the business.

Seventh, whenever possible such resources as already exist should be utilized for the purpose of this training before other measures are adopted. Suggestions concerning such resources are given in the appendix of this report.

Mr. ROBERT J. LEONARD, addressed the Commission.

By Mr. SHIENTAG:

Q. What is your business? A. Professor of Industrial Education in Indiana University.

Q. You conducted an investigation for the commission on the possibility and value of vocational training in the paper box industry? A. I did.

Q. Will you tell us, briefly what you did and give us your findings and recommendations? A. The purpose of the investigation in which I had a part was to determine whether or not any provision for vocational training other than that offered within the trade of paper box making was either feasible or advisable. The question of the probable wage increase apt to result from vocational training was not studied in great detail owing to the limited amount of time at our disposal. The investigation occupied a portion of the month of June, the whole of July and a portion of the month of August. In scope, the study of the paper box industry included five lines, the solid box industry, the folding box industry, the manufacture of card board cases and containers, the manufacture of jewelry cases and the manufacture of filing cases and envelopes. During the period of the investigation data was obtained from factories employing approximately 1,500 workers, being divided in sex approximately one thousand females and approximately five hundred males, or the ratio of two females to one male. Concerning the sources of the data, we relied in the main upon factory visits and conferences with employers and employees. During the course of the investigation we visited 15 paper box factories and thus obtained data concerning the factory organization, what each person in the factory was actually engaged in doing at the time of the visit, what machines were actually used by each operator during his working day or working week. We obtained data concerning the order systems, or the manufacturing orders as they reached the various workmen. You see the essential factor there involved was to find out the working directions given the operators, and in finding out the form and content of the orders we discovered the knowledge and skill required. We obtained data concerning the various processes of manufacture, the machines in use, etc. Also how beginners

actually enter the industry. Also personal histories, from many mature employees. The data obtained from beginners and from personal histories enabled us to determine the possible lines of promotions and the generally accepted grooves and channels within the industry. We also obtained data from interviews with foremen and owners and manufacturers of paper boxes. We found out from such interviews how employees were hired; we found out the trade tendencies, such as the possibilities for continuation and enlargement and extension of the business, as well as the possibilities for radical changes by the invention of new machines and the introduction of new processes and materials, etc. This information was, of course, essential for purposes of vocational education, for if any great modifications were to come by reason of the introduction of machines, revolutionizing the process of manufacture any proposed system of vocational training would be antedated when such changes occurred.

We obtained opinions concerning the advisability of vocational training from all of the manufacturers and employers interviewed. From employees we obtained information concerning their personal histories, how long they had been employed in the trade, the successive steps in the process of promotion and so forth. A very valuable source of information was the machine catalogues making possible an analysis of the working parts of each machine and a comparison of various trade makes enabling us to determine whether skill in operating one would condition efficiency in operating another machine made by a different company. The manufacturers of paper box machinery were also consulted with great profit. In the final analysis, the methods used in the manufacture of paper boxes are determined by the companies which manufactured the machine and the machine designers. If a certain machinery company designs and builds a machine which will simplify the process and eliminate difficulties, then that machinery will be adopted and the business be revolutionized to the extent that this machine is different from others formerly used.

We obtained information from want ads. We thus found out from that, the lines in the industry in which there was the greatest change in workers, the shifting, going and coming and so on.

As I have already suggested, the investigation concerned five

different lines of box manufacturing. The major portion of time was spent in studying the manufacture of solid boxes. In simple terms a solid box is one which leaves the factory already set up and ready to receive whatever it was designed for without any further adjustment. We visited ten solid box factories, employing 913 employes, 245 males and 668 females. The solid box industry is largely an unskilled industry, females being employed at the ratio of three to one. With the new machines and processes that will be introduced in years to come in the paper box industry more females will be employed and fewer males, and anything said in reference to the elements which are essential in trade education may not hold in the future and will be less essential for female workers on account of new and automatic machines which the manufacturers will install. In other words the industry will be more of an unskilled one than it is today. All the conditions seem to point to the use of more automatic machines, making it more unskilled rather than less unskilled and this will hold true of all of the five lines I have indicated.

In the manufacture of solid boxes, a typical factory is divided in four different departments; cardboard cutting and scoring for preparing the cardboard blank, the department for cutting the wrapping paper, etc.; the department for erecting the cardboard blank after it is scored by bending, corner staying, etc., and then the department for papering the erected blank.

In the cardboard cutting and scoring department the work is largely done by males and possibly 61 out of every thousand employes in the industry, work in this department. In the paper cutting department 86 out of each thousand are employed and this is limited to males. In the older box factories males are largely employed in the erecting department but with the newer methods females will be employed largely; about 16 per 1000 are here employed. In the paper department the work is largely limited to females, in fact almost exclusively limited to females and there we find the greater bulk employed, the number per thousand being 702. This is where the great bulk of females are employed and this is the portion of the industry that is the most unskilled. Portions of it are to some extent skilled, but defining skill as requiring knowledge of any of the fundamental sciences including mathe-

matics, or physics, or chemistry or any phase of art or selective judgment on the part of the worker, the work in the papering department is unskilled, depending for success upon the acquiring of certain manipulative habits which will result within two or three weeks work within the department.

Q. And it is in that department in which the low wages described by Dr. Woolston this morning occurred? A. Yes, sir.

Q. Won't you confine yourself particularly to that department and tell the Commission what the opportunities for vocational training are in that department and to what extent vocational training would contribute to an increase in efficiency and a raising in the wages? A. The detailed report recommends that for those within the cardboard cutting and scoring department that part time short unit courses be offered because there are elements of science and design for which the trade does not make provision. These departments employ males 61 per thousand. Two short unit courses are recommended in the detail report. In the paper cutting department there are certain elements of science required and the courses should include mathematics, elements of computing, addition, subtraction, multiplication, division, use of fractions and matters of technical detail. The number of males is 86 per one thousand. In the erecting department there are few elements of knowledge required and elements of skill necessary are adequately provided for in the trade, so no education is recommended.

In the papering department, if I may summarize first and then go into detail, no provision for vocational training is required. According to the present standard of trade, as there are few elements of judgment involved, no elements of rudimentary science, no elements of mathematics, few elements of initiative, and a minimum of anything save endurance and speed to which vocational education, of course, can make no contribution.

Q. Did you inquire with reference to the paper department what proportion of the workers knew how to read and write the English language? A. I made no such investigation. The Commission itself, I believe, has information concerning these facts.

Q. Is it your conclusion then that vocational education would accomplish nothing for the workers in the papering department?

A. In the papering department, in the paper box industry, as the industry is now organized, no scheme of vocational training I think will increase wage earning at all for the great bulk of the workers. For exceptional workers, for women who may become forewomen, the case is somewhat different, but the opportunities for this promotion are relatively few. Perhaps some trained women might achieve promotion in becoming a forelady, but that opportunity is one in a thousand. In the main the foreladies are drawn from an entirely different class of people. They are chosen from among those who have some education rather than from those who have continued long in the ranks, and for obvious reasons. In all probability in the main the women from the ranks are so unfit physically and mentally and of such poor general calibre, as far as their physical and mental equipment is concerned, that they are not stable material for foreladies.

Q. So there is as a practical proposition no opportunity for advancement? A. As the industry is now organized, I see no possibility for advancement for those within the papering department. There is no reason why the industry should be organized as it is. During the investigation we found one or two factories with an entirely different system of organization. In these factories there was opportunity for advancement, but the chances are that for years to come the newer type of organization will not apply in a large way in the industry.

Commissioner DREIER: Do you believe the industry could be so organized as to give greater opportunities for the laborers in it?

Mr. LEONARD: I do.

Q. In what way? A. I will have to describe the typical organization in brief and then indicate how the organization could be changed in order to make these larger opportunities. The typical papering department in a paper box factory is organized into five different grooves and channels and between these different grooves or channels representing departments there are invisible walls. A beginner, purely by chance, enters one of these channels. The superintendent picks the one that is handy regardless of age or adaptability for the kind of work at

hand. Employers, in the main, exhibit no scientific methods in determining who shall go into this work or that. Purely by the elements of chance the worker enters one of these five lines in the department, and the permanent wall, although invisible, surrounds her, and she is able only to reach the terminal point within the line. Now the qualities required for success within these various lines are entirely different.

These departments as factories are now organized, comprise the work of stripping, which includes at first turning in, turning over the paper on the inside of the box, then finally stripping on the stripping machines. Probably 15 per cent. of the women are employed in stripping. Another line is top and bottom labeling, which is merely applying with adhesive, the top or bottom label to the box. Another line is table working, which is a hand operation, applying the laces, decorative strips or any particular trade label that can not be put on by machines. Another is gum table work, which involves feeding a label through an automatic gum machine and then applying them to the box by hand. Another line is the machine wrapper, the wrapping machine being an invention which takes the places of stripping. The wrapper is cut and run through a gluing machine and then the wrapping machine automatically attaches it to the box and finishes it completely, without any further work on the part of the operator. These are the five lines or channels.

Without consideration being given to the adaptability of individuals, they are placed in one of these lines. Now the qualities conditioning success in any one of these grooves are entirely different. In machine wrapping women are required who can quickly acquire automatic habits. If they can acquire these habits they can earn a decent and respectable wage because they can keep the machine running at maximum speed with no waste. In table working the qualities required are entirely different. Here it is necessary for women to have some judgment, some information as to color, and some knowledge as to rudimentary design, because there are opportunities here for initiative and selection. Now it is altogether possible that there are many table workers who are not earning a living wage who ought to be in the machine wrapping department where perhaps they could

earn a decent wage, whereas they may not have the necessary judgment in order to be a good table worker.

In the typical organization I have just described, a beginner enters the factory as a floor worker and then by chance enters one of these five departments, regardless of particular fitness. In one unique paper box factory in this State a factory which is on a paying and practical basis, workers are placed in a sample making department. Within most box factories sample boxes have to be made, because on ordering a new style of box a purchaser wishes a sample. Now within this sample making department these various forms of occupations are present in type, and in this paper box factory beginning workers are given the opportunity of selecting and choosing their work and passing from department to department till a well rounded experience in all lines is gained. Then the worker is placed permanently in the line in which she has shown the greatest ability, and in which she can make the highest wage. There you see you have the first element of scientific application in the paper box industry, in putting the workers in the lines in which there will be some possibility of success.

Nearly every paper box factory could be organized so that beginners could obtain a well rounded experience for purposes of real vocational guidance in determining the aptitude of prospective paper box makers and the lines in which they should be placed.

Q. Would that materially help the great mass of unskilled workers in the paper box trades; there is very little opportunity for them elsewhere, isn't there? A. It would place them in the department where their realization would be the greatest, where they could do the best work and obtain the highest wage.

Q. But there is very little opportunity because of the small number of workers in the departments? A. There are these five lines and in New York State there are several thousand people in each one of these five different lines in the paper box industry and the proper placing of the individual is a prime factor, and that is entirely ignored.

Q. We would like to have, if you have completed them, your summaries as to the wage value of any system of vocational

training in the paper box industry? A. Considering the wage value of vocational training in the paper box industry, in the card board cutting department, vocational training would probably result in increased wages. In the paper cutting department there would be all probability be an increased wage following vocational training of the right sort. In the erecting department I think there would be no increased wage value with any sort of vocational training. In the papering department, as now organized, I think there would be no increased wage with vocational training.

Q. Do you see any possibility of raising wages in the paper box industry? A. I see no possibility of raising it without a minimum wage law which compels higher wages.

The Commission then adjourned to meet on Wednesday, December 2d, at 10:30 a. m.

HEARING OF THE NEW YORK STATE FACTORY
INVESTIGATING COMMISSION, HELD IN
ROOM OF TRIAL TERM, PART XVII, OF
THE SUPREME COURT, COUNTY
COURT HOUSE, NEW YORK
CITY, WEDNESDAY, DE-
CEMBER 2nd, AT
10.30 A. M.

Present.—HON. ROBERT F. WAGNER.
HON. ALFRED E. SMITH.
HON. SAMUEL GOMPERS.
MISS MARY E. DREIER.
HON. LAURENCE M. D. MCGUIRE.

Appearances:

HON. ABRAM I. ELKUS, *Chief Counsel.*
MR. BERNARD L. SHIENTAG, *Assistant Counsel.*

MISS ESTHER PACKARD, addressed the Commission.

By Mr. ELKUS:

Q. Were you employed by the Commission and if so, in what capacity? A. I was employed as special agent or investigator for the Commission from the 15th of September, 1913, and worked during the main part of the year until the 15th of June, 1914.

Q. Before that you had also done work for the Commission, had you not? A. Yes, during the spring of 1912 I made a special study among the girls in Buffalo during the strike of the department store clerks.

Q. These girls were employed in the department stores in Buffalo? A. They were, yes.

Q. Now will you tell us something about yourself and show your qualifications for the work you have done. A. I am a graduate of Smith College and secured by master's degree in social economy at Columbia University.

Q. Did you get a degree from Smith? A. B. A.

Q. Bachelor of arts? A. Yes, sir.

Q. Then you studied in the School of Philanthropy? A. Yes, sir, and secured my master's degree in social economy at Columbia University. This is my fourth year in social work. As assistant secretary of the New York City Consumers' League I have made several investigations into conditions of work in various industries. For two years I have inspected hundreds of shops under the control of the Joint Board of Sanitary Control in the dress and waist, cloak and suit industries.

Q. Now beginning with your work in September of 1913, when I think you said you began, what were your instructions? A. My special work was to gather budgets from girls working in department stores and factories in order to find out exactly what was spent for different things and to find exactly how girls lived on the wages which they were receiving.

Q. And will you tell the Commission how you went about getting that information, what you did? A. The girls were chosen quite at random from working girls' homes, through settlements and through church clubs. They were also taken from the payrolls of department stores and factories investigated by the Commission.

Q. That is you took names at random from the payrolls? A. Yes, sir.

Q. And how did you get in touch with those girls whose names you took from the payrolls? A. I saw them both at their work places and also at their homes.

Q. That is you got this information personally by visiting with them and talking with them? A. Personally.

Q. It is not second-hand information? A. No, sir; not at all.

Q. It is all first hand? A. Every one of these girls I have personally seen.

Q. How many girls did you talk with altogether? A. I have interviewed some 300 girls working in the department stores and factories of New York City, Buffalo, Niagara Falls, Rochester and Syracuse.

Q. How many in each place if you can remember? A. About one hundred and fifteen in New York City and about 200 up-State.

Q. Now, were these girls you talked with fair examples of the girls who work in factories and retail drygoods? A. They were quite typical of the working girl and quite representative.

Q. And I suppose you endeavored to get representative types?

A. To get the typical girl.

Q. Now, Miss Packard, I think I can let you go ahead in your own way and tell what the results of your investigations are; I think you have divided the results of your work under certain classifications, but just go ahead and tell what you actually did and what these girls actually told you. A. As I said, I have interviewed some three hundred girls working in the department stores and factories in New York City, Buffalo, Niagara Falls, Rochester and Syracuse. I have gathered from these girls their detailed accounts of their expenditures, and have learned exactly what their living conditions were. The question which the public most often asks when it hears of girls living on five, six and seven dollars a week is, "How do these girls manage; in what mysterious way do they stretch a less than a living wage into a living one?" These 300 budgets have answered this question. Although the number is perhaps not large enough for statistical purposes, it is large enough and representative enough to throw light upon the statistics already gathered and to show just what a low wage actually means to a girl. The fact most strikingly brought out by this study is that on less than a living wage, one or another item, considered essential in every normal person's budget, is either considerably reduced or dropped entirely. Mary A. economizes in one way; Hilda B. in another. If Mary A's expenditure for rent was sufficient, her expenditure for clothes was not. If Hilda B. wanted pleasure in her life, she had to economize on food. If Jennie C. allowed for savings, her rent bill was below par. But taking the various items of food, rent, clothing, pleasure and savings, these 300 budgets show that every one of the girls interviewed was obliged to sacrifice one of these essential in order to make both ends meet.

Take the first girl who must economize on food — the girl who must cut down on her food supply. Several girls told me that if they were paying a regular sum for board, say for four or five dollars a week, they never could get along in the world. It was

only by being able to cut down on food when they needed to that they were able to manage at all. The detailed account of their expenditures proves this to be true, for the amount spent for food varies often from \$3 and \$3.50 a week to \$1.20.

Q. A week? A. A week! Miss G. W. is a clerk in a five and ten cent store, getting \$6.50 a week.

Q. These are actual cases? A. These are actual girls whom I have interviewed.

Q. You are not giving their correct names, of course? A. Either incorrect names or initials, but they are actual girls whom I have interviewed. Miss G. W. lives in a furnished room for which she pays three dollars a week. In addition to the scant furniture which usually goes with a furnished room, bed linen and kitchen utensils and a little two burner gas stove are supplied. Miss G. W. gets her dinners out at noon, paying usually fifteen or twenty cents for the hot meal. Her breakfasts and suppers she cooks herself on her little two burner gas stove. These two meals a day or fourteen meals a week do not cost her more than one dollar a week. "They can't cost more because I simply haven't got it to pay," she said.

Q. Were you in her home? A. I was in her home, yes. Her brother, who lives on a farm, sends her fresh eggs and potatoes. These seem to form her "pièce de resistance." The dollar a week, which she allows herself for food, keeps her supplied with salt, and bread, and butter, and a few cheap vegetables. Meat she can afford only once a week, on Sundays. "But of course," she added, "when I have to pay for a pair of shoes or something like that I don't buy meat for weeks at a time."

Another girl of twenty-two was sick last winter and absent from work for a week. The doctor pronounced it a case of general anemia. "Worn out" and "exhausted" were the words which he used. Her story, later learned in detail, was a sufficient explanation of this breakdown. She is a clerk in a department store getting six dollars a week.

Q. Do you remember in what city? A. Rochester. She pays two dollars for a furnished room. That bill has to be met every week. Then twenty-five cents a month comes out of her pay envelope for the store benefit fund. This also is regular and cannot be cut down. As she is a clerk she has to dress reasonably

well in order to keep her job. Clothes to the department store clerk are as much a part of her business as her courteous manner. As this girl herself said, "If I didn't spend a \$1.25 a week on clothes they'd fire me sure." So food is the only thing left on which she can economize. By experience she has found out that breakfast is the easiest meal for her to go without. She cannot possibly afford to have all three meals a day, so she never eats any breakfast. Fifteen or twenty cents is the highest amount she ever spends for lunch or dinner. "You know sometimes," she added, "I just long for a good thirty-cent meal, but I haven't the price of it in my pocketbook, so what can I do? I get so tired of those twenty-cent dinners year in and year out that sometimes I feel I would rather not eat at all."

Mrs. S. H. is another clerk in the pattern department of an up-State store getting six dollars a week.

Q. What is she, a widow? A. Yes. Two and one-half years ago her husband died and ever since then she has had the support not only of herself but of her boy, who is now about 4½ years old. She lives with a private family who are unusually good to her, charging only \$3.50 a week for board and room for both herself and the boy. The landlady always reduces the weekly board when Mrs. H. is away for any meal, so quite naturally Mrs. H. tries to be away for as many meals as she can. She very reluctantly and quite hesitatingly admitted that she systematically dropped in on friends just at dinner time, so that they would ask her to share in the meal. "I feel awfully cheeky and I hate to do it," she said, "but I figure it out that I will either have to do that or else ask for help from charity."

This dependence upon friends for food is regularly counted upon by girls, some of whom were frank enough to admit it. One girl has a very novel method of economizing. In going over her budget I asked her how much she spent for breakfast, lunch and dinner, how much for rent and clothes and incidentals, etc., and found in totaling the weekly sum that it exceeded by some fifty or seventy-five cents her weekly income. I called this to her attention and she responded very quickly, "Oh, but you see I have a gentleman friend." Upon questioning her further it was found that this "gentleman friend" called upon her two or three times every week. Whenever she knew that he was coming she

either went without dinner entirely, or else had only a cup of tea and a little bread and butter and then relied upon his treat of an ice cream soda or candy, etc., to make up for the meal. Sunday dinner she always counted upon him for. "I get one square meal a week anyway," she said, and then added most sympathetically, "Gee! but I feel sorry for the girls who haven't got a steady."

One very common method of economy is to reduce the cost of living quarters. This can be done in a number of ways, either by living in a small single room, or by sacrificing privacy and clubbing together, or residing in one of the subsidised homes for working girls. One very common method, of course, is to reduce the cost of living quarters by living in a single room. Those who have never had the experience of living in one room in a cheap lodging or boarding house can never really know what it means to be wholly confined to one room — to come home from nine or ten hours of work to a small dark bedroom, to sleep and perhaps eat, wash out ones clothes and entertain ones friends all in the same cramped quarters. And yet there are thousands of working girls whose life is bound by just such narrow dimensions, who go daily from the factory or department store to the hall room and from the hall bedroom back again to the factory.

Mrs. N. is a young widow clerking at the jewelry counter and getting six dollars a week.

Q. What city? A. Buffalo. "A young girl couldn't live where I do," she said, "but I am married so I feel safe." She rents a cheap room in the lodging house section of Buffalo. The district is not yet known as the real red light district, but, as Mrs. N. herself put it, "The lights are getting pinker every year." A bed occupies one corner of her little room, a stove another, and a dresser and clothes neatly arranged on hangers each of the other two corners of the room.

Q. How much did you say she received? A. Six dollars a week.

Q. You spoke a little while ago of a young woman who was a clerk; do you distinguish that from saleswoman? A. No, they are the same. From nine to six Mrs. N. stands waiting on her customers. At six o'clock she walks through the unpleasant streets to her room, cooks her dinner on her gas stove, washes the

dishes, sweeps the floor, washes out her shirtwaist and underwear, mends her clothes and then goes to bed. In the morning she rises early in order to cook her cereal and her coffee, washes the dishes again and then straightens her room and hurries off to report for work at nine A. M.

Q. How far has she to walk? A. About ten blocks. Such is her round — her life — bounded by the jewelry counter in the store, and the small crowded room in the questionable section of the city.

Sleeping three in a bed is the way one factory girl economizes on her rent. She pays only \$3.50 for her board and room, but has to sleep in the same bed with two of the landlady's children. She is superintendent of the work at the chocolate table in one of the model candy factories. She usually gets six dollars a week, but as the trade is seasonal and the factory closed for a month or more at dull times, this six dollars soon peters out.

Q. Where is she, in this city? A. In Niagara Falls.

Q. That is in a candy manufacturing establishment? A. In a candy factory. By practicing the most rigid personal economy, and by paying for only one-third of a bed she manages on this amount. She also has to help considerably about the house work, rising at five every morning in order to help get the breakfast. In the evening after the long day's work at the factory is done, she washes the dinner dishes, washes out her own clothes, irons them, puts the two children to bed and then crawls into the same bed herself. No privacy, no pleasure.

Q. Is this her own family or is she with strangers? A. These are strangers. Her life is simply a dull monotonous routine of work, and then more work.

Some girls secure cheap board by living at one of the many subsidized homes for working girls. Board and room can be obtained very cheaply at most of these homes, often from \$2.50 to \$3 a week. But very few of these homes are self supporting, the low amount which the girl pays for board being made up by grants of charity from interested men and women. Some, of course, of the girls who live at these places do not care how the small sum which they pay for board is supplemented. But a great many do care and do feel the stigma of charity connected with it. In some cities these homes have dozens of unfilled beds

because girls would rather manage in any other way than feel that they are the recipients of charity.

Laura D. is a girl living in one of these subsidized homes. She began her working career when she was fourteen years old, her parents having died.

Q. Where is that? A. This is New York City. She had no relatives on whom to depend.

Q. What is she, a factory worker or — ? A. Department store girl. She is 16 years old now and gets \$4.50 a week as wrapper in one of our large department stores. She pays only \$2.50 for board and room, her lunches put up by the home, being included in this price. Twenty-five cents a week is her usual allowance for spending money. This leaves her \$1.75 a week for clothes, fines, church dues and incidentals.

Q. Is that girl an orphan or has she a family? A. She is an orphan. As this girl was sick for two weeks and lost two weeks between jobs these small savings were quickly eaten up, leaving her practically nothing for clothes. As nearly as she could remember she had only \$25 to spend on clothes during the entire past year, so her clothes, as well as her board and room, come as charity, and she wears whatever her working girl friends and the matron of the home can spare her. Taking the conservative figures of an economist, \$75 as a minimum yearly clothes budget and \$4 a week as the lowest sum at which board can be secured, this means that this girl worker, living as she is at present, is being subsidized by charity to the extent of \$128 a year! One answer to "How do girls manage."

Q. You say \$75 a year for clothes allowance; how do you arrive at that or where do you get that figure from? A. I got it from the figures worked out by an economist.

Q. Dr. Streightoff's? A. I think so, yes.

Q. How did you get the figures for board and lodging? A. That also from him.

Q. Those are standard figures? A. Yes, sir.

Q. Are those minimum figures? A. Minimum figures, yes, the least sum.

The total sacrifice of pleasure is another common form of economy. In many cases this seemed especially disastrous, be-

cause many girls interviewed were carrying a heavy burden of anxiety in addition to their work and particularly needed legitimate distraction. The low wage entailed not only the lack of an outlet for the normal spirit of youth, but also the lack of any relief from the besetting worries and anxieties. "Oh! I just sit at home in the evening and worry about what will become of the family if I can't earn more than \$5 a week," said a Polish factory girl when asked what pleasure her wage allowed her. Her father is a plumber by trade and when all goes well can earn nine or ten dollars a week, but there are many weeks when all does not go well.

Q. Where is that family located? A. In Buffalo. Last year when this 18-year old girl was sick with typhoid fever and absent from work four months the charity organization society had to aid the family "And oh! how I hated that" she said. "Five dollars doesn't seem very much when I am feeding 39,000 boxes to a machine every day, but when I don't get it at all it seems like a fortune."

One little girl did not want to tell her story at all for fear it might jeopardize her job in some way. "You see I've got to work, I just got to," she declared. "As long as I have work I am all right." The reason for her clinging so desperately to her job was seen as soon as she began to tell her story. Her father is dead and she, a delicate girl of 24, has to support not only herself but a sick mother besides. She has been working for nine years at a shirt factory.

Q. Whereabouts? A. I haven't the place of business.

Q. Is it New York City or is it elsewhere? A. I haven't this down. I would have to look that up, but it could be found in the records. For nine years she has been working at this same shirt factory and just recently she was promoted to \$7.50 a week.

Q. From how much to \$7.50? A. She began on five, I think, and after nine years has been promoted to \$7.50. Her mother has some kind of serious stomach trouble. She is up one day and in bed the next. "I worry all day for fear she will be worse," said the daughter, "and then I wonder sometimes what would happen if I got sick too and mother had no one to depend upon."

Q. How old is this girl? A. Twenty-four. "Sometimes," she said, "I feel sick, but I just grit my teeth and say 'you can't be

sick, you can't afford to give in,' and so I go on with my work." An older brother who is employed in a state institution gives what he can to the little household. One dollar and fifty cents a week is spent on medicine alone for the mother. Then there is food and doctor bills and clothes also to pay for. This girl spends practically nothing on herself. She walks to and from work, takes her lunch with her, does her own and her mother's washing, never goes out to shows and parties, and economizes in every possible way on her food. "I am covered and that is all you can say about my dresses," she said, "I don't know when I have had a dress just because it was pretty and I wanted it."

Alma D. is another girl who sacrifices all recreation in order to make both ends meet. She is a clerk in a department store in New York City. Her father has been out of work for the past year and the family of eight, with two children in school and two small children at home, subsist on the \$4.50 which Alma earns, and the five dollar wage of the fifteen year old brother — helped out by the father's very slender earnings from past years. The mother calls for huge piles of clothes from nearby factories and does finishing on them at home.

Q. Where do they live, what city? A. New York city. As it is a rush order and must be completed at once the whole family help on this finishing in the evening. So Alma takes her recreation in the evening, after her long days' work is over, sewing on heavy black garments. Often she is up until midnight bending over her work only to return the next morning at eight to stand again for nine hours waiting on customers.

Q. What kind of work does she do? A. She is a clerk.

Q. Saleswoman? A. Saleswoman, yes.

Q. Do you know in what department? A. No. She returns the next morning after being up until midnight sewing on these garments to stand for nine hours waiting on customers.

The amount spent for recreation varies considerably, of course, as the income varies but a few girls who were getting \$5, \$6 and \$7 a week, reported nothing spent on pleasure for themselves. They did not even have five cents left after the weeks' bills were paid to go to a moving picture show. Some never boarded a street car for an evening's ride without planning days ahead how the

nickel could be spared from their lunch or clothes money. Just as some girls ingenuously admitted relying on friends for food, others admitted relying on friends to treat them to a show. The girl with "a fellow" was decidedly in luck. The only problem seemed to be "to get a fellow." The acceptance on the part of the girl of a doubtful invitation needs little explanation when one realizes that she often goes pleasureless unless she does accept "free treats." Low wages and vice are by no means constant companions, but the lack of any spending money and the acceptance of the doubtful invitation certainly do go hand in hand quite frequently.

In every normal person's budget savings form as important an item as food or rent or clothing. The lack of savings, therefore, results from underpayment quite as much as the lack of food or proper living quarters, and the budgets of many girls will reveal this lack.

Miss S., one woman whom I interviewed, has worked for twenty-five years, and has worked nineteen years with the same firm. I asked her how much she had been able to save during that time and she replied quickly "not a cent." She said "if I do break down now it is the poor house for me I guess." Miss S. is an operator in a shirt factory earning from \$9 to \$9.50 a week, when work is plentiful, and from \$7 to \$7.50 a week when work is slack.

Q. What kind of a factory did you say? A. A shirt factory in Buffalo.

Q. What is she? A. An operator on a hemming machine. It is the custom of the factory to deduct for thread, this amounting to from \$1 a week on the hemming machines to sixty-three cents on the buttonhole machines.

Q. When you say deduct for thread, you mean it is the custom for them to pay for the thread? A. To make the employees pay for whatever thread they use, and it usually amounts to a dollar a week on the hemming machines and on the buttonhole machines to sixty-three cents a week. During the months of prosperity when Miss S. is making \$9 or \$9.50, and getting really \$8 or \$8.50, she tries to save enough to see her through these slack weeks. But during the slack weeks, when she is getting only \$6 or \$6.50, the

small earnings quickly disappear, for her weekly expenses far exceed her weekly income. Last winter Miss S. faced a nervous breakdown. Rest was the prescription. The doctor said her illness was due to the terrific speed at which the machines were run and to the constant pressure of the piece work system. This had worn on her and gradually broken her strength. Rest was the prescription, and rest was the one prescription which she could not afford to take. "Miss S. and her hemming machine are glued together," the forelady laughingly declared one day. After twenty-five years of honest work, and after nineteen years with the same firm, Miss S. cannot afford to take the rest she so badly needs.

Q. How old a woman is she? A. Thirty-eight, I think, but I am not sure of that. The inroads that sickness makes upon the yearly budget are strikingly brought out in a detailed account of expenditures, kept for several months by a little widow working in a paper-box concern. Her husband died six years ago, and since then she has been working in the same factory. The superintendent of the factory, in introducing her to me, said that she was one of the most capable and quickest workers which they had. She is inspector of boxes, sitting at a table looking over the boxes as they come down to her. She inspects some 30,000 boxes a day, watching for twelve separate defects on each box. Her wage is \$6 a week.

Q. What do you mean by twelve separate defects? A. There are twelve defects which these boxes might have, and every box must be looked at to see that none of these twelve defects appear. And she inspects 30,000 a day.

By Commissioner GOMPERS:

Q. Thirty thousand in one day? A. In one day, yes, sir.

Q. What about the size of these boxes? A. They vary in size. Some of them are very small and some quite large.

Q. Is each individual box examined? A. Each individual box. It is done very quickly, just like this (illustrating), but of course it is skilled work. It has taken her years to get up to the speed at which she has now arrived. The daughter, the only other member of the family, earns \$6 a week, this combined \$12.50 wage being the only source of income for the two. Mrs. S.,

as I said, kept detailed accounts of her expenditures — writing down everything which she spent. The amount spent for food for the two of them averaged \$4.25 a week, \$4, \$4.75, \$4.03 and \$4.08 a week were the exact amounts appearing. But when Mrs. S. was sick for two weeks and absent from work during that time the amount spent for food dropped to \$2.98 and \$2.88. While Mrs. S. was sick only two weeks and absent from work only two weeks, the account shows she could save nothing for seven weeks, although heretofore savings had been a regular part of her budget. She could allow for no incidentals for seven weeks, and could allow for no pleasure, not even five cents for a moving picture show, for nine weeks. In some cases there is a general lowering of the entire standard of living. Not food alone, nor clothes, nor rent are cut down upon, but the whole standard is lowered. Miss T.'s story is a very striking example of this. She is a woman of about 31 who has spent most of her life as a clerk in the department stores. For nine years she was working in the children's department. She had the reputation of being an exceptionally clever saleswoman, often writing the advertisements for her department. The highest wage which she ever received was \$8 a week.

By Mr. ELKUS:

Q. What was she working at? A. She was a saleslady in the children's department.

Q. In this city? A. In Buffalo.

Q. Retail drygoods store. A. Yes. Miss T. had a widowed mother living in the country to whom she would send one or two dollars every week, leaving her thus six or seven dollars for herself. She lived in the lodging-house section of Buffalo, renting a small attic room with only a skylight window for light and air. For this she paid \$2.50 a week. Her breakfast and dinner she got herself on a small stove which she had in her room. At noon she would buy a dish of beans for three cents and some bread and butter for two cents. Hardly ever did she spend more than six or seven cents for lunch. "When I spend seven cents I am extravagant," she said. Quite often she felt she could not afford to have breakfast so would go without that meal. A girl, who clerks in the same department with Miss T., told me that often she had seen Miss T. looking white and weak at her counter, and

Miss T. had explained it by saying, "I have had nothing to eat this morning, and the reason I am white is simply because I am hungry."

Q. How old was this woman? A. Thirty-one. Miss T.'s clothes were pathetically old fashioned, the coat which she wore last winter, for instance, having large puffs on the sleeves. She could not afford to buy a winter hat so wore her summer hat all the year round. At one time her black silk waist gave out in the sleeves. She had no money to buy a new waist, not even the few cents with which to buy material to mend it, so she went down to the silk department of the store and secured a sample of the goods displayed, and this sample she used in mending the rent in her sleeves. When the girls with whom she worked found out about this, they clubbed together and bought her a \$2.98 shirt waist for Christmas. Miss T.'s gratitude was so sincere and so repeatedly expressed that the girls said it was pitiful. The only vacation which Miss T. allowed herself was the one week given by the store with pay to each employee. She could not afford to go to the country and have a real rest, so would sit in her little attic room trying to rest there. Every day she would visit the store "just to see if any one had taken her job away." She has finally broken down now and is almost a complete nervous wreck. Another case is that of Annie B.

Q. Are these girls you have been speaking of native born?
A. Yes.

Q. Are they able to read and write? A. Yes.

Q. Public school education? A. Yes. Annie B. has worked her expenses out in great detail, and has figured to the cent just how much she can allow herself for food, rent, clothes, incidentals, etc. Since her mother died ten years ago and left her an orphan, she has been dependent upon herself. At present she is receiving \$6 a week as clerk in the flannel goods department of a large store in Buffalo. She lives in a furnished room for which she pays \$2 a week. She gets her own breakfasts, consisting usually of a glass of milk with an egg in it and a few crackers. This she chose because it was both nourishing and economical. When she can afford it and wants to have a real treat she gets an orange for breakfast and has that also, but that is only on very special occasions such

as Christmas and New Years, and doesn't happen very often. With this planning, breakfasts cost her usually five or eight cents. This year was a very "good year" for clothes, that is she had to buy very few things, for she wore her last year's purchases. The only things she had to buy this last winter were two dresses at \$9 and \$2.50, one black waist at 98 cents, one black skirt at \$2.90, two suits of underwear at 50 cents each, one corset at 50 cents, three pairs of shoes, one pair at \$2.90 and two at \$2, \$6.90; two pairs of rubbers at 60 cents and 75 cents, \$1.35; and stockings at 10 cents and 35 cents, amounting to \$1.10. The extravagance of two dresses Miss B. evidently thought needed apology for, she hastened to explain, she wouldn't have bought the \$2.50 dress except that her landlady had a dress given to her and was anxious to sell it. As Miss B thought the dress was nice and the price low she decided to get it. She couldn't afford to buy this dress outright, however, so has been paying 25 cents a week on it. "It is almost paid for," she added proudly. She also explained about the stockings, saying she knew it was better economy to pay 25 cents or 50 cents a pair, but said "when you've got just 10 cents in your pocket book and need a pair of stockings, what are you going to do?" She knew by experience the pitfalls of buying on the installment plan and did not care to be involved again.

This strict economy and worried planning was shown as much in her recreation money as in her egg and milk breakfast and \$2.50 second-hand dress. Fifteen cents a week is the very top notch expenditure for pure pleasure. It occurs only on holidays and very special occasions. Usually Miss B has nothing left out of her salary, not even five cents for a moving picture show. As far as could be learned church on Sunday seems to be the one relaxation she allows herself during the week. Her story, conscientiously and painstakingly told, was one of incessant economy, of minute plannings over unexpected bills and of nerves already worn, stretched tauter. There seemed to be no large and free movement of the mind, but a dwarfed and circumvented scheming instead.

Q. Did you find that these women or girls planned out in the beginning of the year or week how much they were going to

spend and what they were going to spend it for? A. Having so small an income it would be very easy to do that. Most of them knew to the cent just how much they should spend for certain things. There were in Miss B's life no gay, unexpected pleasure trips, no little lovable extravagances, nothing sudden, bright and colorful in her life. Pleasure was obtained only after laborious planning. Dresses were bought for warmth and durability, never because they were becoming; and food was purchased not for delectability but for nourishment. Miss B's whole life seemed to be drab and uniform.

Statistics tell us that thousands of working girls are receiving only \$5, \$6 and \$7 a week. This means little, unless one can visualize just what this low wage means to Annie B or Florence M. To one girl \$5 will mean lack of food; to another it will mean no savings for the rainy day; to another it will mean no pleasure, but invariably it will mean to thousands a cramped, subnormal way of life, a mere existing, not a real living.

By Commissioner McGUIRE:

Q. These cases quoted to the Commission, they are typical conditions you found? A. They are typical.

Q. They are not extreme cases? A. No, not at all.

Q. And did you find in your investigation that some of the young women employed at the work, receiving the same salary, got on much better than others? A. No, I don't think I did. I found everywhere a sacrificing of either one or another item. As I said, one girl prefers to economize on food and another girl prefers to economize on rent, and therefore their standard of living would vary, but throughout all of these cases there was always some sacrifice.

Q. You found much of that in New York City, did you? A. A great deal of it.

Q. In connection with the department stores? A. And factories, yes.

By Commissioner GOMPERS:

Q. Have you testified, Miss Packard, as to the particular establishments outside of the department stores which you investi-

gated? A. In addition to the department stores, the paper box factories, the candy factories and the men's shirt factories were studied.

Mr. ELKUS: Mr. Emanuel W. Bloomingdale desires to make a statement.

Mr. BLOOMINGDALE: Doctor Dean yesterday in his testimony referred particularly to the extension work being done now under the auspices of the Education Department, and the question was put to him as to whether the extension classes resulted in a greater efficiency to the benefit of the employer, or whether they found an effect in the pay envelope of the employe. In the course of his testimony he referred twice to the extension schools being carried on by the firm of D. E. Sicher & Co., and I have here a part of a report with reference particularly to that very subject. This first part is a report made by Mr. Winthrop Talbott, who inaugurated this extension class, and is in part as follows:

" In September, 1913, at the request of Mr. Dudley D. Sicher and by authorization of the school authorities, Miss Lizzie E. Rector, Principal of Public School No. 4 deputed Miss Florence D. Myers, who has been in charge of experimental class, to teach 40 girls in the factory of D. E. Sicher & Co., makers of muslin undergarments, 45 West 21st street, New York City. These girls were mainly those who had never learned to read or write in any language and comprised all the illiterates in the factory force of four hundred, about 10 per cent. The girls were taken in three groups of six each for forty-five minute periods, one section being taught from October to February, the other from February to June. In this way every illiterate girl in the factory at that time received practically individual instruction in English, reading, writing and arithmetic, American history, geography, personal hygiene and practical information about food values, fire protection and the evolution of the undergarment. Practice was given in the writing of letters of a friendly and business nature; keeping expense accounts and budget, making out work slips and reports. In arithmetic girls learned the practical application of adding, subtracting and multiplying on work-

slips and factory and personal accounts. They were taught how to deposit and draw money in a savings bank.

Miss Myers took pains herself to sit down at the various machines and get the forewoman to instruct and correct her; making notes of all her phrases and afterwards using them in the early lessons in English. In teaching English practice was given in the use of the telephone book, and the city directory and how to write telegrams.

The girls learned about the mail service, how to send letters abroad, the common routes of travel in New York, and local ordinances. They were given practical and simple rules for safety and health.

It was obvious as the weeks passed by that the lessons in personal hygiene, physical culture, right breathing and eating were taking effect. The eyes of the girls were getting brighter, the skins more clear, the minds more alert and receptive, and better judgment and taste was shown in dress. They were interested, eager and willing to work hard.

In no sense could this be termed welfare or philanthropic work inasmuch as in the records of the firm the girl students gained from 20 per cent. to 70 per cent. in working efficiency and the girls themselves not only attained new hopefulness, ambition and courage, but increased their earnings from an average of 19.5 per hour to 22.5 per hour, while the earnings of those who could not avail themselves of the class instruction remained practically unchanged.

From time to time interested visitors, educators and employers visited the class which, received favorable attention and notice in the daily press, with the result that other employers were stimulated to establish similar classes.

At the close of the course in June, graduation exercises were held and public school certificates of literacy were presented to each member of the class."

In the report of Miss Lizzie E. Rector she says:

"One of the pressing problems of the day, in New York, is how to reduce illiteracy among those who, born in foreign lands, come to this country to earn a livelihood. The first thought of

the immigrant is to find employment. Though many of them possess a degree of adaptability for different kinds of work, because of their lack of knowledge of even the elementary principles of an education, they are inefficient and therefore can earn only the smallest wages — especially the women.

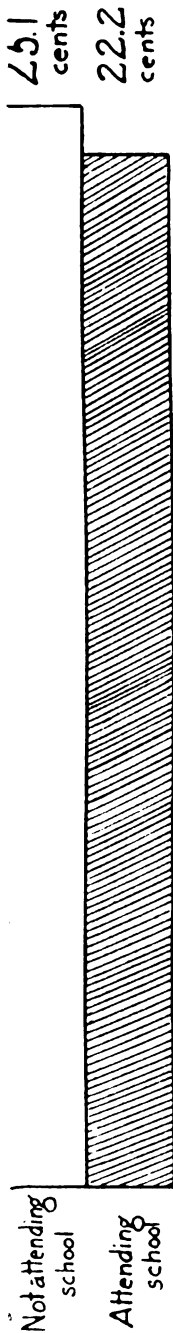
It was with a view of reducing illiteracy among the young immigrant women employees of their factory and thus increase their efficiency and earning capacity that D. E. Sicher & Company secured the co-operation of the Board of Education in establishing a school in their building for the daily instruction of these workers in reading, writing and arithmetic and subjects in life in a great city.

The girls who attended the school the first year were selected on the basis of illiteracy. Some had never been in a school at any time in their lives. Others had, for brief periods, attended school in remote districts of Russia, Poland and Italy. Some since their arrival in New York had made an effort to gain what had been denied them at home by going to night schools after working in the factory all day. This proved to be such a tax on their strength that most of them finally gave up the attempt.

The Board of Education assigned Miss Florence D. Myers, an experienced teacher, to conduct the classes in the Sicher factory under the general direction of Miss Lizzie E. Rector, principal of Public School No. 4.

During the past year forty girls have received instruction. These were divided into two classes of sixteen each and one of eight. These classes were then subdivided into groups of three or four girls each, each group receiving instruction for forty-five minutes daily. They were taught to read, to write and to keep personal expense account as a part of the course in arithmetic. As the girls were engaged in the factory on piece work, the firm paid them while attending school the amount they would earn if actually at work, so that at the end of the week they received full pay.

The results of the first year's work in the classes have been highly satisfactory to Dudley D. Sicher, through whose initiative the school was established. A careful examination of the teachers and the factory's report shows that the earning capacity of the



note: - By "not attending school" is meant; not attending the factory school, having had previous schooling.

Charted by B. Maruchess May 29. 1914

under the direction of
 Charles H. Winslow, Expert, U.S. Bureau
 of Labor Statistics.

Cotton Garment Industry
 Data for 1 shop.

girls has been increased from 10 per cent to 40 per cent. This result is in accordance with the established educational principle that increased intelligence creates increased efficiency, and increased efficiency produces increased earning capacity.

Not only have the girls gained in knowledge and earning power but their ambition has been aroused, they have a keen sense of the distinction between right and wrong and they are imbued with a better spirit."

This leads up to the same conclusion that in working out of these extension schools, that while efficiency increases it found its place in the pay envelope of the employee, and a very interesting chart has been drawn, which indicates — the white line — those employees who were literates and in the shaded line those who were illiterates, showing that preceding the attendance at school those who had had previous educational advantages were earning 22.3 cents per hour, while those who had not thus attended school were earning 19.5 cents per hour. After four weeks of school those who had previously been literates were earning 23.4 cents while the earnings of those who had been attending school these four weeks, and who had been illiterates was 20.9 per hour. After eight weeks of school the relation of those two figures were 22.8 to 21.1; after twelve weeks 23.1 to 21.2, and after sixteen weeks of school those who had not been in the classes were earning 23.1, the earning capacity being practically stationary with the beginning of 23.2, while the earning capacity of those who had had the advantage of the school training had increased from 19.5 to 22.2.

By Mr. ELKUS:

Q. Do you know, Mr. Bloomingdale, whether that is piece work or wage work? A. Piece work.

Q. In other words, after they had this training they could do so much more work? A. After they had this training they were more capable and more efficient in turning out the work.

Q. And these illiterate girls were foreign born? A. Most of those who had been illiterate.

Q. Do you know whether there would be any objection on the part of these gentlemen to allowing the investigators of the commission to visit the factory and make such inspection as they want of the books? A. Not only no objection, but I am sure they would

be perfectly delighted. It was because of your question to Doctor Dean and his inability to answer it categorically that I have gotten these figures and I will admit that I have not been able to digest them fully.

Commissioner DREIER: Were these immigrants illiterate?

Mr. BLOOMINGDALE: I think mainly they were.

By Mr. ELKUS:

Q. The limit they reached is 23 cents, is that it? A. Yes.

Q. The literate limit is 23 cents? A. The earning capacity of those that were literates at the beginning of the school year, that is whom it was not found desirable to include in these extension schools, had an earning capacity of 23.2 cents and the relation of those two figures is more significant in that it shows that this increase from 19.5 to 22.2. is not the result of a business development.

By Commissioner DREIER:

Q. Was there anything like a strike or anything of that kind?

A. No. Those who had previously been literates remained practically stationary while there was a steady increase in those who had elevated out of the darkness of illiteracy and brought to the point where they were able to comprehend.

Q. You don't know whether there was any strike during that time, I mean strike among the foreigners and not among the literates? A. I don't think there was any strike. They never have a strike.

By Commissioner GOMPERS:

Q. On what class of work were these girls employed? A. I think they were all employed at the sewing machines. It is a white goods factory.

Mr. ELKUS: Shirts?

Mr. BLOOMINGDALE: No, women's undergarments.

Q. Do you know of any effort being made by workers in the same class of work outside of the establishment you have mentioned? A. Yes, I do, Mr. Gompers. This work is being gen-

erally developed in very many establishments. Not wanting to take advantage of the courtesy of Mr. Elkus in permitting me to interject myself in the proceedings I haven't read of others here, but the final clause of the report that I read first is, from time to time interested visitors, educators and employers visited the class, which received favorable attention and notice in the daily press, with the result that other employers were stimulated to establish similar classes. The gentleman who is at the head of this firm has prepared a very elaborate press report on this work, on its advantages both to industry and the individual, and on the duty that employers owe, and is intending to send it out in order that this principle may be still further developed, and has only hesitated in sending it out because during the present depression it occurred to him it was not a particularly desirable time to carry on a propaganda which might possibly mean a larger expenditure to employers.

By Mr. ELKUS:

Q. Isn't it a fact that some of the department stores have established classes during working hours for the improvement of the saleswomen? A. For the improvement of not only the saleswoman but for minor employees and those in the clerical departments.

Mr. PODELL: I would like to know if it isn't a fact that the reason for this extension school system in the factory and so on is not owing to it being a sound economic proposition and being advantageous to the employer and employee generally?

Mr. BLOOMINGDALE: It has been accepted for those reasons.

By Commissioner DREIER:

Q. I am informed that Sicher's is a union shop with preferential contracts? A. I don't know. Miss Hill is here and perhaps she can answer that.

Miss HILL: It is an open shop. We have both union and otherwise.

Commissioner DREIER: With a protocol?

Miss HILL: Yes.

Mr. BLOOMINGDALE: Miss Hill wanted to say a moment ago that there has been no disturbance at all and those that had been in the school had done identically the same work and under the same conditions.

Miss MARY VAN KLEECK addressed the Commission:

By Mr. ELKUS:

Q. Miss Van Kleeck, will you please state your position in connection with this work? A. I am secretary of the Committee on Women's Work of the Russell Sage Foundation.

Q. How long have you been secretary? A. Since 1909.

Q. Now you were good enough to volunteer to do some work for the Factory Commission at the Commission's request. A. Yes.

Q. What was it? A. Through a plan of cooperation with the Commission we made an investigation of wages in the millinery trade. We had already made a study of conditions in the shops and of milliners in their homes, but had not examined any payrolls. At the Commission's request we examined payrolls under the direction of the Commission's director of investigations, Dr. Woolston, and that is the material which I have to present this morning.

Q. Now will you tell me who did this work, how many people? A. It was done by the staff of the Committee on Women's Work of the Russell Sage Foundation, four members of the staff taking part in it, all of whom were regular members of the staff of the Committee engaged in investigations of industrial conditions in New York.

Q. Under your direction? A. Under my direction, and I took part in the investigation.

Q. How long were they engaged in this work? A. In this particular work they made a study of the payrolls in the months of January and February of this year.

Q. And previous to that, of the working conditions, how long did that take you? A. The millinery investigation had been carried on concurrently with a number of other investigations during a period of some two years.

Q. Now will you tell us what you did, what your plan was

in obtaining this information, just how you got it? A. We followed the same procedure followed in the other parts of the work of the Factory Investigating Commission, namely, we went into the shops, copied from the payrolls the wages of employees and also had schedules filled out by the workers in the workrooms.

Q. Now will you tell us something of your own experience and qualifications for this work? A. Graduate of Smith College, class of 1904. Courses in economics and sociology, Columbia University, 1905-1907. I have been an investigator of industrial conditions in New York since 1905, first as Fellow of the College Settlements Association, then as industrial secretary of the Alliance Employment Bureau, an employment agency affiliated with social organizations, and since 1909 director of investigations in the Department of Women's Work in the Russell Sage Foundation.

Q. Have you yourself written some books on these subjects? A. I have published three books, "Women in the Bookbinding Trade," "Artificial Flower Makers," and "Working Girls in Evening Schools."

Q. Go ahead in your own way? A. The millinery trade in New York City is a skilled industry. A study of wages in that trade is a study of the earning power of women of whom skill is required. We are frequently told that the problem of low wages is the problem of unskilled industries. It was for that reason that we felt it important to take up the study of the millinery trade, and also because the millinery trade is numerically important in the New York City. It is distinctly women's work. About 90 per cent of the workers in the millinery shops in New York City are women. New York supplies hats for the whole country. We have two types of trade here, the wholesale and the retail trade. New York City is the center of the wholesale trade, and the hats are distributed through buyers, salesmen, jobbers, all over the country from Maine to Texas. It is also an important center of the retail trade, selling hats directly to customers. That there are great varieties of shops is apparent to any one who walks through the streets. There are the small wholesale shops on Division street, there are the larger wholesale shops on Broadway, there are small neighborhood shops on First, Second and

Third avenues, and there are the large fashionable retail shops on Fifth avenue.

It is also a trade which is still carried on to some extent in the homes. I refer not to the giving out of work from factories, although that is also done in the wholesale trade, but I mean that this is still a trade which can be carried on with small capital by women working at home without employees. In other words we have a number of different types of industrial organization in the trade. As a result, our census figures on this subject are chaotic. It is almost impossible to count the numbers of milliners in this city. The census of 1910 enumerated 13,000 milliners and millinery dealers in New York City. That number includes, of course, women who worked alone and had no employees. The Industrial Directory of the State Labor Department reports 8,885 women and girls in millinery in New York City, working as employees in millinery shops. These are better figures to use in determining the scope of our investigation, because we were studying the employees in the shops.

Q. In what year was that? A. In 1912 the Industrial Directory was published. Millinery includes a great many things besides hat trimming. Broadly considered, it includes the making of pressed hats, straw hats, millinery ornaments, artificial flowers and feathers and other accessories, but we limited our investigation to the trimming of hats in what is ordinarily known as millinery shops, and as this work is done almost entirely by women we limited our investigation to women and girls. We also limited our study to Manhattan, because 90 per cent of the millinery employees in New York work in Manhattan. I would say here that we made rather an intensive study than an extensive inquiry because we knew in advance that the problem of irregular employment was a very important one in the trade; therefore, instead of studying only current payrolls we copied the entire payrolls in forty shops for the calendar year of 1913. In a few other establishments, in which the records were not complete enough for so thorough a study, we transcribed earnings for the current week only. We included in the study 57 shops employing a maximum force in busy seasons of 2,550 workers, that is, about 29 per cent of the women employees at work throughout the city, 32 per cent of the trade in the Borough of Manhattan. These

percentages are based on the statistics given in the industrial directory of the State Labor Department.

Q. Did you select typical establishments? A. We made our selection by both chance and discretion. We first of all prepared a street directory of millinery firms. We drew out every fifth name in that directory. We then went through these and, in accordance with the information we then had about millinery shops, we selected establishments representing a great variety of types in the trade. We secured records from 28 wholesale shops employing a maximum force of 1,711 and 29 retail shops employing 839. The millinery trade is so chaotic and varies so from week to week that to give the figures as to the number investigated is difficult and in itself a revelation of the seasons. The records secured from current weekly payrolls numbered 1,951, while the number of individuals on the payrolls through the year was 3,893. Cards filled by employees in the workroom from which we secured data about age, conjugal condition, and experience in the trade, numbered 1,363. The maximum force in the 40 shops from which the entire payroll for the calendar year was secured was 2,016. Thus with a maximum force of a little over 2,000, the number passing through the shops in course of a year was nearly 4,000.

This might indicate, of course, frequent changes in personnel. It might show that a girl came in for a while and went out again just for a whim of her own, but a count of the actual number of girls on the payrolls week by week for fifty-two weeks in the year proved that this was not a question of the whim of the worker, but an actual change in the industry, in the number of workers who could be employed in the various seasons. With a maximum force of 2,016, the average number employed was but 1,219, while the fluctuation from maximum to minimum was very marked. In wholesale, for instance, the number retained in the dullest week of the year was but 36 per cent. of the number employed in the maximum week of the year, only thirty-six in every hundred. Thus sixty-four in every hundred must find other work or be out of work in the dull period.

Q. How long does the dull period last? A. I am coming to that in just a moment. The smaller retail shops retained only 25 per

cent., and the larger retail shops which had also a wholesale trade retained 33 per cent. These seasons come at different periods in the year. The wholesale precedes the retail so that combining one with the other makes the seasons appear longer than they actually are and fluctuations less violent. Nevertheless a combined count of that kind showed that in the twenty-seventh week of the year, when the force was at a minimum, 58 in every 100 of the milliners at work in the maximum week were displaced, and that in the last eight weeks of the year the force employed never exceeds 57 per cent. of the maximum in the spring; that is, for 43 of every 100 workers there was no place in these millinery shops in the last eight weeks of the year.

These figures do not show the duration of the season. To measure the length, we estimated the number of weeks in which the force never fell below 10 per cent. of the maximum and we made another estimate of the number of weeks in which the force never fell below 25 per cent. of the maximum. There were only eleven weeks in the year in which the force in these shops did not fall 10 per cent. or more below the maximum and twenty-five weeks in the year in which the force did not fall 25 per cent. or more below the maximum. Even this brief period of employment is divided into two seasons, the spring and the fall.

As to the duration of employment for individual workers you will note that we copied the figures for the calendar year only. Therefore, we do not know from these figures how long the workers may have been employed in the shops previous to the calendar year, nor how long their employment may have continued after the period of investigation, but it is significant to note the length of time they were employed in one shop within twelve months. I think the most significant fact we discovered in the entire investigation was that only 110, or 2.8 per cent., of 3983 women employed sometime during the course of that year were on the payroll in the same shop for fifty-two weeks; only 672 of those 3983, or 17 in every 100, appeared on the payroll in the same shop forty weeks or longer, and as many as 52 per cent. were recorded eight weeks or less.

Those figures show for each worker the duration of employment within the calendar year in one shop. They do not show whether

she went to another shop to fill in slack time or whether she found work in another trade. The set of figures, taken from schedules filled out by employees in the shops show the total length of their employment in any one shop. Of 1,278 girls who reported the length of their employment in their present positions, only one-third had been in their present places of employment more than one year, and yet only eighty-five in that entire group had had less than one year's experience in the trade. Thus changes of positions are frequent.

These figures are all that can be obtained from the payrolls or from the schedules filled out by the employees, but in our own investigation previous to this we had secured detailed information from 191 girls as to what they did in slack season and how much time they lost in the course of a year, after having found other jobs in other trades or other positions in the millinery trade. Of 191 interviewed only 24 had lost no time whatever in the year; 36 had lost time varying between one and four weeks, and 131, or two-thirds, had lost at least one month. These figures show, of course, the net loss of employment after all the jobs have been taken into consideration. Thus for two-thirds of these milliners at least one month's pay was lost during the year. We were not surprised therefore that one girl told us when we asked her what she thought the minimum wage ought to be in millinery, that "Eight dollars is enough for a girl to live on who works steady, but it must be \$12 for a milliner." That was statistically accurate because the milliner's \$12 wage suddenly dissolves in air through slack season and becomes approximately \$8 in the course of the year. Thus, in reading the wage figures as to the proportion getting less than \$8 we must realize that the loss of time reduces that to a much lower rate. So much for the seasons.

As to the wage rates. Dr. Woolston explained yesterday the meaning of wage rates as the amounts which the workers expect to receive in a given period for full time work, whereas earnings are the amounts actually received after deductions. Obviously wage rates cannot be determined for piece workers. Of 1,951 on the current payrolls 504 were piece workers, so that the rates determined applied to the remaining number. The median rate, that is the point at which the groups divide, half getting less, was

\$10.77. The median earnings actually received by both week workers and piece workers were \$9.69. The range varied from less than \$2 for apprentices (some of whom receive as little as fifty cents a week) to more than \$40, ranging up to \$150 a week for designers.

Q. How long do they work as apprentices? A. The apprenticeship period must be at least two seasons, that is one year, and they are not full fledged milliners until two years of experience. It is a skilled industry for which preparation is necessary.

Q. How old are these girls who work for as small a sum as fifty cents a week? A. That varies according to the age at which they enter the trade. I shall discuss ages a moment. Only a very small proportion of the girls investigated by us were under 16.

Q. Are there trade schools in which girls are taught to be milliners? A. There are a number of trade schools teaching girls millinery. I might say that one employer after another said to me that he wished something might be done to stop abuses in the commercial millinery schools. The almost unanimous testimony of the employers seemed to be that the training of these girls in the millinery schools was not what the girls had expected when they paid money for it, and that it did not lead them to any skilled position in the industry. That does not apply universally to all of the trade classes. It does not apply to the trade schools under public auspices where no charge is made. There are many other considerations in connection with the training of milliners, if there were time to take them up.

Q. You mean there are some schools which exploit these girls, that is, promise to teach them to be milliners for pay and——

A. Require the payment of a definite sum of money for teaching the trade, which is considered an attractive occupation. The figures I have already quoted show what the outlook may be for the average worker and I think the figures also indicate that there is already a larger supply of workers many weeks of the year than can possibly find places in the workrooms.

Q. And these schools do not live up to their contracts? A. It seemed to be the opinion of the employers that they did not.

Q. There are some institutions, aren't there, that are charitable, or semi-charitable and also public ones which do teach mil-

linery? A. There are large numbers of charitable and semi-charitable institutions in which millinery is taught. It is also taught in the evening schools of the city. Those classes, however, are very largely for training girls to make their own hats at home as a personal accomplishment and not as a paid occupation.

By Commissioner GOMPERS:

Q. Considerable individuality enters into the millinery trade? A. Taste is required. The value of the hat depends upon the line, color, execution of it. It is an artistic trade. It is a skilled trade. It is not a trade in which machinery has entered largely, except of course in the wholesale branch where hats are made and which I am excluding from this discussion.

Q. Repeat the statement you made as to piece work? A. I said that of the 1,951 on the current payrolls 504 were piece workers. Piece work is found entirely in the wholesale branches of the trade, but not all of those employed in the wholesale trade are piece workers. I will indicate later the earnings of the piece workers compared with the earnings of the week workers. Piece work does, of course, indicate a certain type of subdivision of the trade which allies it to the factory system.

Wages vary with length of experience. The median earnings for week workers with less than one year's experience were \$3.91. The median earnings for week workers with an experience of between 15 and 20 years amounted to \$20.50. For the whole group the median earnings were \$10.33. For piece workers the range was not so wide. The median earnings for those employed one year and less than two years were \$4.50. (None of the girls working less than one year in the shops happened to be piece workers.) The median earnings after an experience of 15 years were \$11.25. For the whole group of piece workers the median was \$9.21.

As to their wages, only 16 of 1,274 girls reporting that fact were under 16. The median earnings of the girls under 16 were \$4. The maximum median earnings were obtained by those between the ages of 35 and 40 years, and amounted to \$15.

Q. That is after how much experience? A. Presumably after 15 to 20 years in the trade. The median earnings of girls between 16 and 18 years were \$5.98.

The figures which have been given include women designers, who are usually high paid workers, and forewomen, who generally are highly paid in the larger shops. If we separate the workers into groups according to their occupations we find that the median earnings of forewomen were \$24.50, of designers \$35.56, of apprentices \$3.39; of all other milliners, not apprentices and not designers or forewomen, \$9.63.

These are the figures taken from the current payroll. They give no information about loss of time spread over long periods. To determine the average contents of the pay envelopes during the whole period of employment in one shop in the year, we used figures from the annual payroll. If a woman had been employed 52 weeks in the year we divided her total income from that shop by 52. If she had been employed three weeks we divided her total earnings by three to determine the average contents of her pay envelope. We excluded girls employed one week or less. The earnings revealed by this process are lower than those which I have been quoting. The median is between eight and nine dollars, and that is during the weeks when the workers were actually on the payroll. It does not make allowance for the periods of unemployment between the seasons. Forty-eight per cent received less than \$8. If these figures apply generally, and there is every reason to believe that they do, we have in New York some 6,000 milliners, the average contents of whose pay envelopes during the weeks they are employed in a millinery shop fall below \$8.

As to the total earnings in one shop in one year an explanation is necessary. We are not pretending to state the annual income of these milliners, because that can be determined only by following them from one shop to another and recording all their earnings from every position they hold, but it is fair to give the total earnings from one shop without implying that it represents the sole income for the year. Only 387, or 12 per cent of those studied, including the forewomen and designers, received \$500 or more from one job in a year, showing that for the average milliner it is certainly necessary to go to more than one shop in the course of a year in order to make up a fair living wage.

We have made no extensive investigation of the cost of living of milliners. We followed a different plan. We asked 15 or 20

milliners, chosen at random from the shops investigated, to go over with us, point by point, the cost of items which should be included in an adequate budget, asking them to indicate at the same time where they themselves fell short in their own budgets. It seemed to us much more desirable to get at the standard in the minds of these girls and to have it justified by detailed items than to make an elaborate record of inadequate standards. Fifteen milliners made out these budgets item by item. The average estimate arrived at for the year was \$536. The majority of those girls earned less than their own standard. It is especially significant that their standards were higher than their earnings. They made up part of the difference by doing their own laundry work or making their own clothes and by accumulating debts in slack seasons, and they went without many things which they felt they needed. The averages of these estimates for important items in the budget were as follows (it should be remembered that these are the estimates of girls employed in a skilled occupation, and should throw light on a normal standard in contrast with theoretical estimates of what a girl ought to be able to live on): The average estimate of the cost of board and lodging was \$5.79 a week, for clothes \$2 a week, for carfare 60 cents a week, for laundry 50 cents. Most of them were obliged to do their own washing, but this estimate was for a portion of the laundry, for which they felt that a girl employed all her time in some occupation ought to be able to pay. Their estimate of what they thought ought to be allowed for a doctor, a dentist, or medicines, was 25 cents, making a total of \$9.14 a week, without any mention of money for recreation, for stamps and stationery, for newspapers, for vacations, for church contributions, for dues to club or union, for insurance, or for any savings for slack time.

As to the wages of all the milliners investigated only 12 per cent were under 18. More than half, or 56.6 per cent were between the ages of 18 and 25. Thus a large majority were under 25. Only 6.3 per cent had less than one year's experience in the trade; 12.4 per cent less than two years and 23 per cent had been employed in the trade ten years or longer. In other words, a comparatively large group were experienced milliners. They were very largely unmarried girls; 92 per cent were single, 5 per cent married, and 3 per cent widowed or divorced.

Q. What becomes of them after they are 25? A. I think we cannot answer the question statistically. I think we may fairly expect that by the age of 25 many of the girls marry. Some of them may go into other trades, although not to a great extent. In the retail branch of the trade the workers are largely native born. The foreigners are mainly employed in the wholesale trade. In the retail trade the proportion of foreigners was 24 per cent, and in the wholesale 53 per cent, and for the whole group 41 per cent, the Russians predominating. The median wages for the foreign born girls were \$9.94; for native girls \$10.08. I think it is significant that the difference in earnings is so insignificant, only 14 cents difference in the median earnings between the foreign girls and the native girls.

Q. And were these girls literate or illiterate? A. Literate. They are girls of a high standard of intelligence.

As to the hours of work, only 14 per cent worked less than 51 hours; 36 per cent between 51 and 52; and 31.8 per cent worked 54 hours. In other words it is very largely a 51 to 54 hour industry. That does not count the overtime which is of course quite prevalent, especially in the wholesale shops. A substitute for it sometimes is taking work at home, although that is usually found only in the cheaper grade of shop.

As to the methods of engaging workers and determining wages, we asked that question in every shop and it puzzled employers very much because, for the most part, they are not conscious of any special method of determining wages, and they have no plan of promotion. Generally speaking they say they try a girl out for two or three days or a week and if she is worth what she has asked they give it to her. If she is not worth what she asks she is offered less, and as one employer said, "They generally take what we offer." As to a plan of promotion, another employer summed up the situation by saying, "We give a girl a raise when she asks for it, if we have to," which means that the wage is increased if the season is busy enough to make it very inconvenient to lose the worker at that time. She may be able, as an individual, by asking for it, to get an increase, but there is no trade union worthy of the name in the trade. A very small group of girls, mainly foreigners, in the wholesale shops, have met week

after week as a trade union, attempting to organize the trade, but they have not succeeded very well.

I should like to bring out finally the differences in different shops. I can discover no force or tendency likely to bring about equality of wages for milliners of similar experience, or any approach to uniform standards in different shops. We have estimated the median earnings in each shop investigated. Let me read the data about wholesale shops. The first six items taken from the table show the median earnings in the first shop to be \$6.25; in the second shop, \$8.17; the third, \$7.92; the fourth, \$6.25; the fifth, \$9.50; the sixth, \$12.50; — a range from \$6.25 to \$12.50, all in the wholesale trade.

Q. For the same kind of work? A. For millinery in the same general division of the trade. There was a difference in the grade, in types and organization of work, but it is all in the same industry, and it is all hat trimming and yet there are these very necessary marked differences. In six retail shops the median earnings were \$8.50, \$5.00, \$6.50, \$6.60, \$10.00, \$8.17. Surely there is no standard wage scale in the millinery trade.

Q. Isn't that because the product is of different value, that is to say, a woman who works on a hat for \$2 gets more than if she worked on a hat that sells for a dollar? A. There would be a difference in work there and possibly a difference in time. It would require very minute study to observe the difference in labor cost. There was a difference in shops in approximately the same locality doing approximately the same character of work. Irregularity of employment also differs from one shop to another. One shop kept 49 per cent of its employees twenty-six weeks longer in the year. Another shop kept two per cent. One shop kept six per cent and another shop 42 per cent. The differences between different shops indicate that there is no standard and certainly show the disorganized state of the trade. An important conclusion is that certain shops have been able to maintain a very much higher standard than other shops, and that it is possible undoubtedly to pull up these lower grade shops to the higher level without wrecking the business.

Commissioner GOMPERS: If those in the audience desire to ask Miss Van Kleeck a question they will be permitted to do so,

and in that connection let me say if there be anyone in the audience who does not desire to disclose her or his identity, if he or she will give the name to counsel that it will be regarded as perfectly confidential. For obvious reasons some member of the audience might not care to disclose his or her name publicly. Or if you desire to submit a question to counsel, and counsel deems it a proper question to put, it will certainly be addressed to the witness.

By Mr. LOUIS DIETZ:

Q. You made a statement to the effect that organization does not exist practically speaking amongst these women workers in that particular industry, millinery. From your observations do you believe that the efforts that have been made in the direction of organizing that industry are absolute failures; and furthermore, do you think it is possible to organize that industry, and then to continue, do you think there would be a better wage scale if it were organized? A. That is a question of prophecy, it strikes me, Mr. Counsel.

Mr. ELKUS: You don't have to answer it if you do not want to; you are a witness, not a prophet.

Miss VAN KLEECK: I should say that the fact that the union has very few members and that, so far as I know, no contract has ever been signed between the union and any shop would indicate that the union certainly has not succeeded yet. Whether or not its efforts have been a complete failure remains for the future to show. If the union should secure more members their efforts might lead to success. As to whether organization would bring about a better wage scale, I think the answer to that must come from other trades, in which the workers are organized and in which organization has established wage standards.

Mr. ROSWELL SKEEL, JR., addressed the Commission:

By Mr. ELKUS:

Q. Mr. Skeel, what is your profession? A. I am retired from active business, Mr. Elkus.

Q. You have been doing some investigating for the Commission as a volunteer? A. Yes, sir.

Q. What particular lines have you investigated and for what purpose? A. I acted as an investigator in the shirt industry, and in the paper box industry, and then I took up the investigation of covered and celluloid buttons by myself.

Q. That is the wages paid in those industries? A. Yes, sir.

Q. Will you tell us then what you did with reference to the button industry? A. In that investigation —

Q. That you did yourself? A. Yes, sir. In that investigation I scheduled 19 celluloid button and 40 covered button establishments and secured returns from 916 workers. So far as I can ascertain, my schedules cover about all of the celluloid button manufacturers in the Borough of Manhattan, some of whom make covered as well as celluloid buttons. The concensus of opinion seems to be that there are about 150 establishments in Manhattan Borough manufacturing covered buttons exclusively. Based upon this number I have scheduled more than one-fifth of the total, but as my schedules include all of the largest concerns I estimate that I have secured the individual returns of about one-fourth to one-third of all of the covered button factory employees.

The only noteworthy feature of a classification of employees by sex and age is the preponderance of workers under 25 years of age, of whom there are 675 out of a total of 916, that is 73.6 per cent. With regard to conjugal condition I find that there are 756 single persons out of a total of 916, so that 82½ per cent of all are unmarried.

Classifying the employees by nativity I find that about three-fourths were born in foreign countries, that is 671 out of 916, hence 73.2 per cent of all are foreign born. Thirteen different countries are represented. More than two-fifths of the total foreign born are Russians. Many of the foreign employees are recent arrivals in this country and speak little or no English. The factory proprietors have several times said to me, "I don't see how you can get answers to the questions on your cards as so many of the employees do not speak English." The majority of the single males are not members of a family group and live as boarders, as do the married males whose wives are in Europe.

Commissioner DREIER: Did you manage to get the information?

Mr. SKEEL: They were all willing to give me any information I asked for.

As to the rate of wages. Time rates prevail in all the occupations excepting that out of a total of 446 button makers 43 were piece workers. There is no uniform wage standard in the trade that I could discover. The wages appear to be determined entirely by the supply of workers, coupled with their necessity to work, and the opinion of the foreman as to individual efficiency. The employees are usually hired without a specific wage agreement, and after having been at work for one or more days the foreman fixes the wage, which the employee accepts if satisfactory. My fifth tabulation gives the specified rate of wages by occupations and shows a wide divergency in the wage rates. For instance, out of 99 button makers paid at a rate of less than \$6.50 a week, 69 are males and 30 are females, showing that the male learners predominate. There is about an equal number of male and female button makers receiving a wage rate between \$8 and \$8.99, but at the rate of \$9 and above there are 122 males and only 25 females, showing that a decided majority of those receiving the highest wages are men. Nearly half of all the male employees receive less than \$9 a week, and nearly half the females receive less than \$7. My next tabulation shows the actual earnings of the employees for the week preceding my schedules in each factory. Some of the smaller factories do not keep a payroll. In some cases the proprietors were absent and I could not secure access to the payroll and in such instances I had to rely upon the statements of employees as to their weekly rates and actual earnings. Over half of the males actually received less than \$9 a week and over half of the female employees received less than \$7.

There is a considerable difference between the specified rates and the amounts actually earned. The actual earnings fall below the rates quoted for employees as a whole. For example, whereas half the women were supposed to receive \$7.50 or less, more than half actually received less than \$7 for the weeks in which the investigation was made. Time did not permit of my scheduling from all the payrolls I inspected the total number of employees at work each week for the preceding 52 weeks, and the gross

amount of weekly wages paid. I did secure this form from several of the larger establishments and they reveal a wide difference between the number of employees at work in the busy and slack seasons, to wit:

Schedule No.	Maximum number of employees	Minimum number of employees
1	32	15
" " 2	164	87
" " 3	94	52
" " 4	70	24
Total	<u>360</u>	<u>178</u>

One firm making covered buttons exclusively and manufacturing their own parts and dies shows a much smaller difference, the maximum number of employees being 46, and the minimum 33.

In response to my repeated inquiries of both employers and employees as to how many months in a year the average button-maker works, the response has been "from six to eight months." Some of the best workers have almost continuous employment, but the great majority are dropped in the slack seasons. To many such I put the question, "What, if any, kind of work do you find in your slack seasons?" In reply the following occupations were given: shirt waist operator, Western Union messenger, factory helper, errand boy, paper perforating machine operator, fan maker, retail store handy man, shoe salesman, stock clerk, elevator operator, shipping clerk, packer in department store, clerk in retail store, cutter in flag factory, porter, furrier, violinist, fruit stand peddler, waiter, painter's helper, push-cart peddler, leather belt maker, street photographer, door to door peddler.

Now classifying wage rates according to age I find that the great majority of males never reach \$15 a week, and that the \$14 level is attained only by about half of those forty years of age or older. The number of male employees over 21 years of age who received rates under \$10 is 107, and there are 104 female employees 18 years of age and over who receive rates under \$8.

My next tabulation shows that the actual earnings at each age are generally lower than the rates quoted. In no age group does a majority of men earn as much as \$12 until they reach the age of 45 or over. The rates of earnings of women do not show the same variation. This is partly explained by the fact that most of the female employees are engaged on time rates. It is plain, however, that the actual earnings of girls and women from 16 to 25 years fall below the rates that are usually quoted. My next table shows the increase of earning capacity with the years of experience in the trade. It will be noted that grouped by years of experience the majority of men in no group earn a wage of \$16 until after nine years or more in the business. The majority of women rise to the \$8 level only after five years' experience, and those who earn more than this amount are the exception.

Classifying wages by conjugal condition I find that the wage of the majority of single males is less than \$9 a week, whereas the married men center at about \$13. The few cases of widowers and divorced males show that their earnings are somewhat higher. This variation is, of course, due in the main to difference in age. The women show a similar tendency. The majority of single girls get less than \$7.50. For married women and widows the rates of the majority are \$8 or more. The earnings of all these classes are less than the rates quoted.

With regard to nativity I find that both rates and earnings of native males are less than those of men born abroad. The reason for this is perfectly clear. Many of the native male employees are boys and young men. There are 164 males between 14 and 17 years of age. About 90 of these are office and errand boys, who receive small wages. On comparing the rates and earnings of female employees I find on the other hand that the majority of native girls surpass those born abroad in earning capacity.

Finally, out of a total of 281 male button-makers, 245 are unmarried, and of these 140 live as boarders with either relatives or strangers, and 10 or more are married, but live as boarders, their wives being in Europe. The great majority of these boarders live at a low standard of living. From my conversations with many of the workers who live at home and who form one of a family group of wage earners, I can safely state that many such must

content themselves with the bare necessities of life. A large number of employers and employees unite in saying that "a married man cannot make a living as a covered button maker." The great preponderance of single males supports this statement, and it is evident that many of the employees are at work in these button industries for net annual wages that are insufficient or barely sufficient to maintain them.

By Commissioner GOMPERS:

Q. You say that manufacturers and others join in the statement that the trade does not afford a sufficient opportunity for the earning of wages? A. For a married man to make a living as a covered button maker. That seems to be a common statement.

Q. As a covered button maker? A. Yes, sir.

Q. Under the present conditions? A. Yes, sir, under the present conditions.

Q. That the conditions are capable of improvement, so that a living wage could be paid to the covered button maker, is not entirely improbable? A. No, sir, I think that this could be if they were organized, or if the industry was carried on by a comparatively few large establishments instead of so many small competitors.

Q. If the covered button makers were more intelligent and energetic and associated their effort rather than to be treated as individual by the employers? A. Yes, sir.

By Mr. BYRNE:

Q. In your investigations did you run across the fact that the law preventing working overtime reduced their earning capacity? A. Yes, I asked the question of several of the female employees, one in the employ of Mr. Byrne's firm. This was a woman who I think had been a button maker for twenty years, and who appeared to be in perfectly good health. When asked her opinion of the fifty-four hour a week law she replied that for years prior to the enactment of this law it had been her custom to work overtime in the busy season two or three evenings a week, and that during these periods of extra work she had increased her wage by \$2 or \$3 a week. She objected to the present law limiting her hours to fifty-four a week and said that she considered it a cur-

tailment of her liberty, and held that she should be permitted to work as much overtime as she chooses, saying that experience had shown that this overtime work did her no harm physically and that the overtime wages she had earned had provided her with a much needed increase in income.

Q. And from the personal investigations you made, and the information you obtained by seeing the working girls in their homes as well as in the plants, you naturally must have learned from them that that increase or added possibility of from 20 to 30 per cent. of their wages was very welcome and could do a world of good.

Commissioner GOMPERS: That is scarcely a question. That is an assertion of an alleged fact, easily disproved. If you desire to ask the witness any question you may do so but please do not base it on assertions of that character.

Mr. SKEEL: I would like to say that I put that same question to a number of female button makers or employees in the button factories and that some of them stated they did not wish to work overtime and would not do so under any conditions. They were quite satisfied with the fifty-four hour a week law. There was a decided divergence of opinion between them.

Commissioner DREIER: Did you ask those who preferred an unlimited day whether they would not prefer an eight-hour day with an increase of wages?

Mr. SKEEL: I never thought of such a question.

Mr. ELKUS: There is no law prohibiting the men from working overtime?

Mr. SKEEL: No, sir.

Mr. BYRNE: But you found that when the women could not work the men were practically superfluous employees?

Commissioner GOMPERS: In other words when the hours of labor of women were limited that the men could not continue to operate in the factories?

Mr. BYRNE: Yes, sir.

Commissioner GOMPERS: That held true in New England also when they were regulating the hours of labor in the cotton mills and men could not work when the women were not permitted to?

Mr. BYRNE: I do not think that that is true with regard to overtime in the button industry because it is largely individual work. There are distinctive lines in the button industry and the conditions Mr. Skeel found in our places will not be duplicated in many others and vice versa.

Commissioner GOMPERS: If you are going to make an argument for the presentation of a case it might be well for counsel to call you and have your statement in proper form and subject yourself to questioning of counsel and the members of the Commission. If you desire to ask Mr. Skeel a question you may do so, but as to your own establishments and conditions prevailing there, they are not the subject of inquiry at this moment.

Mr. SKEEL: I think I spoke of one particular case in your factory, Mr. Byrne, where the woman had been a button maker for about 20 years, and she said she objected to not being allowed to work overtime and considered it an infringement of her personal liberty.

By Mr. ELKUS:

Q. Do you know how much that particular woman earned?

A. I think she earned \$8.

Q. How long had she been working there? A. For about 20 years.

Mr. BYRNE: She gets \$8 a week but works 52 weeks in the year.

Q. How old was she? A. I should say about 40 or maybe older.

Q. Did she work piece work? A. She was a week worker.

Q. Then it didn't make any difference whether she worked overtime or not? A. If she worked overtime she made more money.

Q. They would have paid her more if she worked overtime?

A. Yes, sir.

Q. How much more? A. I don't know — was it time and a half?

Mr. BYRNE: She would get time and a half for overtime.

By Commissioner GOMPERS:

Q. Do you know the hours of labor prevailing in these establishments? A. I think generally 54 hours a week.

Q. Do you know how the 54 hours are distributed through the week? A. They vary.

Q. In this particular establishment? A. No, I don't recall. Mr. Byrne can answer that question.

Mr. KUNO: (Of the Rothschild-Kuno Button Works.) I would like to ask if Mr. Skeel had occasion to find out — we find in the millinery trade that learners get so and so much — if Mr. Skeel had occasion to find out what length of time it takes to become a button maker?

Mr. SKEEL: It varies very much. I should say four weeks to six weeks, depending upon the adaptability of the individual.

Mr. KUNO: May I ask you whether you consider this a skilled industry or skilled work, as compared with those who repair the dies, and whether you cannot teach a man to make a button in two minutes?

Mr. SKEEL: In the operation of button making, skill means speed and accuracy, in my judgment; whereas in the case of a tool maker, I call it a skilled trade because it requires three or four years of experience to learn how to perform the required operation, does it not?

Mr. KUNO: Yes.

Commissioner GOMPERS: Is there anything such as skilled work in the making of the buttons?

Mr. SKEEL: Not that I have discovered.

Commissioner GOMPERS: Covered or otherwise?

Mr. SKEEL: No, sir. Mr. Kuno and Mr. Byrne can answer the question much better than I can do.

Mr. PODELL: Did your investigation carry you far enough to ascertain whether the business would allow of some slight increase in the wages of the employes?

Mr. SKEEL: I made no investigation of profits. Time did not permit of my taking up that question.

Mrs. MARIE ORENSTEIN addressed the Commission:

By Mr. ELKUS:

Q. Mrs. Orenstein, what is your full name? A. Marie S. Orenstein.

Q. And are you an inspector in the Labor Department of the State of New York? A. I am.

Q. And were you detailed to work for the Factory Commission? A. Yes, sir.

Q. Did you make an investigation of workers in the department stores? A. I have interviewed workers in department stores and in the three industries that Dr. Woolston spoke of yesterday, that is the paper box, the confectionery trades and the shirt trades.

Q. For what purpose? A. To get detailed facts about their industrial histories, their personal history, and then also to find out where they lived and how they lived, that is to find what dollars and cents represent in actual living.

Q. And during what time did you make that investigation? A. Intermittently from October to August.

Q. October of 1913 to August of 1914? A. Yes.

Q. And how many people did you interview? A. Six hundred.

Q. You actually yourself saw 600 people? A. Yes, sir.

Q. Where did they live, what cities? A. It was all New York City that I did my work.

Q. In Greater New York? A. Yes, sir.

Q. And in what trades or occupations were they employed? A. I said in paper boxes, the confectionery trades, mercantile establishments and a few of other kinds of work.

Q. Now will you tell us just what you did generally and then give us some typical cases, if you can? A. What I have tried to

do is to give a composite picture of some sides of the working girl's life which I obtained by interviewing some 600 girls, as I have said, in the industries just mentioned. Among many facts one stood out very clearly, and that is the theory that girls living with their families can be self-supporting on less than girls living alone, is absolutely fallacious, because any deficiency in the girl's wage must be made up by other members of the family. Now this is what some of the girls themselves have told me: "Whenever I apply for a job in a store the manager asks me whether I live at home or not. The other day one took me on for \$5, saying that because I had a family I could live on that. Maybe I can when my father has a job." And another young woman says: "What is so discouraging as to know no matter how hard or how long I work, at no time do I make enough to wholly support myself, or tide me over a rainy day. Whenever I'm sick I must go to the free clinic or hospital, for I can't afford a doctor. Think of it, I have been a saleslady for thirteen years, and in large department stores at that, and am now getting \$7 a week."

Q. Did that girl live at home? A. This girl has lived both at home and out.

Even when the girl's wage is sufficient for self-support, she must often supplement the family income and must also bear the burden of unemployment and illness of other members of the family. Take the case of a sixteen-year old girl who turns cuffs all week for \$3.50. This sum represents more than half the family income, for her widowed mother peddles groceries, and together they support two small children. Dora's mother gets up at four o'clock to ply her trade.

Q. What is her mother? A. Grocery peddler. This girl must get up at 5:30 in the morning in order to get breakfast for the children and walk to the factory thirty blocks from her home. Or, there is Lucy, twenty-three years old, whose \$7 a week gotten by setting up boxes, is all her mother and young brother have to go on. She said to me pathetically: "The other week my mother turned away a good offer of marriage because she said I must work until my brother is old enough to work."

Q. What does the mother do in that case? A. She takes care of the house. She is an Italian woman.

And these are not isolated cases, but representative cases of great numbers of women, paid an individual, or less than an individual wage, and carrying family responsibilities.

With hundreds of girls thrown on their own resources, and away from their families, curiosity must naturally be aroused as to how and where these girls live. Numbers of them have found their way through friends or social agencies into subsidized homes for working girls. These homes are scattered throughout the city of New York, many of them in the neighborhood of big department stores. To a large extent, these homes are standardized, as are the offices, stores, and shops wherein the girls work, though they vary in details of appointment, management, and general atmosphere with the personality of the matron and the attitude of the committee.

Somewhat typical of these homes is one splendid old-fashioned house converted to this end. The parlor, genteel and shabby, with its soft, comfortable lounging chairs of subdued brown, is provided for the young women to receive and entertain their callers. A well equipped laundry is at the disposal of these girls. Board and lodging varies from \$3.50 to \$5 a week, depending upon the number occupying a room. In some dormitories there may be a dozen girls, other rooms may accommodate three or four, a few are fortunate or rich enough to have a room to themselves. The bed rooms are supplied with the essential furnishings, are clean, and made quite attractive by some of the boarders. After twelve o'clock midnight, the bolt is drawn, and entrance can not be obtained. Where they go later nobody can tell us.

Q. They are supposed to be home at twelve o'clock? A. Yes, sir. There is a provision that girls earning \$10 and less be admitted. Here evidently there is an admission on the part of some people that many working girls are not earning sufficient to cover their most essential needs to maintain themselves, and therefore philanthropists give subsidized homes to these girls.

Q. Is this a charitable institution? A. It is subsidized by a committee.

Q. That is it is not self-supporting? A. Far from it. "What is your policy toward a girl who falls below the standard of the home?" I asked a matron. "I talk over her misdemeanors with

her several times, counsel and warn her, and then, if she fails to come up to the requirements, I ask her to leave for one must be sacrificed to the many." Thus frequently the girl who is most defenseless and least capable of looking after herself is made even more so. What many girls have often tried to make me understand about living in these homes has been most happily put by Galsworthy when, in "The Pigeon," he says:

"I have been in three institutions. They are palaces. One may eat upon the floor. One little thing they lack, those palaces. It is the understanding of the human heart. In them tame birds pluck wild birds naked."

Mention might be made of one unique home, which is an anchored boat. Here cabins have been converted into comfortable bedrooms. Some rooms have bathtubs in them. One of the decks is utilized for outdoor sleeping. The girls and their friends have the freedom of the boat, decks, dining-room and reception salons. Rates are very reasonable, \$2.80 to \$3.50 for room and board. There is a freedom and ease about this place truly noteworthy. It is as if the hotel belonged to the girls. Life in these homes, which for its closeness and lack of privacy is like bivouac in the open, gives play to the best and the worst. Girls help one another out of financial straits and other difficulties. Yet one home had to close down and later reorganize because the common dormitories had become a fertile field for spreading vicious, dangerous and immoral information about street life, and prostitution.

It must be acknowledged that despite repressive and irksome though well intentioned discipline of these homes, girls obtain greater physical comfort and better nourishment on the whole than they usually find in the casual boarding house. Then there is the easily made acquaintanceship with those approaching their age and interests.

Yet despite some of the patent advantages, many girls prefer living with private families. The "Missus" of the immigrant shop girl is sometimes a relative or a friend — landsleute — this is considered by some more respectable, more safe, than living totally apart from kith and kin. Moreover the family, which is so often driving the wolf from the door, will countenance a falling behind in the board bill, when the girl is out of work.

“Don't I know what it means to be out of a job!” said one kind landlady. “She is like my own child, how could I put her out. The little we have will have to go a bit further for a while.” On the other hand, the girls repay in kind, giving their services in every conceivable way, taking care of the children, helping with the laundry, washing dishes, etc.

Living thus, usually means a tiny room, opening into an air shaft, or an inner court, hung thick with bedding and washing. A bed nearly swallows the room, a chair, table, and indifferent cleanliness, poor light and ventilation. The meagre wardrobe, gotten together with such great effort and hard earned money hangs on the wall, covered with sheets. Most girls share a room of this sort, each paying \$3 or \$4 a month. Some few are fortunate enough to have a separate hall entrance, and thus have some privacy. Most, however, live in the very heart of the family, occupying passage room or the parlor which is used generally, sharing a lounge or a folding bed with a member of the family. Among Polish working girls, this question of congestion is fairly appalling. Mariska, a fagged out little laundress, who earns \$6 a week when she has a job, sleeps in a room rarely reached by daylight. It is shared by her brother and his bride. Beyond this is another occupied by a male lodger. In the kitchen and front room are also lodgers. Unspeakably dirty are the beds covered with sackcloth. This sort of living may be attributed to low standards, yet we might be just a little less concerned if the girl were earning a decent wage. For with it almost immediately comes a more decorous manner of life.

Q. How much does that girl earn? A. Six dollars when she was working.

Q. What did she do? A. She was a feeder in a laundry, feeding a mangle.

Privacy, which is so absolutely essential, particularly after a hard day's work, is almost unattainable by these girls. “Oh, for a place to myself. It's people all day and people all night. It's the ugly shop all day and this hideous tenement room at night. It's work all day, then coming home to wash and iron and sew. It's going without breakfast or an apple, it's scrimping together a

ten cent lunch. That's what my \$6 brings me," exclaimed a worn out, underfed young girl, who works in a basement tube room, of a department store. In department stores they have these tubes where the checks and change are sent.

Q. She makes change? A. Yes and sees that the checks and change are correct.

Q. Proceed. A. If she were an exception, she would not be so startling, but many of these girls have told me that two meals a day were their regular fare.

Board and furnished-room houses get their quota of working girls. The latter is a cheaper way of living and sometimes the longed for privacy is obtained. However, a young girl is not infrequently exposed to annoyances and dangers of all sorts.

Occasionally girls take a small flat. This means that every other need or pleasure is subordinated to the bare mechanism of living.

"Though we each earn \$9 a week steadily as saleswomen, it is only by most careful reckoning and constant scrimping that we pull the ends together," said two sisters living in a tiny two-room apartment. "Our work is without end and if we spend twenty-five cents a week on a show, we considered that a great extravagance."

The recreation and pleasure of these girls are often hectic and unwise, but it must be remembered that the girl who earns so little that she cannot afford any money for pleasure and recreation has little choice in this matter. She must take what others, particularly the men she knows, are willing to give her. Often wild dissipation makes a ready appeal to her mind and senses after a day of monotonous hard and uninteresting work, and breaks the tension of financial worries.

Not one but dozens of girls have said to me as Elsie did: "If my boy friends didn't take me, how could I ever go out? and I do so love it." Elsie wraps infant's wear for \$5 a week, standing at her job most of the time, though she has a spine curvature. Ever since she was fifteen years old she has had to help support the family. When her father died, she came to live in a working girl's home. After she has paid her board, carfare and twenty

cents for insurance — this she does no matter what happens, for it will assure her \$88 when she is twenty-five years' old and a decent burial at any time — eighty cents are left her for dressing, recreation and other exigencies of life. Yet she manages to look well dressed and neat at that. As she explained, "The milk of human kindness isn't all gone. One of my friends, a saleslady, who has many sisters, gives me their clothes. They're just a little worn, but otherwise fine. I buy my own underclothes, shoes and stockings, and my but doesn't money go fast." She startled me by saying she was about to sell her hair. "They told me it would bring me money. I had a sweetheart out West who asked me to marry him and that was the only way I could raise the money to get to him."

A vacation to Elsie and her kind always means running into great debt, for though she doesn't spend any more, her income is either reduced or stopped.

One well-meaning and sincerely troubled matron said to me: "Mary troubles me, she is so generous, so warm-hearted, so contrite when her evil ways are pointed out to her. The other night she flirted with a man across the street. It is true that she dropped him when he offered to take her into a saloon. But she does go to pictures, shows and dance halls with 'pick up' men and boys. We have a victrola and a piano for the girls and their friends to dance all they please, but that doesn't seem to suffice them." Mary earns \$7 a week in selling underwear. Half her wages are spent for food and keeping the roof over her head. All the remainder except \$1 she sends home to an invalid father. So how can Mary get her fun, if she is not taken out? When it's the breath of her nostrils, the greatest incentive to stand behind the counter all day. Of what use is it to say: "Then she should give up her play."

To entertain the thought for a moment that most young working girls' lives are just an alternation of work and play is alas far from true. There is a great deal of talk about the danger and sadness of dissipation in youth, too little is said of the stark poverty and monotony of youth's existence. Witness a girl of 18 saying: "Pleasure or fun, I don't know what it is. It's

either the clatter and burr of machines, when I'm lucky enough to have a job, or the four walls of a room and misery all about me. Just why one should go on living, makes me wonder. For a long while after I came to this country, I had but one idea, to end everything by taking gas or jumping out the window. My sister never took her eyes off me. Finally I got used to my misery. I saw everybody around me was not more fortunate or happy. Tell me, why should I have wanted to live in such awful poverty? To work all day, six days a week, for \$4.50. Now its little better, \$7 or \$8 when I'm working — goes further, but not far enough to have pleasure on."

Q. Who said this; I don't want to know her name? A. She is a Russian Jewish girl who has been here for about five years.

Q. At what does she work? A. She works at white goods.

Q. On a sewing machine? A. On a sewing machine.

Q. How much does she earn? A. She earns seven or eight dollars when she has work.

Q. How old is she? A. Twenty-one.

Q. How long has she been in this country, five years? A. Six years.

Many will echo Celia's desolate cry. She has known nothing but work since her thirteenth year. "Never have I been to moving pictures or taken out. The excursions that leave the pier make me jealous. I should be happy to just sit in the corner and read, only to be out like everybody else," she fairly sobbed.

Curiously enough few complain of work in itself. "The terrible part of work is that you never know Saturday when your envelope comes whether you're going to have a job Monday morning, and your one object in working is to save enough so that when you are laid off, you won't have to beg," said one saleslady who has been clerking seven years.

But not many can save enough against lean days. Elizabeth makes her \$3 in slack season — instead of the usual \$6 or \$7 — go by the process of elimination. "I eat 7 to 10 meals a week, instead of 21, and get no clothes and run into debt."

Girl after girl speaks of weeks, of months of idleness. Following newspaper ads, loitering about employment offices, finally

just wandering about the city, looking for "Girls wanted" signs, until in despair they wait for it to get busy again. No amount of thrift or industriousness or insight can adequately provide for these lapses in work. For instance, I know one saleslady who has worked 25 years — five years with her present firm — and out of \$10 a week has saved \$17.

Demoralizing and devastating to spirit and body is this casual and seasonal system of work. "When Mary worked overtime until 8 o'clock at the store, she would come home so tired that she'd drop into bed, shoes and all, poor child. And her eyes and head, they pained her so working all day, in the basement at the tubes, reading checks and counting change by electric light," said Mary's mother.

Since the public demands perhaps unconsciously, that clerks be well appearing, we may well understand that store management must bring pressure to bear upon women to look well. "You've got to look well dressed and up to date, if you want to get a job. They won't take you if you look poor and tacky." And since their pocket books are limited, girls sew far into the night, launder and mend, when they should be resting or playing. St. George's Working Girls club, composed of girls with an income of \$8 a week, found that saleswomen spent in a year for laundering one-half as much as for clothing. This sum was met by expenditure of sheer energy. Turning for a moment to their working day, see what their job demands of them. "Work wouldn't be so bad if you didn't feel pushed and rushed all the time," said many. "They're always nagging you in the stores about your book. If you don't come up to the standard, they don't want you," said a well-seasoned saleslady.

And an elderly saleswoman, out of a job, said pathetically: "Guess I'm ready for the scrap heap. I was making \$7 a week selling chinaware, and when I asked for a raise the head of the department said 'You know if you don't like the job we can get plenty of young girls to work for that, or even less,' so that shut me up."

Another saleswoman said to me: "You know the law says we are to have chairs, but its simply cruel the way they make us

stand up all day long in some departments. I've seen girls nearly fainting from tiredness at the end of the day."

Many complain to me of varicose veins and flat feet.

On the other hand, department stores, which are continually changing employees, are not without justification from a business point of view. They assert and justly so, that the girls are inefficient, thoughtless, uninterested. Since general department store work calls for ordinary intelligence, and ability only, the complaint must be lodged not against the girls alone, but beyond them, to the causes that makes them inefficient. Fatigue, undernourishment, unsatisfactory living conditions, are conceded to be causes of inefficiency. Where the blame for these conditions lies has already been made clear. I have asked many girls what they considered a minimum wage, and their calculations ranged from \$8 to \$12 curiously enough not gauged by their actual earnings. For a stripper, earning \$5.50, a girl earning \$7 with family responsibilities, a girl getting \$6 without family responsibilities, all set \$8 as a minimum. Another girl boarding and earning \$5 placed the minimum at \$10. "If you expect to save a bit, you must be getting \$12."

To the girl adrift, earning \$5 to \$8 a week, home rarely spells out comfort, quiet, rest, a place where fagged nerves and weary limbs depleted by the day's grind are recuperated. Nor is it because the girls are ignorant of, or indifferent to, a better manner of living. To forestall any misconception regarding these girls, it may be well to emphasize that they are not all newly arrived immigrants, with low standards of living, but a large proportion are American born and bred, living under conditions to which they vehemently object, yet are powerless to improve, because their pay envelope holds so little.

Need one point out that thousands of women in industry do not live in a manner to increase their working efficiency, add to their vitality, or conserve their potential power for motherhood. The shop girl, because she earns so little, and works so hard, lives in congested, frequently unseemly quarters, robbed of all quiet and privacy. Though often cruelly spent at the end of her day's work, she comes home to a frugal meal and to more toil.

Time and again starved in her play, ignorant, tempted in various ways — what a pitifully strange and widespread social waste she represents.

Commissioner GOMPERS: Does any one desire to ask the lady any questions?

(There was no response).

Mrs. IRENE OSGOOD ANDREWS addressed the Commission:

By Mr. ELKUS:

Q. Mrs. Andrews will you give your full name? A. Irene Osgood Andrews.

Q. Will you tell us some of your qualifications for investigation work? A. I am a graduate of the University of Wisconsin, and was factory inspector and special investigator for the Wisconsin Bureau of Labor for two years. I was head resident of the Northwestern University settlement in Chicago for a short time, and since that time have been assistant secretary of the American Association for Labor Legislation.

Q. Now you did some work in investigating certain causes and effects with reference to labor for this Commission? A. Yes.

Q. Will you tell us particularly what work you did? A. My work related entirely to the question of irregularity of employment in its relation to the living wage. It was confined entirely to that aspect and covered all industries for which information was available.

Q. How long were you at work making these investigations? A. Most of the time for four months.

Q. In what particular trade? A. I covered all trades, that is, I took that one point of irregularity of employment for as many trades as there was information.

Q. Will you proceed then, Mrs. Andrews? A. I would like to make my remarks very short on account of the lateness of the hour and perhaps I can file a memorandum of some of the other points. Also because so many of the speakers preceding me have brought out so clearly the relation between irregularity of employ-

ment and wages. For instance when we say a girl gets six dollars a week or eight dollars a week, I think those who have heard the testimony at these hearings will not now assume that you can multiply that six or eight dollars by fifty-two and say that \$312 or \$416 is her yearly income. That, I think, is one point that we have learned from these hearings so far.

I want to speak briefly and call your attention to what the girl with irregular employment is subject to. It is obvious of course to all of us that complete loss of work occurring when an employee is dropped entirely from a payroll of an establishment, means the stopping of all income, and the discouraging, often heart-breaking task of seeking a new job and going from place to place, really begging for work. At other times employees are only temporarily laid off, it may be for a few days at a time. One department may be closed for a short time or perhaps the entire establishment shuts down for a few weeks or few days, and in such a case the worker remains with the establishment and must simply wait until it is opened again. Such periods of irregular work, often extending over several months, are usually accompanied by a great deal of short time work, that is the employee stays on the payroll, but may have work for only a few hours a day for two or three days in the week or perhaps is entirely unemployed. What this irregularity in her employment means may be illustrated by the story of Katie who was a skilled garment worker, and for two months and a half during the year had no work at all, but of the remaining nine months and a half, which is a significant point that I want you to see, she had only three months full time work. During the other six and a half months she never had work for more than five days a week and sometimes for as little as two days a week. What that irregularity means to her income you can all judge for yourselves.

An illustration of how industry is at times run may be taken from one typical establishment. This establishment was shut down for two weeks entirely in July and also on two separate occasions in May and in June, losing five and a half days in this way, but in addition no less than 24 times during the dull half of the year, that is between January and July, from one to 21 departments were closed at various times for from one to three days

at a time. The smallest total number of days lost in this way was five and a half in three of the departments and the greatest number was $28\frac{1}{2}$ days in one of the departments. In other departments the losses range between these two figures.

One of the most important factors in irregular employment was found in the enormous amount of shifting from place to place and from factory to factory which exists among practically all industrial workers. In New York City, for instance, in the year studied by the Factory Investigation Commission, 45 per cent, nearly half of the women employed in the confectionery industry, stayed only four weeks or less in the same place, and two-thirds of the employees stayed less than three months of the year. Only 12 per cent of them remained for 11 months or over. You can see the enormous amount of shifting that occurs in this industry.

Q. Is there any cause for that, Mrs. Andrews? A. I think the causes are quite mixed. The industry itself is quite disorganized, and of course we have the busy and rush seasons which a few employers, I am glad to say, have taken the trouble to smooth out, as far as possible, but only a few. We hope that more may do so.

Q. It can be remedied very largely, can it not, this rush season? A. In many industries it can be remedied. Some employers have done it and if a few have I do not see why others can not. In the paper box industry, we may say confectionery and paper boxes, about half of the employees remain only two months in the year. From ten to fifteen per cent remain 11 months or more. It is needless to go further in detail on this question.

The same situation occurs in practically all industries.

Another very interesting point on the question of shifting of workers, which will bring this point home very clearly I think, is that in some of the department stores in the city, in order to maintain an average force, that is an average force for the year of 1,460 workers, the store added to its payroll 2,605 and dropped from its payroll 2,657. In another department store to maintain an average force of 3,750 employees, it added to its payroll 12,159 and dropped from its payroll 10,382.

You can see what an enormous waste that is, not only to the

employer in his business, but what a social loss it is to the worker and to society in general.

Q. What do you say is the cause of that? A. Of course the outstanding cause is the fact that in the department stores work is seasonal. At Christmas time they have to have an enormous number of workers.

Q. They only come for a few weeks? A. Yes, sir.

Q. What is the other cause outside of the Christmas season? A. I think that a part of it is due to the undisciplined and untrained character of the workers themselves. I think that is a very large factor.

Q. That is they want the change of going from one place to another, they are dissatisfied? A. Of course we must never forget that in most of these industries wages are very low and conditions are frequently bad, and a large number of the girls, if they can better their condition, change from place to place. That is one big element in addition.

Commissioner DREIER: Have you found any dismissal of the force and the taking on of a cheaper grade of worker; could that be any reason? A. We did not go into that question.

I may say that it is extremely difficult to get full statistics on irregular employment. It is shown most often on the question of the variation of wages, and upon actual earnings for a period of time. In order to learn more about this loss in earnings, we selected from the very best factories a group of the steadiest workers, all over 16 years of age, and all of them paid by the week. I wish you would notice that point particularly. These workers represented in every way a superior class of employees. Comparison was then made between the scheduled rate of pay per week and actual earnings per week. Out of 246 such workers in the paper box industry 31½ per cent just equaled a schedule rate of pay; 21½ per cent averaged more than their schedule rate of pay, while 94 per cent earned less than their schedule rate of pay. Of these 94 per cent who fell below their rate almost two-thirds lost over 10 per cent of their supposed earnings during the time they worked while one-fourth lost from 16 per cent to 25 per cent, and 15 per cent lost over a quarter of their supposed in-

come for the period. In the confectionery industry we selected a similar superior group of workers, 1,063. Out of this number about 2 per cent received above their schedule rate and 9 per cent received their rate while 89.7 per cent earned less than their scheduled rate. Of the 89 per cent to suffer a wage loss two-thirds lost more than 10 per cent of their rate and a quarter lost from 16 per cent to 25 per cent and nearly a fifth lost over a quarter of their supposed income. The average wage loss for the entire group was about 15 per cent of the scheduled rate. A girl who was rated at six dollars a week, who should have had an annual income of \$312 would in reality receive \$265; a girl at eight dollars a week, instead of an annual income of \$416, would receive \$353.50. These are statistics of large masses of girls, and in any average or aggregate extreme differences are smoothed down and the greater fluctuations disappear. If we want to realize the human side of the problem, how individual girls are affected by these wage differences, we must select individual instances of how much they get week by week. Three such representative workers were taken or employed nearly the whole year in factories. These were piece workers. Mary, Nancy and Mamie averaged in weekly wages \$7.10, \$5.69 and \$9.35 respectively.

Q. What trade? A. Confectionery.

Q. What are they, dippers? A. I don't recall. They were steady workers and not the shifting class of workers. Mary received as little as \$4.20 in one week and as much as \$10.01 in another. Nancy received only fifty cents one week and the next week she did not work at all. In another week she made only \$2.91, while in her best week she received \$8.79. Mamie's weekly wage average was between \$3.27 and \$14.37. We have here, therefore, differences of 58 per cent, 66 per cent and 72 per cent between the largest and the smallest weekly wages of these supposed steady, regular workers, and the surprising fact to those unfamiliar with present factory conditions is that nearly as great a variation was found in the wages of the time workers. I want to emphasize that fact, that there is not this tremendous difference that we are in the habit of thinking, between piece

workers and time workers. The time workers suffered just as much as the piece workers.

I want to speak just one moment on the question of dove-tailing employment. So many people say if Mary is thrown out of this job can she go over to Mr. Smith's factory and get a job. We averaged the employment figures for all of the industries that were investigated by the Commission, and we found that the busy season in all of the industries practically coincided. There would be slight variations, of course, but practically they coincided. Now in addition to this, in the question of dove-tailing we must consider also the question of skill. It is not easy for a girl that has been accustomed to doing one kind of work to suddenly drop into another factory and take up another kind of work. There is also the psychological effect which we cannot forget. And the very worst thing I think about dove-tailing is the moral and physical degeneration that must come from going from door to door and begging for a job. A girl gets to the point where if she has been working for \$8 a week she says, "Give me anything, I will work for \$3 a week if that is all I can get." That is the natural result.

Q. Of course, that also hampers their efficiency? A. Seriously so. I want also to bring out the fact that it is only the girl who is absolutely out of a job who can do this. So many of the girls remain on the payroll but they have this short time work which cuts down their income.

Q. Could that be avoided, Mrs. Andrews — the short time work — by the employer arranging his business differently? A. It has been avoided by some manufacturers. It has been done very nicely in the shoe industry and several other industries.

Q. Is that because of organization? A. It is largely because of organization in the industry. A few employers have realized that it is economy to them to do it. They have their overhead charges throughout the year and they feel that it is a loss to them if they are not working their establishment throughout the year, and therefore by planning ahead and selecting steady orders rather than temporary orders —

Q. It is an economic benefit to both, to the employer and the employee? A. Yes, sir.

Q. That has been found to be so? A. That has been found to be a decided advantage. I just want to close by saying that all of these facts which have been brought out here by the previous speakers seem to me to indicate very strongly the need of establishing a living wage board or commission in New York State, not only for the purpose of fixing a minimum rate of pay, but also to help regularize employment. It seems to me, in view of all of these facts that unless industry is regularized we must, in addition to what we consider a living wage, add to that possibly 15 per cent to cover the time lost by the girls through unemployment. We need such a board then to study conditions, to work with employers and employees in getting at the roots of the situation and to co-operate in bringing order out of the present chaotic condition of industrial management.

Mr. ELKUS: I think it only fair to Mrs. Andrews to say that besides preparing for the Commission a very valuable digest of all the laws affecting wage legislation in all the countries of the world and in all of the States of the United States, she has undertaken this investigation at practically little cost to the Commission and we are indebted to her for her work in both respects.

Commissioner GOMPERS: I am sure Mr. Elkus and Mr. Shientag expressed the Commission's appreciation and gratitude to Mrs. Andrews for her valuable work, not only for the Commission, but for the general welfare and betterment of the women workers, and for all of the people, and I may say at this point, this Commission in every question, has had the intelligent and sympathetic co-operation and services of a large number of good women and good men and that it has all contributed to the effort of the Commission to try and make things somewhat better in the lives of our women workers particularly, and our men workers incidentally and perhaps for the protection of the children.

The Commission has not undertaken to revolutionize industry. That would have been a most impracticable and unwise course to pursue, even if the Commission had the power. The interest which the people of the State and particularly of the city of New York have manifested in the investigations of the Commission

and that which the Commission has tried to do is a source of gratification. It is not within our knowledge as to whether at this time it is the desire of the Commission to have a new lease of life or to ask the Legislature for such a new lease. However, whether that be requested of the Legislature or if requested whether it is granted by the Legislature, is not a matter of immediate moment, but one which will receive the consideration of the Commission and of the Legislature later on. I think I bespeak the sentiment of the counsel as well as of the Commission for the kindly consideration of the general public, of the men and women of our State who are giving deep thought to the problems with which we are confronted, and the effort to find a way out, for protection against wrongs and evils and mismanagement, and to try and bring some little more light into the lives and hopes and the spirit of the men and women of our time, particularly those who toil, and to safeguard the children of our time for a better manhood and womanhood of the future, on which after all the safety and perpetuity of our republic must ultimately depend.

Mr. COHEN: Referring to the causes of unemployment, do you not believe that owing to the vocational disadvantage of the many young girls seeking in a certain field for employment, that that is also a great factor; that they are so often thrown out of work. I mean that because they are not adapted to the particular vocation in which they seek employment?

Mrs. ANDREWS: I think that is very true. The young people go in the industry very early. They are quite untrained and undisciplined and it is difficult for them to keep their work.

Mr. COHEN: I take it for granted that you are acquainted with the Boston Vocational Officer in the Public Schools; do you not believe that if these activities were spread more in other cities—let us say in New York—where a vocational adviser would interview boys and girls before they graduate from public school and thereby further advise them in what capacity or in what field they would be more successful than in others that this would eliminate probably a great many of the shiftings in position that we have now at the present time?

Mrs. ANDREWS: Yes, I think that would be a very great factor. I think any system of industrial training that is not connected very closely with the labor exchange or with some authority that can give them information concerning the opportunities in industries will be a failure, because otherwise they would be simply going into occupations that are already overcrowded.

Mr. DIETZ: In reference to unemployment do you not think that the main cause of unemployment is the fact that the employer is unable at certain periods of the time to avail himself of the opportunities of giving these employees jobs; in other words he is in a position where it is not profitable for him to employ them?

Mrs. ANDREWS: That is obviously true. It is his duty to study his business and be able to give them employment as far as possible.

Mr. STONE: I would like to ask Mrs. Andrews whether it is possible in an industry like the garment industry, making cloaks and suits and waists, with the fluctuations in styles, where it is impossible to make up stock for future use, whether she sees any possibility of the employer studying the employment and spreading it over a year?

Mrs. ANDREWS: I must plead guilty to that. I do think we women are very largely responsible for the fluctuation in the garment industry, and I do think you have a very serious problem there, but possibly if you bring a little pressure, all working together might be able to help.

Mr. COHEN: Do you think it is possible to change the ideas of women on that?

Mrs. ANDREWS: That is not impossible. Women are becoming more rational on the question of dress.

Commissioner DREIER: Isn't it true that the most efficient designers of the details of dress are men?

Mrs. ANDREWS: Yes, that is true.

Mr. ELKUS: Mr. Chairman, as was announced at the opening of these two days of hearings, these facts have been presented and will be available for any one who desires them and at some future time—in the near future there will be hearings held for the discussion of conclusions upon these facts, that is, upon recommendations or suggestions as to recommendations. Those dates will be announced later.

The CHAIRMAN: The Commission will take a recess subject to the call of the Chair.

**HEARING OF THE NEW YORK STATE FACTORY
INVESTIGATING COMMISSION, HELD IN THE
HALL OF RECORDS, SURROGATES COURT
ROOM, MONDAY, JANUARY 4, 1915,
AT 10:30 A. M.**

Present — HON. ROBERT F. WAGNER, *Chairman.*
HON. CHARLES M. HAMILTON,
HON. ALFRED E. SMITH,
MR. SAMUEL GOMPERS,
MISS MARY E. DREIER,
Commissioners.

Appearances.— HON. ABRAM I. ELKUS, *Chief Counsel.*
BERNARD L. SHIENTAG, *Assistant Counsel.*

SUBJECT: MINIMUM WAGE.

MR. ELKUS: I understand that Mr. Charles Francis of the Charles Francis Press desires to be heard and I have some letters and documents that I want to have put on the record, so with your permission, Mr. Chairman, we won't wait for the other members but will go ahead as far as we can. The Commission sent a letter after the last hearing to every concern, corporation and co-partnership whose business had been investigated, telling them of the hearings which have been had and the report which had been made by Dr. Woolston. That report is in type and has been sent to a number of people for investigation and examination, the idea of this hearing today, tomorrow and Saturday being this: Dr. Woolston made his detailed report, giving orally the substance of it, stating what had been accomplished by his investigators and giving his conclusions, and the other investigators have also made their reports. Time was then given to those who desired to discuss these reports and give their views upon the whole question at these hearings, so that those who come here are in a position to

know what facts have been brought to the attention of the Commission and, if they wish, give any additional facts and also give their views on this subject, so that the Commission may be prepared to make recommendations to the Legislature upon the question of the minimum wage.

Of course it is understood that the Commission has formed no opinion or conclusion upon the subject at this time. Now in order that there may be no misunderstanding, and that hereafter no one may say that facts which the Commission had gathered were inaccurate, the Commission sent this letter to every concern which had been investigated by the Commission or its agents which I will read with your permission:

“My Dear Sir.—The Commission will hold a public hearing to consider the subject of wages, and to hear suggestions from those interested concerning the advisability of enacting some form of wage legislation for New York State. The hearing will be held on Thursday, January 7, 1915, at 10:30 A. M., in Room 504 of the Surrogates Court, in the Hall of Records, Chambers Street, New York City. The Commission would like very much to have you appear at this hearing and bring to its attention whatever facts you desire with reference to wages and the wage problem generally, and to make any suggestions and recommendations on the subject that you deem advisable.

We should be glad to hear you fully, and to call any witnesses that you desire.

We are particularly anxious to have you appear personally because yours is one of the establishments in which detailed wage statistics were gathered by the Commission's investigators, and we feel that your testimony would be of help to us in formulating our recommendations to the Legislature. The Commission is of course empowered to compel the attendance of witnesses by subpoena, but we prefer that such attendance be voluntary.

I hope that you will avail yourself of this invitation, and would appreciate it very much if you would notify the counsel to the Commission at your earliest convenience whether you will be present.

Yours very truly,

ROBERT F. WAGNER,

Chairman.”

That was sent by the Chairman of the Commission, Senator Wagner. There was sent to each of the persons interested printed copies of the report of the director with reference to the paper box industry in New York City; the report of the director with reference to the confectionery industry in New York City, and the report of Miss Van Kleeck for the Commission on wages in the millinery trade, and, as I said before, advance copies of Dr. Woolston's complete report.

MR. CHARLES FRANCIS addressed the Commission.

By Mr. ELKUS:

Q. Your full name is Charles Francis? A. Yes.

Q. And you are president of the Charles Francis Press? A. I am.

Q. And that is engaged in what business? A. In the printing business.

Q. In this city? A. In this city.

Q. Whereabouts? A. Thirty West Thirteenth street.

Q. We will be very glad to hear what you have to say, Mr. Francis? A. The most that I have to say was contained in the letter of Judge Ommen, which was sent out by Judge Ommen as counsel for the Typothatae some time ago and is contained in this communication here. I at that time investigated the matter very closely and gave it careful attention. Since then I have been very busy and have been unable to give it further attention, and this contains practically the whole of the conclusions which I drew on the subject of the minimum wage or any minimum wage legislation.

Q. What is your conclusion? A. My conclusion is that insofar as the State is concerned it would be much better left alone.

Q. In your business do you employ women as well as men? A. I do.

Q. What wages do you pay the women? A. The average wage of the women in the bindery is about \$12.00. In the composition room where they work alongside of the men it is fully as much as the men earn, four dollars a day.

Q. So that the minimum wage law, if there was such a thing, which made a minimum wage of eight or nine dollars a week would not affect you at all? A. Yes it would.

Q. In what way? A. In the fact that it would interfere with the average. We have to have some people not as competent as others.

Q. When you say twelve dollars a week you mean that is the average? A. That is the average.

Q. What is the maximum wage for women? A. The minimum wage would probably be eight dollars.

Q. Am I correct then, Mr. Francis, in understanding you to say, that no woman is paid less than eight dollars a week? A. She may earn less on piece work.

Q. What is the lowest sum paid to women on piece work? A. The average would not be less than that.

Q. On piece work? A. Yes, sir.

Q. And binding? A. In the piece work and binding.

Q. Now will you give your reasons for your views about the matter? We will be very glad to have them. A. I have been in the printing business for something over half a century, and also in various countries. In New Zealand, in Australia, in England, and in the United States, I have found that wherever legislation attempted to interfere with the minimum wage that it was usually a failure, because the workers will take care of that themselves. I would state that at the present time I am running what they call a closed shop, a union shop, and I pay practically the maximum wages that are being paid in the business. I aim to have the workers work with me rather than for me.

Q. May I interrupt you to ask you a question? A. Certainly.

Q. You say where there was minimum wage legislation where you were familiar with it, by the state, it was a failure; now in what states or countries were you in where such legislation was had? A. They attempted that in New Zealand, and, at this time — it is so long ago I can not tell you why it was a failure.

Q. How long ago was that? A. That was in 1867 and 1868.

Q. Was that for men or women and children? A. It was for all.

Q. You don't know why it was a failure? A. No.

Q. Is that the only country or state where you know of it being a failure? A. Where it has been the subject of legislation.

Q. Are you familiar with the fact that there has been minimum wage legislation in several of the states of the union? A. Yes.

Q. Do you know anything about it there? A. I do not, in those states.

Q. So that you are not prepared to say there whether it was a failure or success? A. I am not.

Q. Your views are given about something that happened in 1867 in New Zealand? A. In New Zealand.

Q. Don't you know Mr. Francis that in New Zealand today they have minimum wage legislation? A. Yes but they have an entirely different plan of organization.

Q. But they have some system? A. Some system.

Q. And it has been going on since the '70s, for the last 40 or 45 years, in that length of time — some years? A. Yes.

Q. I don't care particularly about how long, but for a number of years? A. Yes.

Q. Do you know what the system is there now? A. I do not.

Q. Do you know whether it is successful there or not? A. I know their general plan is successful but it is an entirely different plan from what is proposed here.

Q. There is no plan proposed here; what plan do you understand there is proposed here? A. They take care of the employer as well as the employe.

Q. What we are trying to do is to get a plan, so if you have an idea there is some plan proposed here you are mistaken? A. If you wish me to state the plan that I think would be effective —

Q. That is what we would like to get your views upon? A. I will state that very distinctly, if you are going to make a minimum wage, which minimum wage would become the standard wage, because that would be the standard wage, it could not be anything else,— it does that invariably — you can take any nation that establishes the minimum wage and that minimum wage is the standard wage and if you are going to establish the standard wage then there is a standard expense and I think if the government undertakes to do that that it should also undertake to make a standard price for the work, which is the employer's end of the proposition.

Q. I do not think that anybody ever suggested that, to fix a minimum wage and a minimum price — however go right ahead Mr. Francis? A. That is the point that I make, and if that standard price was made then it ought to be made on a scientific

basis which would give the employer a proper profit for his business. If the state is going to step in and state how much an employer shall pay for his labor which he is selling then it should state also a standard price which he should get for that labor which he sells, enabling him to make a reasonable profit.

Q. Have you any further suggestions to make; what was the plan you had in mind; was that the plan you meant you had in mind? A. That is the plan I have in mind, yes.

Q. Now do you draw any distinction between fixing a minimum wage or having a board fix wages in different trades where women are employed or minors other than men? A. I don't like that question the way it is put.

Q. Answer it any way you like? A. If you take the children out of that question, and I say I think they ought to be placed upon an equal basis — children have got to be protected — they have got to be taken care of.

By Commissioner DREIER:

Q. Do you mean there is a minimum wage for children, and one for women, is that your idea? A. No I don't believe in a minimum wage at all because I think it will regulate itself in the matter of business.

By Mr. ELKUS:

Q. In what way? A. I mean if there is going to be any legislation in regard to the question of wage at all it should be upon an equal basis for women and men.

Q. How about minors? A. Minors I think would have to be taken care of in some way.

Q. By the State? A. I don't think by the State.

Q. How would you suggest that they be taken care of? A. In a general sense, I think, they should be taken care of in the ordinary business way that they have been taken care of for years. For instance you can take in our business many years ago when an apprentice came into the business he had to pay some twenty or fifty pounds in England for the privilege of learning the business and he got but little if any wages for the first two or three years. That has been practically discontinued.

Q. Your business Mr. Francis is what might be called a skilled business, it requires skill for anybody who is employed in it? A. It requires skill.

Q. Now you say that wages are regulated in a general way by business, that is you mean in businesses like yours the employees are associated together and have an association which takes care of their interests in the matter of wages and hours and so forth, is that right? A. Yes, perhaps it might be well for me to explain the association which we have. We have an organization called the Printers League of America, which is for nothing else but the establishment of wages. We employ union labor. All the employers of this organization employ union labor and they have a peace compact with the unions which states they will employ their members and that all negotiations shall be on the basis of consultation, conciliation and final arbitration on any question that comes up; no strikes, no lockouts, and we have found it to be eminently successful. We have had two arbitrations since this went into effect in the latter part of 1906, and those two arbitrations were perfectly satisfactory to both parties. Everything else has been settled between the unions and our organizations by methods of consultation and conciliation.

Q. So you have no objection to your employees organizing?

A. I would rather they would.

Q. Because you then have a responsible body to deal with?

A. Yes.

Q. Now are you familiar at all Mr. Francis with the amount of wages paid to women and minors in employments which do not require much skill or training and where they are not organized? A. I have very little experience in regard to other businesses than the printing business.

Q. Have you any information yourself as to what is a living wage for women to live upon in this city? A. That is a very difficult question.

Q. Now it appeared before the commission that there were hundreds or thousands of women receiving four and four dollars and a half of week and five dollars a week and six dollars a week,

as well as men, but I am talking of women alone; from your experience as an employer employing women are you able to say and can you say whether or not that is a living wage in this city?

A. Well, I should think it was pretty low but there are other things to be taken into consideration in regard to that same thing, and that is this: For instance you take a person who is not expert, even though it is not an expert, scientific proposition you are going into, if they are not accustomed to the work, anybody who goes into a position of that kind will take at least three, four or five weeks before they will be worth anything to the employer, and during that time it has been the custom in some instances I know of to hold them two weeks on absolutely nothing.

Q. I am not talking about the preparatory period; we are talking about where the average wage for years has been the amount stated? A. Wouldn't that standard wage apply to them the same as anybody else?

Q. I don't know, I just want to get your opinion as an employer? A. In the preparatory stage I should say it ought not to apply.

Q. But after the preparatory stage is over? A. After the preparatory stage I should think they ought to receive enough to live on anyway.

Q. Are you prepared to say what you think would be a living wage? A. I am not.

Q. Now do you know of any other way, where wages are below the living wage, do you know of any way by which they can be raised except by either a union or an organization of working people or by governmental action? A. In every case I should think that the commercialism of the proposition would take care of itself. There are certain things upon which you can not afford to pay more than a certain price. Now it may be that you can get that labor or you can not get that labor and the commercialism of it is just merely this, you can either do those things, that is you can either hire that labor at that price or you can go without the business.

Q. You mean it is regulated by the law of supply and demand? A. Yes. Another thing I would like to state right here

is this, that the wages in New York City, as a rule, are very much higher than they are in any city in the United States, especially in our line of business.

Q. Isn't that because in your line of business the employees are so well organized? A. That is partially the reason, and at least fifty per cent. of the work that emanates in New York is not done in New York City, it is done outside, and a person on a minimum wage can afford to live in a country town very much cheaper than they could in New York City.

Q. That is the reason I take it that wages are smaller outside the State or outside the city, that is because the expense of living is smaller as well as lack of organization? A. They may be smaller in size and yet greater in purchasing power.

Q. Then is it your opinion that no matter how low the wage may be paid to women or children that there should be no action by the government at all? A. That is my opinion.

Q. You think the employees should be left to organize themselves or the matter should be left so that the employer may employ labor as cheap as he can get it? A. I think that is the commercialism of the whole proposition?

Q. You think it should be left to a purely commercial proposition? A. I certainly do.

Q. And that the State should not interfere and has no interest in the matter? A. If they do interfere they ought to go further.

Q. They should not interfere unless they are willing to guarantee to the employer his price for the merchandise? A. A proper return for the work he is doing.

Q. In other words, if it was disclosed that there were in this city hundreds and thousands of women who because they were unable to organize were receiving salaries of four or five dollars a week, which turned out to be less than a fairly living wage, that nothing should be done in their cases whatever but the matter should be left to right itself on a commercial basis? A. I believe that is the only basis upon which it can be done.

Q. Now suppose it turned out, Mr. Francis, that because these women and minors received these wages, they were really a burden upon the public and upon the State and had to be taken

care of in other ways for the balance of their living expenses would that alter your opinion in any way? A. It might. I should have to have it proved first.

Q. Assume as a matter of fact that it was so? A. Don't we assume as a matter of fact that these minimum wage people are members of a family, of which the head may be receiving a pretty high price while those who are coming into the factory are earning a smaller wage and assisting in their living and making their living?

Q. You think that it is an excuse then, as I understand you, for paying a low wage to a person less than a living wage, or what they are entitled to, that somebody else in the family is earning more than enough and can support them or partially support them? A. I think it stands to reason that the father of the family should have sufficient to help his own family into a proper position.

Q. What I mean is this, if because the man who is at the head of a family earns twenty dollars a week, we will say, is that sufficient reason why his daughter who is 21 years of age should only receive four or five dollars a week? A. If that is all she can earn, yes.

Q. Although it is conceded that it is not a living wage for her herself? A. I don't see that that question is material in the proposition.

Q. Then would you determine the wages of a woman working in a factory on a different basis if she lived at home than if she had to be self-supporting; I am asking for your information; we want to get your views on the subject? A. I should disagree with the whole proposition.

Q. You say that perhaps these people are not dependent because they live at home; when you say you disagree with the proposition you mean that should not be considered at all; whether she lives at home or not? A. I don't see how you can interfere with the family relations of the parties who are applying for work.

Q. No, but would the fact that she lived at home have anything to do with her? A. It might from her standpoint.

Q. But not from yours? A. From our standpoint it would be just merely what she could earn.

Q. In your business whether a girl lives at home or not does not make any difference? A. Very little because they get the same price anyway.

Q. They get the same price whether they live at home or not? A. Exactly.

Q. Isn't it a fact, unless a girl is supported by some other person, either in a family or out of a family, if she receives less than a living wage the State must in some way either directly or indirectly take care of her? A. I can't see that.

Q. I say unless she lives with her family? A. Unless she lives —

Q. Yes? A. Well that might be and might not be.

Q. And isn't that then a shifting of the burden of taking care of the girl from her employer by not paying her a decent wage to the public generally? A. I can't see where the State comes in in the proposition. I think the commerciality of the proposition would take care of itself.

By Commissioner DREIER:

Q. Mr. Francis don't you think an industry ought to pay its employees wages upon which they can live? A. If it is put in in that way, yes.

Q. What would you do with an industry which is not paying, apparently not paying wages, upon which the great majority of the people who are working in that industry can live? A. Sometimes I consider it is impossible for the employer of labor to pay any such wages and that the thing must regulate itself, and if they are assisted they must be assisted in some other way.

Q. Would you have them assisted by having a special pension for them? A. I think that the family relationship would be the proper plan.

Q. In other words, if a woman was supported partially by her husband or her father, the fact that she worked eight or nine hours a day in the factory would not of necessity give her the right to earn a living wage — a wage upon which she can live?

A. Not unless she can earn it commercially, because the commerciality of this whole proposition is the real action. It is the business of the whole community. If for instance I can only get a certain price for goods it is up to me to get them manufactured at a little less than that in order to leave a margin for the employer. It can't be done in any other way.

Q. You don't think the margin to the employer is too high sometimes? A. Judging by my own experience no, I do not think so, and judging by the experience I have had in looking over the financial condition of our business I should say it was a very small amount that the employer got. I mean the general employers of the city in our line of business.

By Mr. ELKUS:

Q. How long is it since the employees of the printing trades have been organized, the women? A. The women fifteen years.

Q. Before that were their wages smaller or larger? A. Smaller.

Q. How much did they get then on the average? A. Well I presume the advance has been 35 per cent.

Q. Since organization? A. About that.

Q. And you as an employer say it was a very good thing they did organize from the manufacturer's standpoint? A. No, I don't say that, I say I would sooner have them organized than unorganized because instead of dealing with every individual in your place you deal with the whole body as a union.

Q. I don't want to misquote you; were you opposed to organization or in favor of it? A. I have never been opposed to organization for the protection of the working people.

By Mr. OMMEN:

Q. Mr. Francis, the question of wages in the printing industry, for example, what percentage of the cost is that in the manufacture of the articles? A. From 90 to 95 per cent.

Q. And you base the price of your products on the price of your wages? A. Exactly.

Q. And if your wages go up the price of your product must go up? A. Yes.

Q. Now if that were prevalent in every wage earning business can you see where the opportunity for women to have any more money than they have at present would come out? A. That would leave the impression with me that it would be a cheapening of the dollar; in other words it would not purchase as much.

Q. If it were universally adopted in this State it would raise the price of products in every industry the same as it would in the printing industry and the woman herself would not have any more to live on than she has to-day? A. That is exactly what I mean, the dollar would not purchase as much.

Q. So that there would be no benefit to the women by having a minimum wage if you raise the price of the things they have to buy? A. Not a particle.

By Mr. ELKUS:

Q. And yet you would be opposed even though it had no benefit to the women? A. I don't get that exactly.

Q. I understood you to say to Judge Ommen that if the minimum wage was established or some wage was fixed, and wages were increased, that that would only be an artificial raise and would not be any real raise or any real benefit, is that right?

A. It would upset the business because you would have to raise your price proportionally and that is a very difficult thing to do.

Q. And as I understand you to say it would not be of any benefit to the women who were supposed to be benefited? A. I do not think it would be of much benefit to them.

Q. It would be some? A. I do not think it would be any.

Q. I just wanted to get your opinion; you would still oppose it although it would not be of any benefit? A. I oppose it on the basis that it would not be any benefit.

Q. Now when the wages were increased 35 per cent., after the women were organized, did your prices for printing go up or go down? A. The prices for binding — it is more on the binding than on the other because in the printing business a woman is exactly on the same basis as the man.

Q. Did prices go up or go down? A. They went up.

Q. Are they more to-day than they were fifteen years ago?

A. They certainly are.

Q. How much more? A. As much as the wages.

Q. Thirty-five per cent. more? A. Thirty-five per cent. more.

Q. And yet the women receive more in the printing industry than in other trades? A. They do but their purchasing power is not that much.

Q. You think they are no better off than they were when they got four dollars a week fifteen years ago? A. I might explain that on this basis; for instance when I left England the wages of a compositor were nine dollars a week. The wages of a compositor in the United States was eighteen dollars per week, and I was asked the question where the difference came in between the United States and England. I said if you can save a dollar a week on the nine dollars in England and two dollars in the United States and if you go back to England to spend it you will make two dollars but otherwise you will not.

Q. How about living here? A. Living here will cost you twice as much; it would at that time.

Q. At that time. A. At that time.

Q. But not now? A. I couldn't say.

Q. When was that? A. 1871-78.

By Mr. OMMEN:

Q. So that you base this on the ground that it would be of no benefit to the women or to the community? A. That's it exactly.

Q. Do you also base it on the ground that it is an interference on the part of the State with the proper conduct of business? A. Exactly.

Q. Now what is your opinion as to the effect on the efficiency of the average woman or man that works in your place if a minimum wage were created? A. It would tend to a certain extent to destroy that efficiency without a doubt.

Commissioner DREIER: Why?

Mr. FRANCIS: Because they would know if they were going to get a certain wage and they would not be placed upon the basis of their production.

By Mr. ELKUS:

Q. Isn't it a fact now that by your agreement with the unions they really have a minimum wage? A. In consultation for the benefit of the business.

Q. You mean by agreement? A. Yes and consultation.

Q. But that is fixed as a minimum wage? A. It is.

Q. That does not demoralize the men and women does it? A. It is fixed as a minimum wage with certain restrictions, restrictions as to apprentices and cheaper labor.

Q. But as a matter of fact you now fix in your business what some people might like to have the State do? A. Some people might like to have the State do it but —

Q. You fix by agreement what some people want the State to do; now supposing it was so created by the State which said that employes might agree with their employers upon a wage, through association or otherwise, and that if they could not agree, or, rather, put it this way, if no minimum wage could be fixed then this board should have the power to fix a minimum wage after hearing all parties? A. That is where I think the interference comes with the business.

Q. There should not be such interference? A. No.

Q. Suppose the people could not organize or were too weak to organize the employees would you suggest a remedy in that case? A. I can not see any reason in that case; the competition would make the remedy.

By Commissioner DREIER:

Q. Mr. Francis, if you had a wage board — take the millinery trade for example — composed of an equal number of employers and employees wouldn't that be exactly the thing you have now in your trade? A. Yes.

Q. And if their decision should be accepted or the State would say the decision of this board as to the minimum wage to be paid shall be accepted by the trade in question, isn't that practically the same thing you have? A. Except this one point, that each one of those are elected from a business which they know something about.

Q. That would be the idea in the wage board; they should be elected by the people they represent? A. I do not see that that would be any different from what it is to-day.

Q. Except that this may possibly be enforcing it in trades where there is no organization? A. I believe in one thing, I believe in fairness between the employer and employee and have always done so, and I think I bear a good reputation on that score, and I have always tried to put the employees upon as good a basis as it was possible to do commercially.

Q. If a wage board like this was created wouldn't it be to the advantage of the employer to have the State say if these employers and employees decide that the minimum wage shall be whatever it may be, six, eight or nine dollars, wouldn't it be of advantage to the employer to have that rule apply to the whole trade; there would not be any unfair competition in wages then, would there? A. I rather think that that would be interfering because of the fact that it would be impossible to regulate the scale of wages in the different towns. Take New York and the surrounding towns. Now if there were a commission in each little village, and if it is going to be a determination by a party who is just merely here in New York it would not be fair to those of the country and vice versa.

Q. If that could be overcome might it not be a very desirable thing? A. It might be if it could be arranged, but it has to be arranged by those who know the business they are working in.

By Mr. OMMEN:

Q. Is not the rate of wages regulated considerably by the number of workers who are available for an industry? A. Yes it certainly is.

Q. What would be the effect on the persons who receive a minimum wage if business was rather poor? A. I think the minimum wage would tend to depreciate the output of the organization without a doubt — that is if it was a State law — it would tend to diminish the product.

By Commissioner DREIER:

Mr. Valentine, who is chairman of the Brush Wage Board in Massachusetts said to me that in going through the brush industries he found that the women were so under-nourished that they really could not be efficient and they could not do their very best work because they did not have enough stamina; now isn't it possible if they have a wage upon which they can get enough to eat and nourish themselves that after all their efficiency will be increased? A. I should think the employers could see that themselves.

Q. They don't always see it though; you will have to admit that? (The witness made no reply but smiled.)

By Mr. OMMEN:

Q. Now do you think that the establishment of a minimum wage would have any effect on the individual with respect to his desire to do better work, to produce a larger quantity, to be an efficient worker in the business; what is your opinion as to the effect of the minimum wage on the worker himself with his ambitions and his desire to work out his career in life? A. I think it would have a detrimental effect.

By Commissioner DREIER:

Q. Is there any career in life for pasting paper boxes at the rate of one hundred for ten cents? A. Yes, possibly a career for a woman.

Q. What is the career for a woman who dips chocolates all day long or all her life long, what is the possibility of a career for her? A. There is one thing that is very evident and that is that those positions must be filled.

Q. Quite so? A. And if a person is unfortunate enough not to be able to raise themselves above that position then they remain in that class, but it has been my general experience that if anybody has shown any real ability that they never remain in that position continually.

Q. You think there is opportunity for everybody who has push?
A. Yes.

By Mr. OMMEN:

Q. You mean that the woman who is the best chocolate dipper in the business can get a better job? A. Is going to get a better job.

Q. What job do you think it might be, one of the factory commission? A. I couldn't say. I have been an employer for a good many years and I have always found this; it doesn't matter what a man or woman is doing, if they show energy and perseverance and they want to go ahead they will go ahead.

Q. They don't necessarily have to remain a chocolate dipper? A. No.

Q. Do you think they would be more inclined to remain a chocolate dipper if they had a minimum wage than if they had not? A. If that wage was high enough, yes, I think they would be satisfied to remain right there.

Q. You mean if it was a very high wage? A. Yes.

Q. Don't you find Mr. Francis that in the industry where a woman shows ability and knowledge and push that she gets high wages as a forelady or as an assistant forelady, higher than she does than if she remains at the bench? A. Yes, even as one of the general hands.

Q. As a general hand she gets higher wages? A. Yes.

Q. That is to say if she shows better results with her work and is interested in the concern she gets it? A. If she can shift around from one thing to another and can do each thing equally well, or to a certain extent equally well, she will certainly get more than if she can do one thing.

Commissioner DREIER: Do you make it possible for your employees to be benefited?

Mr. FRANCIS: Yes.

Mr. BLOOMINGDALE: May I put upon the record, in response to your invitation to these gentlemen the Retail Dry Goods Association to state whatever facts they may have, that they do not contradict the facts and conclusions of Dr. Woolston and have no doubt they were honestly collected and honestly collated, but as it has taken the commission six months in time with a body of

experts to go over it we do not wish by default to concede what is there and at the same time we are not in a position to controvert it.

Mr. ELKUS: That applies to all of the members of the Retail Dry Goods Association?

Mr. BLOOMINGDALE: Yes.

Mr. ELKUS: Mr. Bloomingdale you received an invitation from the commission some time ago to examine the records of the commission as to each establishment?

Mr. BLOOMINGDALE: Did I?

Mr. ELKUS: Yes, each individual member of your association?

Mr. BLOOMINGDALE: It may be so, but the work of examining statistics for one who is not accustomed to it is so intricate that I prefer to have this go on the record for I believe the facts have been honestly collected and honestly set forth.

Mr. PERCY S. STRAUS addressed the Commission:

By Mr. ELKUS:

Q. You are the president of the Retail Dry Goods Association now? A. Yes, sir.

Q. You are a member of what firm? A. R. H. Macy & Co.

Q. And you have had sent to you for some time for your consideration the report of Dr. Woolston? A. Is this the one you refer to? (Indicating.)

Q. Yes? A. I received that on Monday.

Q. We should be very glad to have you tell us your views on this whole subject — you have received this questionnaire which was sent out by the Commission? A. Yes I think we must have received that. What I wanted to do particularly was to refer to a few points in this report which was sent to us on Monday. On the whole I felt that the subject and the treatment of the subject so far as I could judge of it was very fair but there were a few points which I thought if they could not be corrected they should be amplified. On page 32 that statement is no doubt true. I do not know that wages ever reflect a scheme for reward proportionate to physical effort, and that refers to physical effort, and I think

it is apt to give a false impression. In a department store we have departments similar to a small neighborhood notion store. At the same time we have other departments in which we have help similar to the finest specialty stores. Now, obviously, those different grades of help can not be treated in one sweeping sentence as they have been treated here and I think it involves a fallacy and is very apt to start wrong thoughts in peoples minds and I would like that put on the record.

By Commissioner DREIER:

Q. May I ask you whether in the stores one department pays for another department; for instance the notion counter where a great many sales are made— would you make it or for instance make another department which has a higher grade of goods to sell, pay for that department, or does each department pay? A. Each department has to stand on its own basis.

Q. Exactly like a small shop? A. Yes. In case it does not careful study is made to determine why not and to bring it up to the standard. Now on page 36 — I hope I am not taking up too much time in referring to these matters —

Mr. ELKUS: No, but if those matters are corrections or calling attention to errors, while we would be very glad to hear you now we would be better pleased to get your views on the main question.

MR. STRAUS: You prefer me not to do this now?

By Mr. ELKUS:

Q. It is calling attention to that sort of a thing which can be done by letter? A. Then I have no particular desire to do it here.

Q. Are there many more of them; if there are only one or two you might go right ahead? A. No there are quite a number and I think your report is too valuable to allow this to stand.

Q. That is why we issued it in the form we did so as to get these corrections? A. I do not think they are of vital importance except as they refer to particular topics of that kind.

Q. You can either do it now or submit it in writing? A. Which-ever you prefer.

Q. If they are the same kind I should think submitting them in writing would do just as well, and we would rather have your

views on the main question of whether or not there should be anything in the nature of minimum wage legislation? A. I am afraid to venture on that. You ladies and gentlemen have been studying that many months, and I would be very glad to be of such assistance as I could in going over a law which you might draw, but whether there should be such a law I do not feel competent to speak on that. I have not come to a decision on that. I am wavering I must admit.

Q. Now in the retail drygoods business there are no organized employees? A. No, there are not.

Q. Are you familiar with the wages which are paid in the various establishments — I do not want to differentiate? A. No, I should hardly say I am familiar with the wages paid in other establishments, except in a general way. There is a tendency to grade up wages now, to increase the average wage.

Q. Since when is that? A. Two and one-half or three years. I wouldn't care to put it down to any time. But we have discussed this matter for the last two and one-half or three years, that it was advisable from all points of view, from our own and other points of view to see if we can not by increasing the efficiency of the individual increase the average wage.

Q. So you have come to the conclusion as men of business that some means must be established, perhaps by voluntary act or agreement, that some sum must be paid higher than what you could hire people for, which should be established as a minimum wage? A. You might draw that conclusion from what we have done.

Q. I don't want to put a wrong conclusion in your mouth; the reason I ask that question is this: the last witness stated in his particular business there was a minimum wage established by agreement; he believed that in those trades where there was no such agreement it should be left to the employer to employ people for what he could get them to work; now as I understand you you have voluntarily increased the amount which you could get people to work for? A. Yes, without question.

Q. And you did that for what reason? A. To try to get better people.

Q. And you keep the same people you had who were willing to continue working for a lower wage? A. We kept many of the

same, but those who were not entitled to a higher wage they will go. We gradually eliminate them.

Q. You practically kept all of them; there were very few who were dropped? A. There is unfortunately a great tendency to change among our employees, so that I don't know what proportion who were with us three and one-half years ago are still with us; I couldn't say.

Q. Now take the cases where there are no employers who are willing voluntarily to increase the wage to what they consider a living wage, because that is what it is; isn't that so Mr. Straus? A. No, we can not consider that.

Q. You don't consider that at all? A. No we can not consider that. I think there is efficiency in living as well as in work and a living wage for one is not for another, in the same industry, so that we can not determine what a living wage is.

Q. In your business you employ very largely women? A. Yes.

Q. Now isn't there a point below which wages ought not to be, that is from a living standpoint? A. I suppose so. I am not prepared to say yes or no to that question. If you want to take an affirmative answer from the fact that we do not pay less than a certain amount for certain work you may conclude that way, but that has not been our point of view.

Q. Now in your own business you voluntarily fixed a certain sum below which you would not pay although you could employ people who could do the work for less than the amount which you paid; now that is the position of one employer; you do that voluntarily; what would you suggest being done if there were cases, as have been shown to the commission, where a large number of people are employed for less than a wage which supports them or permits them to live and the employers will not voluntarily increase the pay, because, perhaps they can not; do you favor any action by anybody with reference to that at all? A. I don't know. That is a thing that I am not prepared to say yes or no to. That involves so many broad economic questions that a quick answer to that would be entirely unjustified. I am entirely non-committal on it. I am open minded on it, I am not prepared to say I would believe in a minimum wage or not. I would rather see the law before I

could say I believed in it. It would depend on that. I believe there have been laws put on the statute books by some states which I would certainly oppose. I believe one of the states has enacted a definite minimum for all labor.

Q. What do you think of minimum wage boards? A. I think a minimum wage board looks as good to me as any.

Q. If there are any matters of importance in connection with this we would be very glad to have you give your ideas to us?

A. I should have to look them over. I think there is one important consideration that must be borne in mind in attempting to determine a living wage, and that is the very important fact that there is efficiency in living as there is efficiency in labor and what is an adequate wage for one is most inadequate for another.

Q. What do you mean by efficiency in living? A. One person at six dollars a week can live comfortably; another at six dollars a week is starving.

By Commissioner DREIER:

Q. You mean a woman who gets six dollars a week, if she knows how to sew and how to wash and how to eat very little food she could get along very much better than the girl that does not? A. I wouldn't say eat very little food. You can take it at ten dollars as well as six. I have seen employees in our establishment that have been earning ten thousand dollars a year and felt they could not live on it, and others have gotten along very well on six and seven so that I think it is purely a question of the individual, I suppose that there is a point below which nobody could live. I am not prepared to say what that may be, I think that is a question for you ladies and gentlemen to study.

By Mr. ELKUS:

Q. Mr. Straus, you spoke of fixing this minimum wage in your own establishment; are you referring to your own establishment or to any of the others in your association? A. I think almost all of the members have done similarly.

Q. That is within the last year or two? A. I think that is

probably two and a half or three years ago. I think Mr. Graff would know about that.

Mr. GRAFF: I think that related to one department only and that was five or six years ago.

Mr. STRAUS: I mean subsequently?

Mr. GRAFF: I think that was the time there was general disturbance in the city among express drivers.

Mr. STRAUS: I do not mean that at all, I mean since that.

Mr. ELKUS: Since the appointment of this Commission three years ago?

Mr. STRAUS: I don't know.

Commissioner DREIER: Was it due to an agitation for more wages?

Mr. STRAUS: I wouldn't say whether it was or not; that might have its effect.

By Mr. ELKUS:

Q. Would you base the legislation along the lines of the Massachusetts law which provides for a minimum wage board? A. I do not think I should oppose any minimum wage law that was not distinctly bad. I am sure I should not oppose the minimum wage law of Massachusetts.

Q. Would you favor it? A. I should have to give it more study before I would be able to say that.

Q. Do you believe, Mr. Straus, that something should be done by way of remedying the conditions which have been shown by the report of Dr. Woolston as to wages paid in some of the trades to women? A. Yes, I think without question something should be done.

Q. You do not believe, as the foregoing witness stated, that it should be left as a mere matter of commercial relations and a matter of supply and demand? A. That I am not at all prepared to say, that the one thing to be done is to establish a minimum wage by law.

Q. But I want to know whether you agree with his views that it should be left alone? A. No. I think our wage earners should be put in a position to earn a living wage whatever that may be, whether in one industry or more, and I think much can be done in the way of training them. I think we are most ineffective in our training for all kinds of labor.

By the CHAIRMAN:

Q. Do the members of your association agree on a scale of wages to be paid those employed by you? A. No, we did agree I think some years ago on a minimum in one of the departments. Since then we have not been agreeing on any definite minimum but have been agreeing on a desire to grade up our wages.

Q. Isn't there a general understanding among the members of your association as to what you are paying girls for different classes of work? A. It has been discussed but there has been no rule adopted.

Q. I do not mean any written agreement? A. No there has never been any standard adopted. I do not think you could find the same standard in all of the stores.

Q. Was there a discussion at your meetings as to wages paid to women employed by you? A. It has been discussed. I do not mean a regular discussion, but it has been discussed.

Q. And your members are pretty well informed as to what the other members are paying in the way of wages? A. No, they don't know in any degree, except as one employee goes from one place to another and reports it.

By Mr. ELKUS:

Q. Have you a minimum sum fixed in all of your departments? A. We have a minimum sum in selling departments and a minimum sum in the bookkeeping departments.

Q. What is your minimum sum in the selling departments? A. Six dollars, above which they earn commissions of varying amounts.

Q. How long has it been at that sum? A. This is purely a guess — two and one-half or three years I should say.

By the CHAIRMAN :

Q. Upon what theory, if you remember, Mr. Straus, was that minimum wage fixed; I mean how did you determine it; was the cost of living taken into consideration? A. I couldn't tell you. I think probably that we determined that we could afford to make that a minimum. We are now trying to raise that to seven.

Q. Have you noticed whether by paying an individual in your employ a higher salary you at once increased the efficiency of that one employee? A. Quite the contrary. I do not think the efficiency of an individual has to do with the wage you pay an individual. You may be able to get better people by paying a higher wage, but I do not think the efficiency of the individual is affected by the wage you pay that individual.

By Mr. ELKUS :

Q. Do you know what the minimum is in other establishments that are members of your association? A. One gentleman I know said before the Industrial Relations Committee that it was nine dollars and another one twelve.

Q. This minimum of six is not what is actually paid, it is the rate of pay? A. That is the basis above which commissions may be earned.

Q. But as a matter of fact many of them get a lower sum than that on account of absences and fines and so on? A. No fines. They are paid for the time they work. If they are away they are not paid.

Q. You don't have any fining system? A. Not only that but when it is raining and business is obviously poor out of town people are allowed to leave at five o'clock.

Commissioner DREIER: Do you pay less for that?

Mr. STRAUS: No, and if any person wants to leave at five there is no docking for that. Of course we can not allow too many to go.

Q. Congressman Hamilton would like to know if you can tell what commissions these people earn who get six dollars a week? A. It depends on the department and the people.

Q. What is the average? A. In some departments some people will earn nothing and others will earn very considerable amounts.

Mr. BLOOMINGDALE: You have it in that book. (Referring to the advance sheets of Dr. Woolston's report.)

Mr. STRAUS: Yes, I think there is a foot note on one page. It does not refer to our store.

By Commissioner DREIER:

Q. Wouldn't it be an advantage to the business of all of your concerns if you paid the same wages for the same kind of work?

A. I don't know why it should be.

Q. I mean if you paid in your suit department ten dollars and if another paid fifteen dollars or paid five dollars, that would make a difference in the selling price, and wouldn't there be a difference in competition there? A. Yes, but I do not think that there is any reason why that should be regulated. I think each firm must settle that themselves with their employees.

Q. You don't think it would be an advantage? A. I don't think so. You take many employers and if they can get employees at five dollars for their suit department they would do so if they can satisfy themselves as to the quality of the help that they are getting. I think obviously the better employees would know where they get the better rate. I heard a manufacturer say so this week. He was telling me you cannot turn out a good output unless you get help of a certain calibre, and I suppose those who turn out a lower grade output for some purposes use a lower grade of help. I do not think you can standardize an industry that way. I don't know, I am not a manufacturer.

By the CHAIRMAN:

Q. Don't you think home comforts and nourishment which one receives has a good deal to do with their efficiency? A. The nourishment, yes; I doubt about the home comforts.

Q. You don't think that that has anything to do with it? A. After you pass the limit of requirement, if they have a bed to sleep in and a sufficiently warm place to live in, I do not think that that increases the efficiency. It may increase the joy of living but I do not think it increases the efficiency.

Q. You don't think the state of mind has anything to do with efficiency? A. I don't think the state of mind is at all regulated by luxuries.

Q. It is not luxury? A. That is a comparative term.

Q. The history of our own country has been, since the labor unions have organized, their wages have increased and they have increased in efficiency too? A. It is possible. I am not in a position to judge of that.

By Mr. BLOOMINGDALE:

Q. Mr. Straus, lets see if I can not clear your recollection about what Mr. Elkus seems to regard as a minimum wage agreement; do you recall that in 1911 the Civic Federation commenced making an investigation of the department stores, and at that time they made a preliminary report? A. I recall it now.

Q. And do you recollect then that there were some disclosures made that were rather surprising, that in some instances very low wages were paid and that the conclusion was reached that some people had been lost sight of? A. I do recall it now.

Q. And at that time there was a general discussion but not any agreement that there would not be any payment less than six dollars a week in the selling force and nothing less than four dollars a week among the minor help, clerical positions? A. That is what I had in mind, but I do not think it was a definite agreement.

Q. No it was not, but that was in 1911? A. I think it was, if that is the date when the Civic Federation report came out.

By Commissioner DREIER:

Q. May I ask you whether the manager of a department regulates the wages paid in that department? A. Not with us.

Q. Isn't that customary? A. I have heard some say but I do not know. In some stores I have heard it is entirely in the hands of the department manager, but not with us.

By Mr. ELKUS:

Q. Isn't it a fact that the investigation of the commission as shown by the report establishes that in the retail drygoods stores women are getting four and five and six dollars a week? A. For selling?

Q. Yes? A. I don't know. I haven't had the time to study the papers. Minors are getting four to six. In our place I do not think anybody holding a position except that of a minor is getting less than six dollars a week.

Q. You mean under 21 years of age? A. No it isn't a question of age. Selling and clerical positions pay six dollars a week.

Q. But there are women in your establishment who get less than six dollars a week? A. I don't think so, I may say offhand.

Q. About other establishments you don't know? A. I don't know.

Mr. BENEDICT J. GREENHUT addressed the Commission:

By Mr. ELKUS:

Q. You heard Mr. Straus' statement, what is your view with reference to legislation along the lines of that which they have in Massachusetts; how do you feel about that? A. That never appealed to me very strongly. I read that statute a couple of years ago and can not tell you now the different points, but I was not much impressed with it.

Q. Are you opposed to any minimum wage legislation of any kind? A. I am not prepared to say that.

By the CHAIRMAN:

Q. Are you prepared to say you are in favor of it? A. I don't think I am.

Q. In other words you feel a little stronger in opposition than you do in favor of a minimum wage, or are you just in the middle of the road? A. I will admit there are some good arguments on both sides but I think there is a great deal of theory and I think when it comes to practice it will not work out as well. The arguments sound very very good.

By Mr. ELKUS:

Q. Mr. Greenhut, this Commission wants to know the views of employers of labor; now your establishment employs a great many women and minors and we have had these facts all brought out and spread before you and we want to get some expression one way or other if you can give it to us as to whether there should

be some legislation or whether there should not be? A. I think a distinction should be made between skilled labor and such labor —

Q. You are a member of the firm of Greenhut and Company? A. Yes, sir.

Q. You employ about how many? A. Over two thousand.

Q. Have you a minimum wage in your establishment? A. Well, as applied to salesladies, yes.

Q. How much? A. Six dollars.

Q. Is there any that applies to others? A. Well, practically none.

Q. Have you ever investigated as to how much or what constitutes a living wage for your employees, how much they can live on? A. That is quite a question.

Q. I mean have you ever investigated it at all? A. No.

Q. You have never taken that into consideration in fixing the minimum wage? A. No.

Q. Now suppose it appeared as it has appeared in the evidence brought out before the commission that there were thousands of women employed in the state who received \$4 and \$4.50 and \$5 a week and that that was insufficient for them to live upon; would you as an employer and a man of large business affairs be in favor of that condition being regulated in some way or would you let it alone? A. I should say off hand yes.

Q. Now how would you say it should be regarded as a business man? A. I really have not given enough thought to express an opinion on that because I view these things mostly from our own standpoint and the conditions in which the women work in stores like ours. When you say living wage of course I will admit that it is very hard for a woman to live on six dollars a week if she had to support herself, but I think you will find that the cases of that kind are a great exception. I know in our stores, and I think in most of the other stores, we really only like to employ people who live at home, that is of the younger people, and I do not think they are at all dependent upon the salary they make.

By Commissioner DREIER:

Q. Don't you think, Mr. Greenhut, that they should be able, if they worked there selling all day long or working in the factory all day long they should for that work get enough compensation to

support themselves; doesn't the self respect of the industry demand that? A. Well, from the standpoint of skilled labor, yes, but in stores such as ours people usually get paid according to what they are worth or the value that they can give.

Q. In other words, the stores or those stores which pay such low wages that the women can not live on, or such factories are subsidized by the fathers and husbands of the women because the women can not live on what they earn and therefore somebody must support them, therefore the industry is being partially subsidized by the father or the husband or whoever it may be, and if it is not supported in that way isn't it partially supported by the community which pays for the hospitals and reformatories and all of that? A. It is possible, but I hold a person can get nowadays pretty near value received for what they give in the shape of labor.

Q. Even if they are individuals unorganized? A. Yes, absolutely. I think it depends upon their own individual ability. If a person has ability, no matter in what direction, they usually get paid pretty well for it. Unfortunately there are a lot of people who are not as ambitious as others and naturally they do not seem to progress.

Q. You do not think the chaotic state of industry is caused in part by this condition where people are unable to earn sufficient for a livelihood? A. I don't think so.

By MR. ELKUS:

Q. Do I understand you to say that there are no sales people in your establishment earning less than six dollars a week? A. I think that is the fact.

Q. You know as a matter of facts that out of 15,000 sales people in the retail drygoods establishments the Commission found there were over a thousand who were paid at the rate of five to five and a half dollars a week.

MR. BLOOMINGDALE: May I call your attention to the fact that this table covers the whole state?

Q. Through the whole state? A. All I know of is that there is no saleslady in our establishment getting less than six dollars. If they are it is contrary to instructions.

Mr. LESLIE GRAFF addressed the Commission:

By MR. ELKUS:

Q. Mr. Graff, what is your full name? A. Leslie Graff.

Q. With what firm or corporation are you now? A. B. Altman now.

Q. We invited Mr. Friedsam, the head of that company, to appear and you come as his representative? A. Correct.

Q. And before you were with B. Altman & Co. you were an officer of the Retail Dry Goods Association? A. I was secretary of the Retail Dry Goods Association.

Q. For a number of years? A. Correct.

Q. Have you considered the report of Dr. Woolston, the proposed report or the advanced report? A. I have read it.

Q. Have you given any study as to whether or not there should be any minimum wage legislation? A. So far as our establishment is concerned I can not conceive of this Commission recommending or the Legislature adopting any minimum wage law that would be of any serious consequence to us. We have been working more toward the maximum wage you might say than the minimum wage, but so far as the general situation is concerned, it is a question in my mind of whether you would better conditions materially by adopting the minimum wage, because if you adopt the minimum wage you are going to decrease the buying power of the dollar in proportion to the amount which you increase the cost of living.

Q. Haven't you and B. Altman & Co. fixed a minimum wage below which you pay no employe? A. We have always striven to employ the twelve dollar saleswoman in preference to the six dollar saleswoman.

Q. And haven't you fixed a sum below which you will employ no saleswoman? A. It works out that way, but I would not like to say yes directly in answer to your question.

Q. Has that decreased the purchasing power of the dollar? A. We haven't adopted the minimum wage that would affect the people whom you are trying to legislate for.

Q. I want to take your case as an example; you haven't found by fixing a wage which is above a living wage, I presume in your

establishment, that that has depreciated the purchasing power of the dollar? A. No, but we are not employing the people who are being employed to-day at these low wages.

Q. Now, will you tell me how you are going to depreciate the purchasing power of the dollar if for instance by agreement or otherwise the wages of a woman who gets \$4.50 a week for selling merchandise in an establishment the same kind as yours is increased to six? A. If you increase the cost of doing business that is going to be passed right on to the consumer and if you adopt a minimum wage in this industry you doubtless will adopt it in other industries.

Q. Isn't the consumer paying for it now indirectly when you compel people to work for less than a living wage; do not the people have to pay the difference indirectly? A. Possibly through the public charities, I suppose they do.

Q. Now, would you favor the continuation of such conditions? A. Not if I could see that by changing conditions you were going to better things generally.

Q. What do you mean by that? A. As I started to say, the effect as I see it of the adoption of a minimum wage besides decreasing the purchasing power of a dollar it would also throw a number of people out of employment. There are many positions filled to-day where ability is not required and where experience is not required, and those positions are filled by those who can not command what you have in mind as a living wage.

Q. Wasn't that same argument always advanced when employes organized and through organization obtained higher wages? A. What employes have you in mind?

Q. Labor unions, in other lines of business, that was the argument always used against labor; they were to destroy everything and yet conditions are better to-day than before labor unions were in existence; you can see that conditions are better in trades where women are organized? A. Isn't that one of the causes of the increased cost of living? Doesn't it cost considerably more to-day to live than it did twenty years ago?

Q. Is there anybody now that would advocate going back to the conditions of twenty years ago as against conditions we have now among laboring people; if you do I think you are the only

one there is in the world? A. No, I would not advocate that because I think the conditions in which we labor are more desirable than they were, hours are shorter.

Q. They have brought that about themselves, haven't they? A. But that has been brought about in industries where labor has not been organized. There was testimony here this morning to the effect I think that there has been an increase of about 35 per cent. in the rate of wage paid since organized labor has been employed. I do not know how that would figure out in percentage because 35 years ago I was not in the dry goods business, but there has been a material increase in the average wage paid.

Q. Are the employees in your establishment organized? A. No.

Q. Do you oppose it? A. No.

Q. Do you favor it? A. As I say, I can not see that the demands of organized labor would be of serious moment to us. I do not think, however, that we should be taken as a basis. I do not think it is fair to the industry. Conditions with us are somewhat different.

By the CHAIRMAN:

Q. Do you think you can increase an employee's efficiency by simply increasing his wages? A. The increase of wage will increase the efficiency?

Q. Yes, of the same individual? A. No, I think the incentive must be there for the increase in wage in order to bring about the increase in efficiency and the wage is the result of the efficiency.

By MR. ELKUS:

Q. You heard the testimony of Mr. Francis didn't you? A. Yes.

Q. And he said while these conditions existed about women being underpaid or being paid less than a living wage in many industries he thought it should be left alone; do you take the same view of it? A. I feel that the question of supply and demand is the one which will determine the wage.

Q. As long as they can get the people to work for that wage, whether they become a burden on the public or not makes no difference? A. The fact that to-day there are not a sufficient num-

ber of people with ability or honesty or incentive to advance their conditions, without any ambition is the cause that so many people are earning the low wage.

Q. Do you think, Mr. Graff, that that lack of incentive or ability may be due in part or in whole to the fact that they had to exist as it were or try to exist on the wage that they get; in other words, doesn't it destroy or impair the capacity of the person to get any higher except in rare cases? A. That is a question that must be dealt with individually. I know after four years of college I was very glad to take a position at five dollars a week but I was not glad to stay at five dollars a week very long.

Q. You didn't have to live on five dollars a week? A. No, I didn't have to live on five dollars a week, and a great many of people you have found through your statistics who are getting less than what you regard as the minimum wage do not have to live on what they are getting. They contribute to the support of a family. They are not self-supporting.

Q. How about the others who have to support themselves as best they can? A. That is a most unfortunate condition, but you want to put the burden of remedying that condition solely on the employer?

Q. I don't want to put it any where; I want to know what you say should be done as a business man to remedy that condition? A. I think the condition remedies itself because there are enormous opportunities and there is a lack to-day of competent people to fill the positions of importance. There is a lack to-day of people who evidence sufficient interest in their work, as I indicated a moment ago, who have not incentive or ambition to advance but if they had it the opportunity is there and the reward is there.

By Commissioner DREIER:

Q. You would not say that was true where the subdivision of labor is made one small part of the whole business of that individual — where is the opportunity of forging ahead under that condition? A. You are referring to manufacturing industries?

Q. I am referring to manufacturing industries now. A. I don't know much about manufacturing industries and I would

rather confine my testimony to my own business. I don't know what the opportunities are for the person who is dipping chocolate; I don't know what the next step higher may be.

Q. In your own business then if the women were efficient do you really think that their wages would have increased? A. Absolutely. There is competition to-day amongst dry goods houses for competent employees.

Q. What constitutes a competent employee; I would really like to know? A. That is a question that can not be answered in a word. It depends on the nature of the employment.

Q. Take a woman who is a competent employee in the notion department? A. A competent employee in the notion department is one who knows her stock and is able to wait upon the customer quickly and satisfactorily.

Q. Does that require ability and intelligence? A. That possibly is a means to an end. In employing a person as a saleswoman in a notion department if they evince ability there they are then advanced to other departments where greater ability is required to sell and where naturally greater compensation goes with the position.

Q. We have heard that a girl may possibly raise herself in a department say from six dollars to nine dollars and then competent as she is dismissed for another six dollars girl and then another six dollar girl is raised to nine dollars and she is dismissed for a six dollar girl; how about that? A. I don't know about that. Everybody should I suppose earn enough to live decently, but that is a very difficult term to define as to what is required in order to live decently. One earning \$12 a week may not be able to live as well as one earning \$8, but the majority of these people earning the low wages are not entirely, the majority of them, self-supporting. They contribute towards the support of the household and during that time they are learning.

Q. Then again your industry or store is being subsidized by the father or the rest of the family? A. Not at all. I take issue with you there.

Q. Why isn't more given? A. Because they are not worth any more.

Q. But however inefficient they may be they still are needed; you could not get on without the saleswomen? A. The saleswomen in the majority of instances—

Q. I don't know your own personal establishment, I mean the general department store? A. There is one point about Dr. Woolston's report that may mislead the Commission. He talks about salaries paid females from 14 to 16 and then he talks about the salaries paid to the adult females. Now, a child of 16 can hardly be termed an adult female, and as many stores to-day would not employ anybody under 16 the very smallest position, the most unimportant work is filled by what he terms an adult female which possibly gives you—and he did it no doubt without any desire to mislead—a false impression as to what actual conditions are. There is another point I noticed with some amusement. I think in the report there is a salesman getting \$5 a week. The information as to the salaries paid are gotten from our pay roll; but the information as to the position occupied was gotten from the employee, and I am afraid some of the little children who were employed as messengers or stock clerks rather facetiously put down their occupation as saleswomen.

Mr. SHIENTAG: Wasn't that error corrected?

Mr. GRAFF: I did not see the corrected report. It was only the original chart I saw. We called the attention of the Commission to that.

By Mr. ELKUS:

Q. Are you in favor or are you opposed to legislation such as Massachusetts has adopted? A. As an individual I am opposed to a minimum wage.

Q. That isn't a minimum wage? A. As I understand it that creates a Commission which investigates for the purpose of—

Q. You are opposed to any legislation upon the subject? A. Personally I do not think it will better conditions one iota.

Q. And that is why you oppose it? A. That is the reason and I can see disadvantages.

Q. Do you think it would injure the business in which you are engaged? A. The business, no; the individual, yes.

Q. You think it would hurt the employee to have a minimum wage? A. Yes.

Q. And that is the reason you are opposed to it? A. Yes, sir.

Q. Not because it would injure the employer? A. Not because it would injure the employer.

By the CHAIRMAN:

Q. How did the association happen to agree on that \$6 a week?

A. I don't think there was ever any agreement about it.

Q. There may not have been an agreement reached, but somehow or other after this discussion at your meeting every member of your association fixed a minimum of \$6 a week for a certain line of employment? A. I don't think they did.

Q. That is what I understood.

Mr. BLOOMINGDALE: I think that was the general outcome but it was not by agreement.

Mr. ELKUS: Wasn't that the understanding of it?

Mr. GRAFF: No, it was the recommendation.

Q. By the Association? A. By the Committee of the Association as I recall it.

Q. As the result of that recommendation it was adopted by all?

A. Not by all, by nearly all.

Mr. ELKUS: And some are still paying less?

Mr. GRAFF: That I don't know.

Q. What prompted this discussion and this recommendation?

A. There was considerable publicity at the time through the magazines of the question of low wage being the cause of immorality and we asked the Civic Federation to make an investigation of the conditions in the department stores and as I recall it they brought forth in some instances conditions which the employers were not cognizant of and that resulted in the general discussion of the question of wage and that recommendation.

Q. So that it was as the result of outside agitation that this increase of wages was due? A. Well, inside investigation which we invited.

Q. I was trying to bring out the fact that after all, however anxious the employer might be to help the employee and make his condition better most of these increases are either as a result — some in the past as a matter of history — are either the result of an outside agitation or the result of an organization of the employee within the establishment — however anxious you may be to help, the employer never takes the initiative? A. The action results from the condition being brought to your attention.

Q. So that is true? A. Just what channel is used is a question. I would not want to limit it to those two.

By Commissioner DREIER:

Q. You said before that a minimum wage would be detrimental to the employees; would you amplify that statement? A. I think it would be detrimental to the employee because there are many positions now filled that require neither ability nor experience, but if a minimum wage were adopted the people who would be engaged to fill those positions would naturally be the ones to have the greater qualifications though qualification would not be absolutely essential and I think it would throw out of employment a number who are now able to help themselves, who have the opportunity of developing an entering wedge into a business in which there is enormous opportunity. I think that might apply to a number of those people if it were possible to engage at the same wage somebody who had some education, greater ability, or some experience.

Q. Then you mean a minimum wage would get better people into the trade and the others would be thrown out, is that your idea? A. If you adopted \$9 as your minimum, I will take for illustration that there are people who are willing to work for \$9 who would be available for these conditions, and they would be given the preference over people who to-day are only able to earn \$7, and the reason they are only able to earn \$7 is because they lack what the person who earns \$9 has —

By Mr. ELKUS:

Q. Those people who would not work unless they got \$9 are employed elsewhere, aren't they? A. How about your vast army of unemployed?

Q. Whether there is an army of unemployed or not, if a man cannot get \$9 he will only work for \$8 — he will only insist upon a minimum pay if he cannot get as much or more money elsewhere, isn't that so? A. A man will get all he can get but he has to show he is worth something.

Q. You mean if you increase the pay you will attract to your employment a different class of people than you now get who are working elsewhere for the same wage? A. Yes.

Q. Because they would rather prefer, from the nature of the employment, to work for you for \$9 than some one else, either the hours are easier or the work is lighter? A. There is always a large number of unemployed, and those who are now willing and capable of earning a small wage would be the ones who would be out of employment rather than those who through temporary conditions —

Q. Then you say there would be a shifting of unemployment from the capable to the incapable? A. It might mean a greater number of unemployed.

Q. Why? A. Because —

Q. Do you mean a \$9 a week man would do more than a \$7 a week man; you don't want to put yourself in the position, do you, of saying that you employ two men at \$14 a week who will do the work of two at nine; you say the reason you object on behalf of the employee to any minimum wage is because it would throw out of employment a number of people who are earning small wages, and if you increase the minimum the places would be filled by men who would be more efficient and who would do more work than the man or the woman who gets the lesser wage, and therefore there would be less people employed? A. Yes.

Q. Then you mean to say that as it stands now in your business, or any other business, as a matter of goodness to their employee they employ two employees at \$7 a week each when they could get one man at nine to do the work of two; isn't that logical result of what you say? A. I wouldn't put it that way, but I think there are people who have awakened to the fact that five people at \$15 is a cheaper proposition for them than a greater number at a less wage.

Q. And as soon as they wake up to that, whether there is a

minimum wage or not, they will discharge those who earn a smaller pay and take the lesser number who earn the larger pay?

A. Some have awakened to that advantage.

Q. Without any minimum wage? A. Without any minimum wage.

Q. And that is simply a law of business sense? A. Correct.

Q. So that the minimum wage would not have anything to do with it at all? A. How about the poor man who hasn't any qualifications?

Q. You say you would let them go anyhow? A. But there are a number of people who would employ them.

Q. But they have not waked up to it and eventually they will not succeed in business? A. I would not like to prophecy what the result would be.

Q. They continue to employ people at a lesser wage because they have not waked up to real business conditions? A. I do not think they are as efficient as those who have adopted the other policy.

Q. When you say your association or committee recommended \$6 as a minimum; how did you come to fix \$6; was that you regarded as a living wage, or didn't that have anything to do with it? A. No; as I recall it there was a large number employed in minor positions who were getting that wage and there were a few who for some reason or other were getting less, and it was the case of bringing the few up to a majority.

Q. Had nothing to do with living wages or anything like that at all? A. No.

Q. I ask you the question, Mr. Graff, as a former secretary of the association, do you consider \$6 as an adequate living wage, or are you not prepared to say? A. If a person is self-supporting, entirely self-dependent?

Q. Yes? A. I do not believe a person could live on \$6 if they had no other income or nobody to help them support themselves.

Mr. PRESTON LYNN addressed the Commission:

By Mr. ELKUS:

Q. You are connected with what establishment? A. Wana-maker's.

Q. Mr. John Wanamaker has been invited by the Commission, and he sends you as his representative? A. No; I received a letter from Senator Wagner inviting me to come.

Q. Wasn't Mr. Wanamaker himself invited to come? A. Not to my knowledge.

Q. He was; I will state that on the record.

Q. What is your position at Wanamaker's? A. I am the general manager.

Q. Are you familiar with this investigation which has been carried on about wage legislation? A. To some extent, yes, sir.

Q. How do you feel with reference to the situation; do you think there should be legislation or not? A. I have no opinion to express on that, but I have prepared in a few paragraphs our position, and with your permission I would like to read them:

The Wanamaker Store is in favor of the maximum wage.

It gives its employees every possible opportunity to earn as much as possible.

It also is in favor of giving a trial to the minimum wage law.

Mr. John Wanamaker, himself, before the National Industrial Commission in Philadelphia, stated that in his judgment a minimum law ought to be tried.

We would like to see a minimum wage of \$10 or \$12, if possible. But in fixing the amount certain conditions must be considered.

1. The application of equal wages to unequal earning capacity.

2. Division of store labor — skilled and unskilled in the their various grades — salespeople, shoppers, telephone operators, stenographers, clerks, inspectresses, stockkeepers, dusters, maids, attendants.

3. Renumeration during the "apprentice" or learning period.

The result of applying equal wages to unequal earning capacity — or, in other words, increasing to the minimum wage every woman employee, 18 years or over, whether she is earning it or not, would mean that those already getting that wage and earning it, would have to be advanced to a still higher wage.

The selling forces of the Wanamaker store are taken care of by the commission arrangement, which permits them to earn an average of \$10 a week and up to \$20 or more. Their incomes are based on their individual capacity.

In the "apprentice" or learning period, girls between 16 and 18 are educated and trained in the Wanamaker schools while they are being paid their salaries. At 18 they are graduated into the selling department, but they are not yet as efficient as the experienced saleswomen in these departments who are earning \$9 and \$10 a week. How are we to bridge the gulf between this "apprentice" period and the productive earning stage, when they become efficient earners?

We are doing our best to increase wages wherever possible, and we are glad to co-operate in every way in working out the wage problem. Just what will be the effect of a minimum wage cannot be accurately forecasted. There will have to be readjustments to meet the new conditions. No one can say what will be the real result before the plan has been tried. I put that in this form so that I could voice the sentiments and views of the business I represent more clearly.

Q. Your establishment is not a member of the Retail Dry Goods Association? A. No, sir.

Q. Yours is one of the establishments that the Commission investigated? A. Yes, sir.

Q. Are the figures and facts which the Commission found accurate, as far as you know? A. As far as I know.

Q. So that the statement of the wages earned by your employes is an accurate one? A. As far as I know. I have not carefully looked over the statement.

Q. If you do and find any inaccuracies we would be very glad to have you tell us. A. I will be glad to do that.

Q. Do you consider \$6 an adequate living wage? A. I do not.

Q. You do not? A. No, sir; personally, I should like to see it nine, but it is only a personal opinion.

By the CHAIRMAN:

Q. That in your judgment is a living minimum wage? A. For the class of women we employ and to live decently.

By Mr. ELKUS:

Q. A woman to live decently ought to have \$9 a week? A. For the class of people we employ.

Mr. LOUIS M. BLUMSTEIN: Addressed the Commission.

By Mr. ELKUS:

Q. What is your business? A. Dry goods.

Q. Where is your business located? A. 125th street and also the Bronx, 150th street.

Q. 125th street and where? A. Seventh to Eighth avenues.

Q. You have a retail dry goods business at each place? A. Yes, sir.

Q. What is the name of your firm? A. L. M. Blumstein.

Q. Go right ahead, Mr. Blumstein, we will be glad to hear from you; you employ women and girls in your establishment?

A. In retail?

Q. Yes? A. I also employ quite a number of female help in manufacturing so fortunately I have had experience in both.

Q. What do you manufacture? A. Silk gloves and silk underwear.

Q. And you retail them too; your business is confined to that?

A. No. In fact the manufacturing of the gloves and underwear is another and entirely different corporation, the Mohawk Silk Fabric Corporation at Fultonville, New York.

Q. That is not in the city here at all? A. No, but it practically belongs to me and has since 1906. In the retail business I have been for the last twenty-eight years and I think that minimum wages would not be justified if adopted in this state for several good reasons, that it will hurt the consumer as it will have to be paid for by establishing a higher rate of wages, at the higher standard, and it will hurt a certain class of retailers like retailers that are in a neighborhood where they can only get a neighborhood trade.

Q. Why would it hurt them particularly; you mean what they would carry on as a neighborhood store? A. Yes.

Q. Yours is a neighborhood store? A. Yes.

Q. That is you get the local trade? A. We get the local trade — because we cannot make the gross profit sufficient to cover high wages.

Q. You mean you cannot compete with the big retail dry goods stores? A. We cannot compete because we do not get the prices

for merchandise in a general way, we do not get as high a percentage of gross profits as the neighborhood is local while the store that is in a business neighborhood gets customers from all over the world.

Q. Then your idea is what; how should the wages be governed, simply by what you can get the people to work for? A. Absolutely so. I have seen where I could not get help. It is the supply and demand that will always govern that.

Q. Suppose it turns out that you can get people to work for less than they can live upon; that wouldn't make any difference, would it? A. The people will always get in accordance with what they can earn and it is usually a custom to see — I believe in other stores as well as in our stores — to see how much a sales person has sold during the week or during the month. There is a certain standard, say five, six or seven per cent. for selling that the store could stand, part of the gross profit, and those that come under are raised in wages. Those that get under six per cent. show they have ability in selling and therefore they are in great demand at all times. It is the inefficiency that is the trouble, with a small percentage, fortunately, only.

Q. You don't employ inefficient people intentionally? A. Yes, we have to employ what we call inefficient help, table girls, girls that we have in a neighborhood trade. Neighboring customers will come in and say my niece just left school, won't you please give her a position. Well, we try her. Now, we couldn't pay a minimum wage to that girl of \$9 or anything like it. It would just simply mean that we could not exist.

Q. You think the whole subject should be left as a purely business matter and be regulated by what you can get the people to work for? A. It does regulate itself and I can cite numerous instances in manufacturing where we beg people to work, pay their way from New York, paid their board and we could not get them to work. What are we going to do with people in the mill, for instance. One makes \$30 a week on the same work that the other only makes \$6, because some of them say when I have made \$6 that is all I want, I don't want to work any more than two days.

Q. That is piece work? A. Piece work.

Q. That is no comparison with the girls or women who work six days a week and work from opening to closing and receive four dollars, four and a half or five dollars a week? A. They have got to have a starting point.

Q. Isn't that the end of many of them? A. No, no, pardon me. In order to judge that — I think those that are in the retail dry goods trade could judge that better.

Q. What do you say should be done? A. Let the State see that it gives them efficiency.

Q. What should the State do to make them efficient? A. I don't know because I haven't given it a thought, but if there was such a thing as a compulsory law to make them efficient that would help.

Q. What do you say the State could do to help your particular situation? A. My particular situation does not require help.

Q. You say the State should do something; now what should the State do? A. Most that we neighboring stores do is to take help and try to make them efficient and we ought to be paid.

Q. You ought to be paid? A. Really we do it more as a favor to the customers, otherwise we should not take them.

Commissioner DREIER: You don't like to offend your customer by refusing?

Mr. BLUMSTEIN: Positively so. In many instances we take the girls coming from school and pay them and they are inefficient.

By Commissioner HAMILTON:

Q. What percentage of your help do you get in that way? A. As soon as they get efficient they go downtown and get \$6. That is just the reason I say that the neighborhood store would suffer by it and furthermore the help would suffer. The minimum wage girl would suffer. The uptown store would say if there is a minimum wage why should I take the inexperienced and teach them. We have done it for 25 years. I would prefer to pay \$10 rather than four if they are efficient. A good deal of our help, a good percentage of our help are making as high — I wouldn't say as high because there are only two that make as high as fifty and those are girls that we brought up — four dol-

lar girls making as high as fifty dollars a week. Of course they are with us long enough and have taken an interest and have efficiency.

By Commissioner DREIER:

Q. All efficient help could not hope to make as much as that though, even if you had it? A. But I point out that fixing by law a minimum wage would not be the right thing if it will work a hardship directly on the minor girls and I think we for one store would not want to employ any girls that just leave school and teach them. We would rather take girls that had experience.

Q. Supposing there was a system of apprenticeship planned so that they would have a certain period of apprenticeship in which they would receive less? A. I haven't given that any thought and I haven't taken it up for consideration. I also thought it would be an injustice to the public. It would increase the cost if they should get more wages, the cost of living of which there has been so much talk. I can say that those girls that get four dollars a week or earn about that, four or five dollars or four and a half, they are not supporting themselves, they are usually living in the neighborhood and have no carfare and no lunch money to pay and get along just helping the family, and furthermore there are a great many girls that are getting six and eight dollars a week and don't get along because of silk stockings and dance halls and picture shows and all of that. That is what the State ought to regulate. The girl that only minds her business is so valuable in business and so valuable to herself that she would not be in need. It is unfortunately those who walk around and we want to uplift their morals—

Q. You would favor a law prohibiting girls from going to moving picture shows? A. Pardon me, I didn't mean it in that way, I mean they don't seem to live right. Instead of the right way of living they go away from the right way of living.

Q. You are not in favor of a minimum wage law? A. I am emphatically not in favor of it.

At one o'clock a recess was taken until two p. m.

MR. FRANKLIN S. TOMLIN addressed the Commission.

By Mr. ELKUS:

Q. Whom do you represent? A. The Brooklyn Central Labor Union.

Q. How many members has that Union? A. It represents eighty thousand organized workers.

Q. You have a resolution to present to the Commission? A. Yes, sir, passed by them last Sunday unanimously.

Q. Read it, please? A. (Reading) Resolved, That the Brooklyn Central Labor Union, representing 80,000 organized workers in the boroughs of Brooklyn and Queens, endorse the principle of the legal minimum wage for the following reasons: First, because we desire to see the present unchristian and most inhuman conditions so prevalent in all underpaid industries brought to an end as speedily as possible, and second, because we believe the quickest way to reach this end is for the State to assume its full responsibility, to protect all of its citizens in their just natural rights among which ranks as one of the first the worker's right to such recompense for his labor as will enable him to obtain all the necessities and comforts of life in keeping with the dignity of a human being. While endorsing said action in this instance we emphatically reaffirm and hold fast to our belief that the organizing, bettering and maintaining of labor unions will do more than all other means together to bring permanent benefit to the workers as a class. While asserting this belief we realize that it is practically impossible to carry the benefits of organization to the great mass of the poorest paid workers, particularly among women and minors, and therefore we deem it expedient to thus call upon the State to thus perform its moral duty toward these most defenseless of its children. We hope that a large part of the good that should come to these workers from a legal minimum wage will be such improvement in their condition as will make it possible for them to see and secure the benefits that come from trade union organizations.

In conclusion we desire to state that we will carefully watch all legislation of this character and shall take advantage of our constitutional rights to advocate the form we think it should take and the manner in which we think it should be administered.

By Commissioner GOMPERS:

Q. What position do you hold in the Central Labor Union?
A. Officially I am parole clerk. I am on the Minimum Wage Committee and several other committees.

Q. In the resolution which you have just read as having been adopted by the Brooklyn Central Union is the declaration to be understood to be a demand for minimum for all workers? A. No, sir, women and minors. The resolution does not state so if my memory is correct.

Q. And my hearing is correct? A. Well, that is the intent.

Q. The intent is a declaration for a minimum wage for women and minors? A. At the present time, yes.

Q. Of course I am not discussing the question in the future, but the resolution is intended to be a declaration for a minimum wage for women and minors? A. Yes, sir.

Q. When was that resolution introduced in the Central Labor Union? A. We had a discussion on the subject some few weeks ago between Mr. Frayne and Mr. Valentine of the Massachusetts Minimum Wage Board. It was subsequently discussed by the Central Labor Union and the committee instructed to bring in the resolution and this is the resolution. The Legislative Committee drew up the resolution and it was passed unanimously.

Mr. JOHN F. BYRNE addressed the Commission:

By Mr. ELKUS:

Q. Who do you represent? A. The City Button Works.

Q. Are you the president of it?? A. The manager.

Q. Do you desire to be heard upon this question we have under discussion? A. Yes, sir. Our chief desire is to see if some legislation could not be enacted to make the present law more flexible and not have it so rigid.

Q. What law? A. The 54-hour law.

Q. We are not discussing that now. A. Your letter asks suggestions.

Q. On the minimum wage question? A. In a way we feel that we have solved that problem fairly well because, while we adhere to no strict hard and fast rules, we start no beginners in our plant for less than \$5 a week and those are simply girls who

are just starting out in the working line who can do the simplest work we offer them, and as they grow accustomed to our ways we push them along half a dollar at a time, five and a half, six, six and a half, seven, seven and a half and eight, and they ultimately have a chance to become piece workers when large jobs come along. Now, our line has no stability whatsoever.

Q. What line is that? A. Button manufacturers. We are solely controlled by fashions. If fashions ordain that the ladies' garments are to be covered with buttons, large or small, then we all reap a harvest for a season or so. If things go to the contrary we are all flat on our backs.

By the CHAIRMAN:

Q. How are the fashions now? A. They have been in style during the years of 1912 and 1913. During 1912 and 1913 we had good years. In 1910 the whole industry was flat on its back through a tremendous strike in the manufacturing trade, which I think Mr. Gompers participated in settling, when the whole clothing trade, as far as women's clothes were concerned, was completely down and out.

By Mr. ELKUS:

Q. Mr. Byrne, was it in your business that evidence was given here by Mr. Skeel that women were employed who had been there fifteen years or more and were earning five or six dollars a week? A. Absolutely not, sir. May I tell you what Mr. Skeel discovered, and I think his records will bear me out. He spent two days in our plant and interviewed seventy or eighty women. He found women there ten to twelve years earning nine dollars a week, ten, twelve, and possibly fifteen. I think at the time he was there, a year ago, possibly a year and a half, we had a couple of learners who were getting four.

Q. Under twenty-one years of age? A. Girls who had to have their working papers, children, literally.

Q. Wasn't it in your case he found a woman who was there fifteen years or more who was earning \$6 a week? A. Absolutely not.

Q. You say it was a little more than that? A. Eight dollars a week.

Q. After fifteen years earning \$8 a week covering buttons; what do you regard as the fair living wage for a woman? A. That is a question I would not care to answer with too much positiveness.

Q. You would not care to answer that? A. No. The women who have been with us for years are happy women. He found a happy family there, and women we take on and try to keep on the job fifty-two weeks in a year.

Q. How many women have you in your employ who earn about eight dollars a week after eight or ten years of work? A. At present about 20 of our women out of 80 who earn about that, about 25 per cent.

Q. Do you consider \$6 a week an adequate living wage? A. I don't care to answer that.

Q. Suppose it appeared that \$5 a week or \$6 a week was not an adequate living wage and that in some trades or business thousands of women received that sum or less and they have been unable by their own efforts to increase it, how do you feel with reference to the Legislature or the State taking any action with reference to it? A. Just at present the national government legislation has done us so much harm I sincerely hope the State government won't take a hand in it.

Q. Have they done anything in regard to wages? A. They have thrown the door wide open to European competition, and they have us at their mercy to-day.

Q. You mean the tariff? A. Yes, sir, and everything we produce can be produced in Europe and they can undersell us.

Q. Now? A. Yes, sir, and ever since the new tariff went into operation a year and a half ago.

By the CHAIRMAN:

Q. Has the war made any difference? A. The war has brought us some benefit. It has interfered with the importation of merchandise and thrown the people off on their own resources.

By Mr. ELKUS:

Q. If there is a business here that does not pay any living wage to its employees, is it for the benefit of the State that that business be continued, I mean under existing conditions? A. I cannot go outside my own business.

Q. Take your own business? A. Our people must earn a living wage for they are a happy, contented people.

Q. You never heard any of them complain? A. No, sir.

Q. Nor ask for an increase of wages? A. We give that to them; they don't ask for it. When a girl has been with us six months she will have attained as much proficiency as she ever will attain. It is not the length of years. A good deal of the work is done with automatic machines. The girl sits there, or the woman, the machines all work by power, and she puts her metals in, or materials in, and the machine goes on, and whether she is there six months or six years all she does —

By COMMISSIONER GOMPERS:

Q. How many buttons does she cover during the course of a day with a machine? A. Some girls might make fifty gross, some forty, some thirty. The buttons vary in size and in the parts that compose them, and it is hard to give you an intelligent answer to that.

Q. How long does it take to cover a button? A. Some buttons may be covered in three seconds and some may take a quarter of a minute.

Q. You say they make about fifty gross? A. They might make fifty gross on these automatic machines.

Q. That would be about 5,000 or 7,000 a day? A. About 7,000 buttons.

Q. They do that one thing over and over again? A. Yes, sir.

Q. About 7,000 times a day? A. Yes, sir.

Q. And how many hours are they employed? A. Nine hours. We adhere rigorously to the restrictions.

Q. They do that every three seconds and you say they are happy? A. Yes, sir. I should have liked to have had you with me when I went around the plant on Christmas Eve and heard Christian and Jew alike wish me a happy season and a better season than we had last year.

Q. I am not questioning the accuracy of your statement. I simply want to have in my mind the possible happiness of a girl or a woman in doing a certain piece of work which occupies about three seconds and doing that for about 7,000 times a day—I am trying to see where the happiness can be felt or expressed? A. The

happiness of doing one's duty conscientiously, just as we all draw happiness from doing the same thing be our position humble or otherwise.

By Mr. ELKUS:

Q. Then in your view of it as a business man you are not in favor of any legislation? A. No, sir.

Q. You believe it should be left to the law of supply and demand? A. Yes, sir.

Q. Anything further? A. May I describe an incident that occurred last week?

Q. Certainly. A. During 1912 and 1913, as I say, we were prosperous, couldn't get help enough, and we were advertising all the time. We didn't have to do it during 1914. We advertised last week for a few beginners to do some work, and, gentlemen, I want to assure you enough applicants came to fill this room standing close together, looking for a \$5 a week job, and our advertisement intimated what they were to do. We wanted girls to do so and so, carding buttons. They would say give us work, we want work, and I suppose 500 people came into our place that morning.

By COMMISSIONER GOMPERS:

Q. Didn't you say that business was in a deplorable condition?
A. Yes, sir.

Q. Do you advertise for assistance? A. Yes, sir.

Q. Where was the necessity for advertising for beginners or learners if the state of unemployment is so large in your industry as you describe it to be? A. Because the fortunes of war threw an order to us which we have to get out in double quick time.

Q. Which war do you mean? A. The present war. We have taken an order for uniform buttons for export and the buttons have to be out in double quick time.

Q. Then you call it the fortunes of war? A. Literally it is the fortunes of war in our case.

Q. Is it contraband? A. Not as yet. The Lord knows where we will be if they make it so. I should certainly not like to have any erroneous idea of Mr. Skeel's report enter into the records.

Q. You heard his report? If you have any suggestions on any matter outside of this let us have it in writing? A. Yes, sir.

HON. JOHN MITCHELL addressed the Commission.

By Mr. ELKUS:

Q. Mr. Mitchell, what position do you hold now in organized labor? A. Not any at all.

Q. You formerly held what position? A. President of the United Mine Workers of America and vice-president of the American Federation of Labor.

Q. And you are now one of the compensation commissioners under the Workmen's Compensation Law of the State of New York? A. Yes, sir.

Q. We have been discussing to-day the minimum wage question generally, and we will be very glad to have your views upon the whole subject? A. Of course, that is a very large question, and it is difficult to express any comprehensive views of it in the short time that I can stay here. From what study I have given to the subject and what investigation I have made I became convinced that the State should establish minimum wages for women and minors. I mean to say that I think it would be wise and that it is necessary for the State to establish minimum wage boards and that such boards shall have the power to fix minimum wages for women and minors employed in industry. Of course I repeat what I stated in an article I prepared on the subject, but I am aware that all representative workmen do not concur in my views in regard to this matter, and that many of them seriously question the wisdom of establishing by law the minimum wage that should be paid to workers in industry, but I think the result of all the investigations that have been made either by minimum wage commissions, legislative committees or by vice commissions in this country or unofficial investigations have demonstrated clearly that a large number of women and minors are not now receiving a wage sufficiently high to enable them to live healthy, normal lives, and that failure of these women and minors to earn a sufficient wage to enable them to live healthy, normal lives constitutes a menace to society itself. I regard it as being the duty of the State to require that industry shall pay living wages to workers and I will limit my statement to women and to minors. I think an industry that can not afford to pay living wages is of no

value to society, and it would be better that it should not exist at all than to exist at the expense of underpaid women and children.

I do not know whether your commission has made a special investigation of the system in other states. I think perhaps that a thorough investigation of the experience in Oregon would be of considerable value because there I think they have the most effective of the minimum wage laws, and while I have not read the reports of their commission, yet what has been published concerning the minimum wage commission, the operation of a minimum wage law in Oregon would seem to confirm the belief that industry itself has not suffered by the establishment of reasonable minimum wages.

Q. Mr. Mitchell, have you formed any opinion with reference to what you believe would constitute a living wage for women?
A. Well I can't say that I have made a sufficient investigation to justify me in naming a figure which I should regard as a fair minimum wage. I do not mind saying in a general way that under present conditions, that is now, perhaps in the cities of the first class in New York State that the minimum wage should not be any less than nine dollars and that in cities perhaps of the second class, where the cost of living might perhaps not be so high, and if the cost of living were found not to be so high that a salary less than that might enable workers to live. By that I am not suggesting the advisability of fixing different minimums in different cities; I am simply calling attention to the fact that in fixing the wage it might be different in one city than in another. I think for obvious reasons the same industry would have to pay the same wage as a minimum in all of the cities otherwise the competitive relationships would be so changed that it might unnecessarily injure industry. Now, of course, what would be a fair minimum this year might be entirely too low five years from now, just as the wage paid fifteen years ago, which might have been a minimum wage then would be entirely inadequate nowadays and it is for this reason that I suggest that these wages be determined by wage boards rather than as it is in the statute I think in Utah.

By Commissioner GOMPERS:

Q. Mr. Mitchell there is a growing movement among the women of the United States and a co-operation among the men for the

enfranchisement of women equal with all men; it has been urged that if woman is to be regarded as a ward of the State, so that her wages shall be determined, at least a minimum determined by wage board or otherwise, that it would be in conflict with the spirit of the equality of woman with man; I know you have views upon this subject and will you benefit the Commission by giving them? A. Well it seems to me that if the fact that women are likely to enjoy the same power as men as voters would be offered as an objection to the establishment of minimum wages that the same objection should also apply to any other legislative restriction. For instance it could hardly be said that women should not be protected from working at nights or for unreasonably long hours or under conditions that were destructive of their moral health simply because men are not prohibited from working under these conditions. I think that quite apart from the fact that women may vote or may not vote that the very fact that they are women makes it necessary in the interest of society, and in the interest of women, that they shall be protected in some ways that men are not protected. A man may not suffer in health from working at night, he may not seriously suffer, whereas working at night might seriously impair the health of a woman. A man might under some circumstances work ten hours a day, and yet if women worked ten hours a day it might seriously injure their health. There are other classes of employment that women should never be permitted to do.

Q. Night work for example? A. Yes. For instance if the women claim and secure all the rights of citizenship now enjoyed by men, if that should also carry with it the right and responsibility to do these things that men might do then of course women might be employed in mines digging coal; they might be employed as motormen on the street cars or as scavengers in the street and yet we can hardly conceive of any circumstances by which we would tolerate women working in the mines or being teamsters on the streets of New York.

Q. What would you think of the State establishing minimum wages for all minors and thereby having established a minimum, the economic influence of an established, recognized, fair minimum wage, and its reflex influence upon the wages of women workers who have attained the legal majority — I want to convey the idea

that is in my mind — would it not maintain the political integrity and equality of women with men, which we are all trying to secure, that is those of us who believe in it, and be of a great advantage in the material help to women workers who are above or attain and pass their majority? A. I think Mr. Gompers the influence of an enactment of that sort would be most beneficial. I can understand of course that if minimum wages were established for all minors that the influence of it would be to raise the wages of women and men in these industries after they had attained their majority and yet with the overwhelming number of applicants for jobs that we find in most of our industrial centers I haven't the slightest doubt but that in many cases we would find women who had reached their majority working for less wages than the children whose wages were protected by law. In other words I fear that as long as there are two persons looking for one job, as we so often find (that is the oversupply of labor is not an abnormal condition in New York or in any center of industry, it is quite the usual thing), if there be more workers than there are jobs I fear then that women would not be sufficiently protected in their wage sufficiently high to enable them to live normal lives.

Q. Don't you think it would have some influence in inducing the women workers to organize better than they are to-day and thereby by their associated effort help to raise wages and improve conditions? A. Well, I think it might have that effect. I am free to confess the thought you have expressed is new to me. I think the great difficulty about the whole situation as far as women are concerned and their failure to organize as they should do is the fact that while many women do spend all their lives in industry few expect to do so. I think that it is the common expectation of women when they are in industry that they are going to remain there only a few years. A woman expects to marry and she expects to have a home. It is not her expectation when she secures a job that she is going to spend all her life as a worker and therefore the appeal to them to organize does not reach them with the same force that it does to men who know that their whole lives are to be spent in industry and I am afraid that unless through some legal process society can give forcible expression

to its desire that women shall receive at least a sufficient wage to enable them to live healthy lives that they will not get that wage, that large numbers of them will not secure that wage.

Q. Mr. Mitchell, you said that the thought is new to you; I will be very frank in saying to you and for the record that the thought came to me about a few months ago. You know of course that the Commission and counsel and the best thought and trend of our people are with you and the thoughts you express as to the deplorable condition and the low wages of women workers. You know my trend of thought; we have often exchanged our views upon this subject, but the apprehension which as a workman, as a commissioner, as a citizen I feel in regard to this subject concerns several things. Two of them I may mention. One that the opponents to equal suffrage will have the best argument against those who want to establish the equality of woman with man. The other is that if the minimum wage for women, citizen women, is established it makes her political status inferior to that of men. Now in trying to think out something better — A. Would you mind if I interrupted you; would any discrimination have precisely the same effect? That is I take it — I know of course that you would not say that there should be no special legislation in favor of women, that some legislation might not be required such as night work and so on —

Q. The principles of fundamental liberty, status, are involved. Now as I say the apprehension which I felt of the final injury that it would do the status of women, the arresting of the development of the status of women, has all given me considerable concern, and in the effort to try and reach a means by which the result can be accomplished without invading the inherent right which we hope to establish for womenkind the immediate result would be a financial benefit to the women worker, but it is the travail of the world's history and development which we all of us in a way suffer, and I have asked the question as to the proposition of a law which the Commission might recommend for enactment which would establish boards, or as the thought might be best expressed, for minors, boys and girls, and being so it would not invade the political rights of any citizen or any one entitled to become a citizen; whether its influence would not be uplifting

of wages, status, hours, conditions of employment of all who worked. You said it was new to you but the thought was not in my mind to a few months ago and I have never heard any one else express it and I have retained it for myself for questioning?

A. I would like to give a good deal of thought to that. It does come to me as a matter that requires thought.

By Mr. ELKUS:

Q. Mr. Mitchell after you have given the matter such thought as you deem necessary will you communicate with the Commission if you desire? A. Yes, sir.

Q. If such a law was enacted might it not have the effect of minors not being employed at all, that is if the State requires the wages of minors to be above a certain figure wouldn't that practically in some industries prevent the employment of minors?

A. I think it is important to think of it from that viewpoint.

By Commissioner DREIER:

Q. A minimum wage for minors, considering minors as learning a trade, would be a comparatively little thing wouldn't it; could we possibly build a living wage on the proposition of minors who are being trained for a trade or into a trade? A. I should say it would be necessary if it were finally to be decided to enact a law applying only to minors, I should say the wage would have to be graded in accordance with their experience, that is an arbitrary wage, that is the same wage applying to all minors in any given industry would not meet the situation because, as I understand the theory of minimum wage it takes into account whether during the learning period the wages shall be less than after some skill has been obtained and I take it Mr. Gompers has in mind that feature as well.

Commissioner GOMPERS: Unquestionably.

Q. May I ask whether wage boards established in different industries with representatives of employers and employees, an equal number on that board, would be detrimental to organization?

A. I think not. My own observation has been that wherever employees for any reason come together to consider any subject that the influence of their gathering, their meeting has been to promote a desire for better economic conditions and the tendency

I think leads to a desire to become members of a trades union. The most difficult situation is where the employers and employees never meet together to consider any question that affects their own material well being, and if they meet at all it is simply in a social way, so I say I think the influence would be to promote organization rather than to retard it.

By the CHAIRMAN :

Q. I suppose your view is if women organize the same as men do there would be no need of discussing minimum wage? A. I should say so.

Q. In all organized trades you have a minimum wage? A. In all organized trades. If women organized as well as men organized it would not be so serious a question, but they do not however much we may try or how earnestly we may desire that they shall, the fact remains that they do not organize.

Mr. ELKUS: Thank you very much, Mr. Mitchell. Will you let me hear from you if you have anything further.

Mr. MITCHELL: Yes, sir, I will.

Mr. WM. C. KEISH (of S. E. Greenfield's Sons), addressed the Commission.

By Mr. ELKUS:

Q. What is your business? A. Manufacturing confectioner.

Q. And the name of your firm or corporation? A. S. E. Greenfield & Sons.

Q. And where is your place of business? A. The factory is in Brooklyn.

Q. Your concern was one of those which the Commission investigated? A. Yes, sir.

Q. How many people have you employed in your factory? A. At the present time I should say about 650.

Q. Women mostly or girls? A. Yes, sir.

Q. Are you working now to your full capacity or is this your dull season? A. This is the dull season.

Q. Last month how many did you employ, just before Christmas? A. We had about 800.

Q. Is that your full capacity? A. Just about.

Q. Are the people in your business, the employees, organized or not? A. No.

Q. Unorganized? A. Unorganized.

Q. Have you a minimum wage yourself? A. Yes, sir.

Q. How much is it? A. Five dollars.

Q. Can you tell the Commission whether or not \$5 is a living wage for a woman who has no other means of support? A. I wouldn't like to say, that might be open to question.

Q. Have you made any investigation of the subject? A. No, I have not.

Q. What is your view as an employer of labor as to whether or not the State should legislate with reference to wages of women and minors where they receive wages which are less than a living wage? A. Well, we are neutral so to speak. I wouldn't object to it if it were enacted but we are not particularly in favor of it.

Q. Have you considered the question at all? A. No, not particularly.

Q. Do you believe that the State should interfere? A. From the commercial standpoint, no.

Q. Why not? A. I think the law of supply and demand will take care of that.

Q. Now supposing a woman receives \$5 a week and she can not live on it, does not the burden fall upon the State directly or indirectly because of that? A. I imagine so.

Q. Now do you think the State should remedy that or do you believe it should allow it to go on? A. That would depend upon the point of view. Viewed from a social standpoint perhaps they ought; viewed from a business standpoint I think they ought to leave it alone. .

Q. You think it might injure business although it would be a good thing from a social standpoint? A. I wouldn't like to say that, we would have to make our business adjust itself to the new conditions.

Commissioner DREIER: You think you could do that?

Mr. KEISH: I hope so.

Q. Anything further you would like to say to the Commission about the matter? A. Is it the intention if this law is drawn and

proposed to make two minima, perhaps one for minors say under 18 years of age and another for those over 18 years?

Q. There has been no decision as to any legislation? A. I wanted to know if that was in mind, if it had been thought of.

Q. All these things have been discussed but none of them have been even tentatively agreed upon? A. Then it would naturally follow that suppose the law were passed and any minimum be set, \$8, \$9 or \$10, that an employee working half a week would naturally be paid half the amount — that naturally follows:

The CHAIRMAN: We are only discussing the principle. We have not got down to details.

Mr. KEISH: Yes, sir. I only wondered if that had been thought of, if that was part of the idea.

Q. Are the women employed in your business able to read and write? A. Most of them. I would like to say in connection with that that we have made arrangements with the Board of Education to establish a school in the factory where we will have those who would like to take advantage of it, we will have one hour per day set aside in which they can better themselves along educational lines. We are arranging that now.

By the CHAIRMAN:

Q. When would that hour be taken out? A. It won't be taken out at all.

Q. Will it be during business hours? A. During business hours. It will be our contribution to their education.

By Mr. ELKUS:

Q. If I understand your position correctly you would not oppose such legislation? A. No, we will not.

Q. Anything further, Mr. Keish? A. No.

Mr. ELKUS: Thank you very much.

Mr. BENJAMIN FISCHER addressed the Commission:

By Mr. ELKUS:

Q. What is your business? A. We are manufacturers of men's shirts.

Q. Where is your place of business? A. New York City.

Q. Your factory also? A. Well we have two factories in New York city and one in Long Island.

Q. You employ girls and women? A. Yes, sir.

Q. About how many? A. Well, I guess our capacity and limit would be about 500.

Q. By the piece or by the week? A. Piece.

Q. Mr. Fischer we would be very glad to have your views upon the question that is under discussion; what is the name of your firm? A. L. Loewy & Son. I would be very glad to give you lucid information upon the subject but I am afraid that it is one that is so broad that it has to have careful consideration, but I will say this, that speaking from observation I would not be in favor of legislative regulation of wages. In the manufacturing industry it becomes a different proposition from that applying to the retail store business. I have this to contend with. If you legislate a certain rate of wages in the State of New York and you are able to produce in the State of Pennsylvania cheaper than you are in New York you are not able to compete with the State of Pennsylvania. The man from Pennsylvania comes into the State of New York and sells his product cheaper than you can afford to sell it and consequently you are up against a very serious proposition.

Q. Mr. Fischer that same argument has been used with reference to a great deal of legislation every time—I don't mean about wages or labor but about everything. I think Senator Wagner will bear me out when I say that I suppose 50 or 75 per cent. of legislation is opposed upon that ground; isn't that so, Senator?

The CHAIRMAN: Yes. While you were talking I had in mind the compensation law which was enacted. There were some dire predictions made that we were going to drive every industry out of the State and yet I think it has improved conditions and at the end will better conditions.

Mr. FISHER: We were one of the first concerns that went into the state compensation, but the premium on compensation is very insignificant to the total wages you would have to pay out.

That is an expense item that can conveniently be borne. It will cut down profits by a couple of hundred dollars a year only. The premium on insurance is insignificant as compared with legislation on wages.

Q. Didn't they say the same thing about hours of labor? A. Hours of labor are a little expensive. It cost us money but we were not opposed to it because it was a good thing.

By the CHAIRMAN:

Q. Don't you find that the laborer's efficiency is improved with all these betterments so that in the end the manufacturer gains instead of losing? A. That all depends. In our line the purpose of a day's work is to get towards efficiency. That is to say the more a person turns out the more she earns, and consequently the one who is not able to do good work does not earn as much as the one who is. I can not see that it to any great extent increases the efficiency pro rata of the employee. We have not observed it as close as that but I will say this, that under State legislation, if you tell us we have to pay our employees so and so much we have a fixed expense to meet and as long as we can not control the volume of business it would be a very difficult matter to keep our concerns on a sound, financially sound basis. You are taxing us with a fixed expense we have to meet every week. Now we have to get around it somehow. I was listening to Mr. Wanamaker's plan of this morning in which he says State legislation of this sort could be tried — if it should be tried we would not oppose it, and we would have to work on some method of getting around the figures you have imposed upon us. We would have to cut down our employees because we have a certain fixed expense per week. We would have to do away with some of our help. Now if we do that and the next fellow does and the next fellow down the line it will throw upon the market surplus help.

The CHAIRMAN: Will you fill your orders?

Mr. FISCHER: We will have to tax the individual a little more than he has been taxed in the past.

By Commissioner GOMPERS:

Q. Taxed in what way — he will have to work harder? A. He will have to work harder. You say in the State of New York you want to pay \$9 a week. All right, we will have to pay him \$9 a week whether he is able to turn out \$9 worth of work or not, so we will go through the ranks and select people who can turn out \$9 worth of work a week, and those who have been satisfied with earning less because they can't earn more we will have to eliminate.

Q. What do you mean, discharge them? A. Discharge them.

Q. Senator Wagner asked you how you are going to get your work out if that same process is going to be followed by the men in the same line of work? A. We will have to cut out a lot of features, other things we are able to stand at the present time. We will have to take advantage of every moment of the day in order to get as much for nine dollars a week as we can possibly get.

By Mr. ELKUS:

Q. In your business the employees work by the piece? A. Yes, sir.

Q. They are paid by the amount of work they do? A. Yes, sir.

Q. And if they do not turn out the work they do not get paid for it? A. Yes, sir.

Q. So that the question of a weekly rate would simply mean that you would require them to do a certain amount of work each week before they got nine dollars A. Correct.

Q. Otherwise, you would not keep them? A. Correct.

Q. It would not affect you at all, would it? A. No, not at all; I am speaking from the employees' standpoint. I say broadly we always like to do anything we can to accommodate the employees.

Q. You mean, if a minimum wage law was enacted, for instance, that such employees in your establishment would only be kept who would do enough piece work at the rates which were fixed and the others would be allowed to go? A. Whereas, under

the present circumstances we have lots of them who can not earn that much, and they are simply paid for whatever they can do.

Q. That is, they work slower? A. They work slower.

By Commissioner GOMPERS:

Q. Supposing your employees, those who are working at the same class of business, suppose they were to organize a union and present to the trade a demand for a minimum wage of nine dollars a week, what would be the result? A. The ultimate result would be that a great many of them would probably go out of business.

Q. Great many of whom? A. Of the manufacturers.

Q. Has that been the case with other of the needle trades? A. Yes. A few years ago, I understand, there was a strike in the undergarment line as a result of which there were a great many bankruptcies.

Q. Do you know whether there were a less number of people engaged in the underwear, ladies' underwear manufacturing, than before the strike? A. That I cannot tell you.

Q. Is the production of ladies' underwear less than it was then? A. I don't think so, but I say this, that a great many concerns who stood or were able to stand the cost, they had the volume of business, and consequently the volume made up for it, but the other concerns who went backward or held even could not stand the pressure, and I remember now, it comes to my mind, that at that time when a great many failures occurred, at least the counsel for the debtor would use the strike as a very good pretext. He would say, owing to strike conditions in the industry we are unable to go any further.

By Mr. ELKUS:

Q. Anything further, Mr. Fischer? A. The only other thing I could suggest is (and I do not think you can legislate upon that) would be a profit sharing, and if all the manufacturers would look upon it in that same light I think a great deal of the wage problem would be solved; but that is something you can not legislate upon, and otherwise I do not see any way out of it. I would put myself on record, in other words, by being opposed to legislation of that order.

Mr. ELKUS: Thank you very much.

Mr. HUGH FRAYNE addressed the Commission:

By Mr. ELKUS:

Q. You are the representative of the American Federation of Labor in this State? A. Yes, sir.

Q. What is your official position? A. The New York representative of the American Federation of Labor.

Q. We would be very glad to have your views on the question under discussion. A. First, I want to say that the resolution read here at the opening of this session by Mr. Tomlin, representing the Central Labor Union of Brooklyn; I take exception to that resolution as representing the views of 80,000 people for the very reason that it was adopted by a delegate meeting of possibly fifty delegates who spoke as delegates, without any authority or instructions from their respective unions. For that reason I do not want it recorded that 80,000 people endorsed that resolution.

Mr. Chairman and members of the Commission, the question of a minimum wage by law is a very serious problem and one that must be approached very carefully. Organized labor of the State of New York is not asking for this law. They have not endorsed or proposed any law, neither have they authorized those who are promoting it to speak for them in that respect, notwithstanding that it has been stated that the American Federation of Labor only represents a certain organized group and does not speak for the unorganized and the unskilled; I want to say that the American Federation of Labor does speak for the unorganized. The standards of living to-day among the working people of this country have been established by the American Federation of Labor, that is, through its affiliated unions and their organized effort and activities. The unorganized workers of yesterday are the organized of to-day, so that we include them all. The strangest features of the activities on the part of those who want to promote legislation which will create a minimum wage law does not come from the activities of organized labor or their representatives except in a few instances, but comes from those who are representatives of colleges and social workers, and while they have some intercourse with the labor movement they do not speak or have authority to speak for a law of this kind. It has been stated that this law has been enacted in other states and is working out very success-

fully. I am not in possession at this time of certain data, but I hope I will be given an opportunity to present it later on for the records, coming from some of these sections of the country where minimum wage laws are in operation, and we will be able to show that it is not what it has been claimed by some of those who are advocating the enactment of a law of this kind in the State of New York.

In San Francisco the trade unionists issued a statement warning their members against the enactment and the conditions of the law that it might make the conditions of many much worse than at the present time.

“ OPPOSE ‘ COMMISSION LAW ’ ”

“ SAN FRANCISCO, *October 17.*

“ The Labor Council has gone on record in opposition to Constitutional amendment No. 44, which will be voted on by the people next month. The unionists charge that the title ‘ minimum wage amendment,’ is misleading, as the proposal not only covers minimum wage legislation but extends powers without limit to those commissions now in existence and to those which may be created in the future.

“ The Garment Workers’ Union has published a list of reasons why this amendment should be defeated. These workers raise a warning cry against the proposal, and say, in part:

“ ‘ We believe that the mere reference to the proposal that the legislature shall have power to ‘ confer upon any commission now or hereafter created such power and authority as the legislature may deem requisite to carry out the provisions of this section ’ is enough to condemn it in the eyes of every citizen who values his freedom from ‘ regulation ’ at the hands of officials.

“ ‘ The proposed amendment first vests in the legislature authority to pass any law which it may deem to be for the general welfare of any and all employees, and then it authorizes the legislature to ‘ confer upon commission now or hereafter created the power to enforce the law.’

“ ‘ Such authority is greater than can safely be trusted to any legislature, no matter how sincere or intelligent it may

be. Such authority in the hands of the legislature or indifferent to the rights of labor would be destructive, not only of all hope of progress, but even of the means of self-defense against reactionary legislation. It would endanger the liberty and safety of all wage-workers, because an unfriendly commission, under this amendment, could make actual slaves of them."

It has been stated that unless women and minors employed in certain industries are protected by a law of this kind there is not much chance for them to help themselves. We have accomplished a great deal in that direction in various parts of the country, but without going outside of it I am going to refer to what has been done in the State of New York and especially in the city of New York. I have here a copy of the protocol in the cloak and suit industry, in the ladies garment trades, made in September, 1910, and the second one made in January, 1913. My first reason for sanctioning this is that in that industry, the ladies waist and skirt makers union, prior to the signing of the protocol on which President Gompers', a member of this commission, name appears, less than three thousand people were organized and within twenty days after the signing of the document, which has established not only trade union standards respecting wages, hours of employment, sanitary workshops and other conditions, but carried with it within twenty days the organization of something like 25,000 instead of 2,500, the largest number of these being women and girls. The standards established are far in excess of anything that can ever be established by any kind of a law that you might enact.

The answer will be made by some who are in favor of an enactment of a law of this kind, "well, these are skilled workers" — some of them are very skilled but they are the very small minority. There are just as many who are not overly skilled in that industry as in others, as those who are held up as an example. For instance, the paper box industry is composed of very highly skilled workers, both men and women, and I might say that prior to two years ago we had a fairly good organization in that industry here in this city, and at that time the wages and standards were much higher than ever could be established by any law that might be enacted,

except a trade union law, by way of an agreement between the union and the employer.

Q. Mr. Frayne, may I interrupt you for a question; as I understand your view you think the situation should be remedied as to these low wages, that is, where people receive less than a living wage, and your idea is that the remedy can be met by an agreement with the employer or manufacturer through organization of the employees? A. Undoubtedly.

Q. Now, you think that it is only a matter of time, as I understand, when there will be organization among these employees where there is not now? A. There is no doubt that in time all of these industries will be organized.

Q. And in the meantime you think conditions should be allowed to go on as they are? A. In the meantime I believe that the effort that is now being put forward to create a law, one that in my opinion will be doubtful, and nothing more than an experiment, but an effort should be put forth for those people to organize them into trade unions.

Q. Can you tell the Commission how many women are now organized in New York? A. I doubt whether I could give the figures or not. In the ladies' and mens' garment industries there are about 200,000. It is claimed that about 80 per cent. are women and girls in the ladies' garment industry.

Q. How many are not organized in all the industries in the State? A. I do not know that I could give the figures of the unorganized, but according to the last report of the labor department we have six hundred and thirty-five thousand organized workers in the State.

Q. Altogether? A. Altogether.

Q. Men and women? A. Men and women and possibly five hundred thousand or nearly that number are in Greater New York or vicinity.

Q. Pardon me for interrupting you. A. I want to offer for the information of the committee this information.

By Commissioner DREIER:

Q. You approve of this protocol? A. I do, it is a means to an end. It will ultimately bring about trade union conditions and

in the meantime it is establishing standards for those engaged in the industry, educating both them and the employers.

Q. Don't you think that the individual wage boards in industry might do the same thing? If an employer and employee could come together to discuss wages wouldn't that be possibly the beginning of organization? A. That would make an indirect route

to transact the business through a third party rather than have the union and the employers treat together through the means of committees such as they are doing now in their various organizations.

Q. Would it not be practically the same thing as a committee if the workers were called together to select their representatives and the employers called together to select their representatives? A. The danger of that would be that many persons might become

members of those boards, especially on the opposite side, who would not have as much knowledge of the work as they should and thereby the workers would suffer accordingly.

By Commissioner GOMPERS:

Q. What means have workers generally of judging the capacity of their associate workers in a factory as to their capacity and faithfulness for the workers themselves if they are not organized? A. They have very little chance where there is unorganized

conditions except as it may come to them by chance in their daily intercourse with each other; unorganized workers rarely ever discuss their affairs with each other. The knowledge that one might be more skilled or less skilled than the other is a matter of indifference to them.

By Mr. ELKUS:

Q. Is there anything further? A. I wanted to say that the record of previous meetings show that the statement has been repeatedly made that the American Federation of Labor does nothing to help or try to bring about improved conditions among these unorganized, unskilled people. Here in New York about 90 per cent. of the time of the representatives of the Federation, of which there are about five or six now, is devoted to looking after the welfare of the unskilled and non-English speaking workers, both men and women, women especially.

Q. Mr. Frayne, has the American Federation of Labor, as an

organization, taken any action upon this question or do you speak in your personal capacity? A. The American Federation of Labor has taken no action.

Q. You speak in your personal capacity only? A. Yes, of course with the knowledge and opinions of many with whom I have discussed this matter.

President Gompers of the American Federation of Labor, in writing upon this subject in the July and August Federationist, 1914, had this to say in regard to the minimum wage legislation:

“The A. F. of L. is not in favor of fixing, by legal enactment, certain minimum wages. The attempts of the government to establish wages at which workmen may work, according to the teachings of history, will result in a long era of industrial slavery. There was a time in English history when the government and the courts in quarter sessions established wages. During periods when there was a dearth of workmen and employers offered higher wages, both the workmen and employers were brought into court and punished by imprisonment and physical mutilation because the one asked, received or demanded, and the other was willing to offer, or did pay, higher wages.

“The A. F. of L. is in favor of fixing the maximum number of hours of work for children, minors, and women. It does not favor a legal limitation of the workday for adult men workers. The unions have very largely established the shorter workday by their own initiative, power and influence; they have done it themselves. The A. F. of L. is opposed to limiting, by legal statutory authority, the hours of work for men in private industries. The A. F. of L. has apprehensions as to the wisdom of placing in the hands of the government additional powers which may be used to the detriment of the working people. It particularly opposes this policy when the things can be done by the workmen themselves.

“In regard to minimum wage legislation I think it is generally regarded that children, women minors anyway, and perhaps women, are the wards of the nation. They are not enfranchised, they have no political rights, and they have not yet attained any of the economic rights that workingmen

have. They have not thus far protected themselves industrially as the men have. They have not as yet to any large extent shown a capacity to protect themselves. They have sometimes shown this capacity, and have made magnificent fighting and self-sacrificing trade unionists."

I favor the establishment of a living wage in industries that recognize trade union standards but it should be established, not by legislative enactment, but by trade agreements between employers and the unions.

The minimum wage law prevents the workers from taking any initiative to improve conditions by organizing. It makes them dependent rather than independent.

[What minimum wage laws may do or promise to do for the workers can be done much better and more permanently by organizing into trade unions.

I believe in the establishment of wage boards, boards of arbitration, for the adjustment of grievances and complaints between employer and employee, where a union of the workers exists.

During the gradual decay of the feudal period the workers were shackled to the soil and their compensation for work was determined by either the master or the courts.

Minimum wage laws and different forms of social welfare work are more likely in the end to be a hindrance to the workers than to be helpful by deflecting their attention from the more constructive work of organizing and perfecting strong unions.

Man's ownership in himself is only possible by his ownership in his labor power — if he assigns that to others, or permits it to be taken from him — he is no longer free.

Wages by law is not new — it was used in England when the wages of workers were set by law as well as the price of the goods sold.

If a minimum wage can be established by law is there not a danger that the same thing might be done in establishing a maximum law? In my opinion a minimum eventually becomes a maximum anyhow.

The eight-hour day established by law in Colorado was a failure until the miners declared a strike demanding that it be enforced and that several other laws enacted be put in operation, and if the

coal operators do accept President Wilson's recommendation it will prove one thing, that it required a protest on the part of the workers by striking to enforce the operation of a law that had been enacted but which the State seemed to be powerless to do. In a word, the union accomplished by striking what the State failed to do by legislation. Might not this same thing happen anywhere with a minimum wage law?

The improved conditions of the organized wage earners in all branches of industry is an evidence of what can be done by trade union activities. There are other things besides mere wages, whether it is a minimum established by law or through trade unions. We want wage earners to be organized into trade unions so that they may share not only in the benefit of higher wages and a shorter work day but all of the other improvements brought about by the union as we maintain that there is no greater moral force for good and the general uplift than that which comes through organized efforts and we consider that the question of a minimum wage is merely one of the units that go to make up the great humanitarian work being done by the trade union movement.

While personally I am not opposed to the efforts of some of the forms of social work being done for the improvement and the lessening of the burdens of our people, I am unalterably opposed to the substitution of any and all kinds of social work that would attempt to take the place of the trade unions to bring about better conditions generally among the workers of our country.

Q. Have you any information as to what is a living wage for a woman in New York State? A. I believe that I gave your committee some time ago my opinion in writing and I think I can repeat it very closely. There were four or five questions at that time to be answered. In the city of New York a living wage for a self-supporting girl between sixteen and eighteen years of age should not be less than ten dollars per week and that means, of course, living, not existing.

By Commissioner DREIER:

Q. Would you increase that? A. Proportionately, yes, up to those receiving twenty-five dollars a week and having possibly three or four dependents.

HON. JOHN MARTIN addressed the Commission:

By Mr. ELKUS:

Q. Mr. Martin what is your profession or business? A. I am a publicist, a member of the Board of Education and of the Advisory Council of the Association for Labor Legislation.

Q. Will you give us your views with reference to this matter?

A. I approach this question on the assumption, Mr. Gompers, that woman is weaker economically than man and cannot possibly ever attain in equality with man in power of competitive industry generally. Her weakness differentiates her from man. Normally she is in industry only for a short period and that incapacitates her for collective knowledge as man. Knowing that she will leave wage industry when she marries she will not make sacrifices for a distant benefit as a man would make who expects to be in the industry his whole life and to get the distant advantages of strong organization. Therefore she has proven as a matter of fact much weaker in industry, much more subject to the need of State protection. On that account it is only a continuation of a policy well established to give her additional protection by establishing for her a minimum wage and that cannot logically be done without a question of a man's minimum necessarily being involved. I think in all cases where a minimum wage for women has been established it has been reckoned as an individual living wage, whereas if it were established for men, it should be reckoned as a family living wage. That to my mind is a fundamental consideration which should never be lost sight of in discussion of legislation on this subject. The women by law and by custom and for social preservation should not be expected to support a family. The man by law and by custom and for social welfare should be expected to receive a wage sufficient to support the family, so that when you establish a minimum wage for women you are dealing with a different problem from the problem of establishing a minimum wage for men — on the whole a simpler problem. At the most you have to include the cost of the individual living wage. The difficulties are not in theory but in practice. My own judgment is that in America so far dangers have been unnecessarily encountered through not taking sufficient account of the experience of Europe on the same subject. Now in Europe this law has

been uniformly applied first to the trades that were grossly sweated, such as the chain makers of Staffordshire. It is possible without making any economic disturbance to bring up considerably the wages in the most grievously sweated industries, and I think it should be first applied to them. The public sentiment in favor of a living wage is based mainly upon the indignation against the scandalously low wages paid in certain sweated industries and there the remedy should be first applied. I would make the minimum at first very reasonable. I should not to begin with establish a ten dollar rate or a nine dollar rate.

I heard last week one of the chief workers for the minimum wage in Washington declare that if she had to do it over again she would not make that agitation because the wage women of Washington are themselves to-day saying "for Heaven's sake you social workers let us alone, you have done us more harm than good," because the employers are using all sorts of devices to avoid the effect of what in my judgment was a too drastic and sudden application of this principle. The effect of such a wage on an industry will depend entirely upon the proportion which the labor crop in that industry bears to the total cost of the product. I take at first the industries such as the candy industries, for instance, where an increase in wages in considerable amounts would make an inconsiderable increase in the total cost of the article. One reason why in Washington they are having considerable difficulty is that the supply of youthful labor is so abundant that they are able to dismiss the workers after the one year's apprenticeship, as soon as they would be able to demand the legal minimum, and supply their places with those fresh from school practically and therefore with a gradual introduction and extension of the minimum wage principle must come, to make it effective, a raising of the school age. We have in this State at present a sort of optional school law, under which the Board of Education when it has established the continuation schools may compel employers to permit their employees to attend certain hours of the week. I am satisfied that your minimum wage legislation will not be ultimately successful or successfully enforced unless accompanied with an increase of the school age and a better training of those who are likely to enter these very low skilled industries.

Q. To what extent do you think the school age should be raised? A. Well I think as quickly as possible we will have to raise it to 18, that is to say the school age for all day employment, with half day employment in continuation schools up to 18, so that when they enter into industry for full time they will have a skill which would make it possible for them really to earn more than the minimum likely to be set.

Our experience with the girls at the Hudson Training School for Girls is that with only nine months training they can often command without legislation considerable increases of wages, and while it is perfectly true that an industry which does not pay to its workers a living wage is a parasitic industry, yet we have to face the problem what shall we do with these workers if we establish a minimum wage which in fact they can not earn, and it is far better to proceed to prepare them by training them to earn the wage than to be compelled to sustain them with charity or some other means when they are thrown out because in the end an employer will not keep persons and pay them a wage which they are unable to earn. Of course we would all recognize that in the case of an idiot or feeble-minded person. We would recognize the employer would not keep such a person because such a person did not earn the wage.

The last point, or one of the last points is, with respect to what Mr. Gompers mentioned about making a minimum wage for minors. I think boys under age should be protected against undue exploitation and physical exhaustion exactly as much as girls but I do not think that particular boys or girls should be expected to be self-supporting. We could not expect our children before they were 18 or probably before they were 20 to be self-supporting. The old time apprentice was never self-supporting before he was 21 and we rather want to work to obtain conditions where up to 21 the boy especially will be getting additional training and preparation for life and not be expected so soon to become self-supporting.

And the last point is that I hope in your deliberation you will not as apparently hitherto forget altogether that one-third of these women who are in manifold occupations are engaged in domestic service, and that is the one occupation in which the women get

absolutely no legislative protection. They do not even get a one days rest in seven, they do not get a legal holiday, they do not get any limitation of hours, they do not get any regulation of wages, and just the one occupation which is on the whole the most advantageous occupation for women to follow is without legislation of any kind. It might be possible even to put a minimum wage which would be applicable to domestic service.

By Mr. SHIENTAG:

Q. You quoted Dr. McMahon of Washington as having said that the minimum wage law was bad; wasn't that due to the very poor order that was issued there, salesgirls under 18 were to get six dollars a week, women over 18 were to get nine dollars; of course the older girls were immediately displaced for the younger. That was because the order was improperly framed, wasn't it?
A. Well she did not admit that was the reason, but that is the fact. They allowed one year's apprenticeship up to 18 and that was why I said it was essential to have the school age raised because it was the influx of these children below 18 which enabled them to turn out those over 18.

By Commissioner DREIER:

Q. Mr. Martin what about the training possible for some of the workers in some of these trades; take the paper box industry, the candy industry and some of these very low paid trades? A. Well of course I could not speak in detail. There are a number of industries certainly for which some training is possible. The worker does gain a skill by practice which increases her output and that skill can largely be acquired before going into the one kind of industry.

By Mr. SHIENTAG:

Q. What do you think of the proposition stated by Commissioner Gompers that the same effect would practically be obtained if the minimum wage law were limited to minors? A. I think that the result of that would simply be that minors would not be employed which would be in some respects an advantage, if you mean by minors those below 18.

Mr. PETER J. BRADY addressed the Commission :

By Mr. SHIENTAG :

Q. What is your business Mr. Brady? A. Secretary of the Allied Printing Trades Council of New York.

Q. We will be very glad to have your views on the subject of wage legislation for women and minors, Mr. Brady? A. I am in favor of a living or existing wage, especially for those in the sweated industries where the living or existing wage is not paid at the present time. I believe that in those industries where that wage is not paid at present, or if a minimum wage was established they would not be able to continue under the competition from other localities, that it would be more advisable for the State to get rid of parasitic industries of that nature. If they were all driven into one State or into one community and a sufficient number of them migrated there, from various states into that particular state, it would bring about federal regulation. A start must be made in some place and I do not know of any place to establish a higher standard than in the Empire State. My reasons for those views are that where an existing or living wage is not paid at the present time help must be secured from some source, either through other members of the family or relatives, charitable institutions or in some other way; the community has to carry the burden in one way or the other.

Q. And you would rather see it paid directly than indirectly? A. That is the policy of the trades unions. As a trades unionist I would not care to see the State and would not have the State take over the rights to establish the rate of wages or conditions under which our people work, but in some industries where organizations have not been established up to the present time, and a great many of which have been viciously opposed by the employers I think the State should step in and regulate the wages that should be paid and the conditions under which the workers should be employed. The establishment of a living wage I believe should be by a special board created by the State or under possibly the State Labor Department.

Q. Have you any opinion as to what a living wage should be in the city of New York for a woman self-supporting? A. Self-supporting, twelve dollars. I think that that is the smallest. I

have read statistics and statements where some people say they can live on this. I do know that the people in the printing industry, women and girls employed in that industry, that if they do not receive that in actual wages they generally spend that amount if not more anyhow through some other source by being helped out by other members of the family. I believe all industries should not be less than that. A statement was made in the hearing of this Commission I believe in the spring that if a minimum wage was established and other factory regulations brought about that a great many institutions, business institutions, would leave the State. I said at that time I would like to have that evidence and before this Commission closes its hearings, as they must do in a short time, I would like to find out whether the public officials who made that statement have presented any evidence of that to the Commission.

Mr. SHIENTAG: Up to the present we have received no such evidence from a public official or anybody else.

Mr. BRADY: I am very much interested in that because I wanted to find out whether our agitation for living conditions really made employers move from the State and the reason I ask that is if they are contemplating that I would like to take up with the labor unions and other organizations in other states the enactment of these progressive laws that we have.

By Commissioner DREIER:

Q. Do you think that a wage board is detrimental to trade union organization, or would be detrimental to trade union organization? A. I am not prepared to answer that question insofar as the establishment of a living wage is concerned, I do not think so. I think it would encourage organizations, but if it was in the province of the scale board to regulate wages of unions then I would oppose it very much. For instance I would not have in my own union the right given to a State body to regulate the wages of conditions under which our people are employed.

By Mr. SHIENTAG:

Q. The theory of the wage legislation as you understand it is to regulate wages in the sweated and low-paid industries? A. Yes, sir.

Q. And to do the bargaining for those who have been unable to bargain for themselves? A. Yes, sir, and who have been discharged when they attempted to bargain.

Q. And you do not think the State ought to wait until they have succeeded in organizing? A. No. I do not. I am very positive if the State does step in, it will encourage organization in those trades and it will be only a short time before the burden will be lifted from the State of regulating wages in those industries.

Mr. SHIENTAG: Thank you very much.

Mr. ALFRED H. CRANKSHAW addressed the Commission:

By Mr. SHIENTAG:

Q. Whom do you represent? A. I represent the H. Bridgman Smith Company.

Q. In what business are they engaged? A. We manufacture paper boxes. There are two classes, as we feel, of manufacturers of paper boxes, those that sell the board or make the larger size paper boxes and those who make the smaller size or candy boxes. We make our product entirely by machinery.

Q. You employ a large number of women? A. A large number of women, yes, about 50 per cent. I should say which are unskilled.

Q. How many women do you employ? A. Running full, I should say about three hundred.

Q. We should be very glad to have your views on the subject of wage legislation? A. I feel on the question of minimum wage I do not see how it is practicable. The lowest wage that we pay for unskilled labor is five dollars a week working fifty hours. The laws call for 54, which the majority of paper box shops are working in New York. We work fifty hours a week and give them an hour for lunch.

Q. How old are these women that get five dollars a week? A. They average from 16 to 18.

By Commissioner DREIER:

Q. How much is your highest wage? A. Skilled operators work piece work with a bonus system. If a girl does so many a day she gets a bonus and those that help her or work in conjunction with her get a bonus also.

By Mr. SHIENTAG:

Q. What is your highest wage for unskilled workers without the bonus? A. Seven dollars a week. The skilled operator earns fifteen dollars a week.

Q. And you say fifty per cent. of your women are unskilled workers? A. Yes, sir.

Q. So that fifty per cent. of your women receive seven dollars or less a week? A. Yes, they average about five dollars or five dollars and a half all the year around. Coming to this question of minimum wage, if it is established by the State, the last speaker said he would like to see it at twelve dollars a week. Now our payroll shows that our future sales — the percentage of labor on the future sales was fifty per cent., that is to say, take one of the candy manufacturers who testified here to-day — we approximately supply him with \$50,000 worth of boxes. Now our labor on that is about 40 per cent. the labor on about \$50,000 worth of paper boxes is \$20,000 and figuring that 50 per cent. of that is unskilled labor that is \$10,000. Ten thousand dollars would be the proportion for unskilled labor. Now assume that this unskilled labor is \$5.50 a week instead of \$5.00 as I assumed it and we jumped this unskilled labor to twelve dollars a week it would bring it up to \$30,000 and I ask you if any of these candy manufacturers who have just testified will pay us on \$50,000 worth of business \$30,000 more. Either the manufacturer has to pay us an additional amount of money or we have got to increase our efficiency force or engineering force to work out some method by which we can do that which is unskilled labor. We are spending \$15,000 a year to overcome this competitive competition which we have in New York city to-day and I would ask this Commission or any member of the Commission to go through our plant and see whether it is not run at the highest efficiency in this State or any other state. It is all very well to say what the minimum wage should be but first there should be taken into consideration how are we going to get this additional compensation? Either the manufacturer has to charge it to the retailer and the retailer is not going to lose his profit, and it reverts to the consumer and for that reason, as we are selling labor and not board we are opposed to this minimum wage.

Q. What do you mean by not selling board? A. A man who sells a big shoe box is selling board. We manufacture small boxes and we sell labor. In other words the amount of labor that goes into our boxes would be a very small percentage of what goes into the other.

Q. The estimate of the previous witness of \$12 a week was undoubtedly a very liberal one, but now I am going to ask you whether or not in your opinion \$4.50 or \$5 is not entirely too low for a woman to support herself in decency in this city? A. That all depends on conditions.

Q. Under any conditions do you think any self-supporting woman can live on \$4.50 or \$5 a week? A. I am not saying a woman — when a woman gets to be 18 years old in our plant she gets beyond that or gets in some other business. In our plant we promote the girls from one step to another and a girl who stays in our plant and gets above 18 years of age, she gets about \$7 a week.

Q. Then you have no woman in your plant over 18 years who earn less than seven dollars a week? A. I can't say; there may be some.

Q. About how many are there? A. I cannot point to one girl who is not satisfied to stay there. I can point out one girl who is satisfied to stay there and she earns about six dollars on an average. In the paper box industry I think you will find we get that labor which will not go into any other line but —

Commissioner DREIER: It is not a skilled trade?

The WITNESS: Except on some of the machines. We have a welfare department in which we permit the girls to have an hour for lunch and we provide them with a nurse or woman to look after them who goes to their homes and sees why they stay at home and looks after their condition. Also any girl who attends to her work and stays from the first of July to the first of December of the following year we give her two weeks vacation to the Young Woman's Christian Association farm at Altamont, and we give her her wages in advance and she can go there — whether they are piece workers or week workers they can go there. For the piece workers, it is based on what they earn for the year. When they

are sick Miss Bundrath goes to the home and sees what is the matter with them. Under the Compensation Law the machines are being guarded. We are obliged to do that. If they are sick in the plant they can go to the rest room and lie down until they are able to go back again. It is discouraging at times to have our prices cut and we have been cut two thousand dollars on a ten thousand dollar job. I do not know how other people do it but those are the conditions we are under. We anticipate as soon as we can get in touch with the educational authorities to have a school for these girls who want to go to school an hour a day.

Q. If the wage board established the same rate of wages in New York city wouldn't it be of advantage to you? A. No it would not because it would tend to help those outside of the city to come in and undersell us because they have practically the same facilities we have.

Q. I mean if wages were established in the state? A. I have reference to Jersey, Pennsylvania, and other states where they can ship in here.

Q. If your people were organized and demanded higher wages how would that effect you? A. That is a pretty hard question to answer. We would certainly meet it in some way. I think it would eliminate a lot of this work that we are now doing for them to assist them.

By Mr. SHIENTAG:

Q. Are you opposed to the organization of your workers? A. Not at all. We encourage them to organize. In fact under the welfare management they do organize. We see that peace and harmony prevails and we have a dance every second and fourth Tuesday.

Q. You say if they ask for higher wages you would be obliged to deprive them of this welfare work? A. I didn't say so.

Q. You said you might have to deprive them of this welfare work? A. Exactly.

Q. You don't think that the welfare work takes the place of wages do you? A. No.

By Commissioner DREIER:

Q. How would you meet the situation of paying a living wage, not assuming it to be twelve dollar, but a living wage of perhaps

less than that, what would you do to raise this group of workers who can not live adequately on four and a half or five dollars; how would you meet that situation if you did not have wage boards established; should not the industry pay sufficient wages to the work people in it to make them self-supporting? A. I should think so.

Q. Isn't that one of the primary needs of industry to work out methods by which it can be done? A. I should say so. If every one of us could do it, if you could make all do it.

Q. Couldn't that be done through the state? A. From my experience in the last year with enforcement of certain rules on the part of the state it is very discouraging to see some enforced and some not.

By Mr. SHIENTAG:

Q. You are referring to the hours of labor of women? A. Not so much to the hours of labor as to the guarding of machinery.

By Commissioner DREIER:

Q. Effective organization on the part of workers would help that? A. I don't think so. I don't think organizations in the box industry would bring higher wages. I am satisfied of that. Take the scorers, the men who score the board. The same wages has been paid to those men for the last ten or fifteen years, what they are getting today. I think the first need to bring about is a strict enforcement of the sanitary code. It would force out these people who can not keep up the shop in certain conditions.

Q. Wouldn't the wage board help there? A. It would if it was not made up of politicians. If manufacturers are on the Board I think it would help.

Q. If there were manufacturers say in the paper box industry and employees of the paper box industry? A. That would help very much.

At 5.15 P. M. the Commission adjourned to meet on Friday, January 8th, at 10.30 in room 520 of the Municipal building.

**HEARING OF THE NEW YORK STATE FACTORY
INVESTIGATING COMMISSION, HELD IN
ROOM 520 OF THE MUNICIPAL
BUILDING, FRIDAY, JANU-
ARY 8th, AT 10.30 A. M.**

Present:—HON. ROBERT F. WAGNER, *Chairman*,
HON. ALFRED E. SMITH,
MISS MARY E. DREIER,
HON. CHARLES M. HAMILTON,

Commissioners.

Appearances:—HON. ABRAM I. ELKUS, *Chief Counsel*,
BERNARD L. SHIENTAG, *Assistant Counsel*.

The stenographer was directed to note that Coroner Healy was in attendance but was obliged to leave in pursuance of a summons to appear before the Grand Jury.

Rt. Rev. FATHER McMAHON addressed the Commission.

By Mr. ELKUS:

Q. Father will you give your full name to the stenographer?
A. D. J. McMahon.

Q. What is your official position and authority in the church with reference to matters such as we are discussing? A. Supervisor of Catholic charities.

Q. Do matters of this kind come under your jurisdiction? A. More or less.

Q. Now father, have you considered the question of whether or not there should be legislation by the State with reference to fixing a minimum wage or living wage and having a board to take some action with reference to that matter concerning women and minors? A. I have. I have shown it by writing something on it.

Q. Now will you tell the Commission your views upon the subject? A. Well I think the time has come when some action should

be taken by the Legislature, first because it enters into the upkeep of individuals, it belongs to the charitable phase, to the economic phase of life, and as I stated in the paper I wrote for you, we find out that one of the chief causes, I may say, of the need of charity has come from industrial actions. We find so many people not earning enough to keep themselves and families together, and as it is a battle against selfishness on the part of both, the one looking for more and the other to give less, it requires some arbiter in the question. That arbiter can scarcely be a voluntary association because they are not obliged to follow the decisions to be given, and we can find nobody else than the State to step in and settle this question. The state can do it only by legislation. I think that will cover the ground.

Q. Now Father in your experience as supervisor of Catholic charities in this diocese, you have investigated, have you not, what is considered a living wage for the woman who is not supported by anybody else in whole or in part? A. I can't say personally that I have, but I have read a good deal on the subject.

Q. You have studied the subject in that way? A. I take it from the several works that have been written on the subject, at the present time, on the subject of a minimum wage. I saw yesterday there were over two hundred books upon it whereas five years ago there wasn't one, and I found in recently trying to fix up this widow's pension that an association that has charge of that, has found that it will require a widow and three or four children at least \$45 a month from all sources to keep them. Now the minimum wage for a person to look after themselves would be eight or nine dollars. I know in Oregon they fix \$8.37. In the other states of the United States, of the six that have this minimum wage in use, I think four of them have fixed it at about nine dollars, less than nine dollars a week.

Q. In your examination Father you found that if less wage is paid to a woman than she is able to live on she has to depend upon charity for the balance in some form or another? A. Unless she is only a member of a family.

Q. If she has to be self-supporting or self-maintaining then in some form or another the balance has to be made up to her? A. If she lives up to the standard that she should live.

Q. If she does not she is apt to become sick and then she goes to a hospital and she has to be paid for that way? A. Yes, sir.

Q. And eventually it comes out of the people of the state directly or indirectly? A. Yes, sir; directly or indirectly.

Q. Now the claim was made here yesterday that if there was such legislation, one man said it would drive his business out of the state; what do you think about that? A. There is no doubt that any action summarily taken would effect those in business, but everything of that kind should go along gradually and carefully. I do not think it would be a proper thing to all at once upset the business of the city or the State.

Q. So you would be in favor of a minimum wage board who would regulate that in a business-like way? A. That is the point. We should have to follow the example of those who already have charge of this matter and learn from their experience. That is the best way, both in Australia and in the states here.

Mr. ELKUS: We thank you very much Father.

Dr. WALTER WEYL addressed the Commission:

By Mr. ELKUS:

Q. Doctor will you give your full name and your title? A. Doctor Walter E. Weyl.

Q. And what is your profession? A. I am an economist.

Q. You are an editor and also an author upon subjects of this kind? A. Yes, sir.

Q. Now doctor we will be very glad to hear you with reference to this subject from an economic standpoint? A. I have been studying this question more or less and it seems to me that on the basis of the statistics that have been gathered during the last ten years and especially in view of the statistics that have been presented by your own commission in its preliminary report that there can be no doubt that the wage paid to a very large proportion of women supposed to be self-supporting is far below the wage necessary to maintain a merely physical existence. I do not think we can escape from the absolute necessity of some minimum wage legislation, and the earlier such legislation can go into effect the better it will be, in my opinion, not only for the

workers but for the general community not excepting the employers.

Q. What do you think, from an economic standpoint, from the standpoint that it will injure business? A. When the minimum wage legislation was introduced into Victoria in 1896 it was bitterly contested at first and it was introduced only temporarily and for only four trades. The opposition came largely from manufacturers who thought that it would injure business, and who thought also that it would reduce employment. The bill was temporary and a series of investigations were made afterward with the result that the bill was not only passed over and over again, not only continued but at the request of employers, as well as of wage earners, it was extended to other trades. As a matter of fact it passed successfully through periods of depression and of good trade. It increased employment, it raised wages, and at the same time it had absolutely no bad effect on business in the community. I do not think that a rise in wages would involve any harm to the manufacturers at all.

Q. Would it harm the employees; it was claimed here yesterday by one employer at least that a forced minimum wage would not injure the employer at all but he objected to it on the ground that it would injure the employee? A. It might in individual cases injure one man or another. As employment is carried on to-day there are a certain number of inefficient people taking the place of efficient people owing to the fact that they are willing to work for lower wages. Now with a minimum wage law there would be a certain readjustment and I think it is highly probable that a certain number of inefficient people would be thrown out and their places taken by efficient people, but that is exactly the same thing that takes place when the trade union introduces a minimum wage. People who are incapable of earning that wage are thrown out and their places are taken by more efficient people generally who can earn the wage. I think we are likely to keep our eyes entirely upon the inefficient people who may be thrown out of a position and not consider the efficient people who are now without work and not consider the very broad effect of low wages upon the whole industry.

By the CHAIRMAN :

Q. Do you think that giving an individual more salary is apt to increase that individual's efficiency especially if it is from a very low wage, hardly enough to exist to a wage which is a living wage? A. Governor, I think that will depend upon cases. If you raise wages from six to nine dollars you will find that a number of people who were inefficient at six will become efficient at nine and you will find a number who will not become efficient under any premise.

By Mr. ELKUS :

Q. Why do you think those would be efficient who go from six to nine because their wages are increased? A. Because an increase of wages normally means an increase in the amount of food which a girl eats, perhaps better lodgings and certainly a decrease in worry, and when anybody is worried and anxious as to the manner in which she shall make both ends meet she is absolutely incapable of any efficient work.

By the CHAIRMAN :

Q. I ask you that question because in the course of our hearings up-state two years ago one of the manufacturers came before us from the city of Utica who worked the women and minors employed by him at a less number of hours per week than any other manufacturer in that vicinity, less even than the hours permitted at that time by law, and also gave them a noon day meal at cost, and yet he told us he did not do it as a philanthropist but merely as a financial proposition; he found he got more efficiency from his employees by treating them better, and in the shorter hours they did more work and did it more efficiently than those in other factories who were working at a greater number of hours? A. Governor, that is a very interesting example of what is commonly believed to be a general rule in economics, and that is what is called the economy of high wages and the economy of short hours. It has been proved over and over again that industries which pay high wages in one country are more than able to compete, as you know, with industries paying much lower wages. It has been proved, of course, when hours are reduced that the efficiency of the workman increases and I think your illustration

from Utica is exactly in point. I believe this, that if a minimum wage law were passed in this State and if it were enforced by a commission which had a proper regard for the interests of both sides, that the employers would not under any circumstances permit it to be repealed.

By Mr. ELKUS:

Q. I have been asked by Mr. Bloomingdale to ask you this question: In your study of the wage problem which has led you to the conclusion that many workers are underpaid, have you made any research into the question of efficiency, and do you think that if workers are made more efficient by vocational training or otherwise that increased wages would come as a natural result?

A. I think that is a very important point that Mr. Bloomingdale raises. I think that it is only fair to say that the minimum wage is absolutely essential at this present time and that other things, such as industrial education, vocational guidance, better custodial care of indigents, are necessary, but you cannot begin industrial education until you have solved the bread and butter problem. If this question had been raised by Mr. Bloomingdale thirty years ago, before we had this terrible pressure of low wages, I should have advised vocational guidance and industrial education first, but it does absolutely no good to send a girl of eighteen to a school where she will get additional education if she is living on six dollars a week. I should like to say that I read last night the tentative report of this commission, and I knew that wages were low, and I analyzed the figures that you have presented admirably, I think — you have presented them in the most admirable form and they were considerably lower than I had any conception of. Apparently the median wage is about seven dollars — the average wage is about seven dollars a week in the department stores, including, of course, the best, and including some of the smaller and lower wage stores up the State. It seems to me that the wages shown even for New York city are absolutely derisory compared with what we know of the cost of living in this city. I would like to say this, that I do not think that that is the fault of the employers of these girls. If you do not have a minimum wage the question of fixing wages is not a matter which any single department store as a rule, unless it

has special advantages, can solve itself. It seems to me that one of the strongest arguments for the minimum wage is that it allows employers to do justice to their employees, whereas, at the present time it is utterly impossible, however good their intentions are, to do that justice.

By Commissioner DREIER:

Q. Then you think that competition in wages is a serious menace? A. Exactly.

Q. To the efficiency of the business or the success of the business even? A. It seems to me that that is one of the worst effects of it.

Q. Yesterday, it was claimed by an employer that was not the case, that it didn't matter whether their neighboring store paid less than they did for the week's work, that it did not have any material effect upon them, or would not have any material effect on them, and that competition in wages was not dangerous or injurious; do you think that reasoning is correct? A. No matter what they say there is no doubt about it that each one of the neighborhood stores, the small stores, does endeavor to reduce wages. It may not be the only element in competition but it is one of the most important elements in competition. Of course, to introduce a minimum wage does not mean to reduce competition. It simply means that instead of the competition being among the workers to work for the lowest sum possible it is to compete with regard to services for a definite wage. I would like to take an analogy which is not of course characteristic, but when we want a President of the United States we don't offer the job to a man who will take it cheapest, but theoretically we endeavor to get the best man for a fixed wage, and if you will analyze the fixed methods of big corporations and of government bodies, they themselves determine what is a fair wage. In the post office the job is not given to the man who will work for less, but the attempt is to get the best man for that particular job.

By Mr. ELKUS:

Q. You mean they fix a schedule of rates and then look for the best men to get? A. Exactly. The United States government does it, the Pennsylvania corporation does it, and to a certain

extent the department stores do it. In other words, the department stores, as was said yesterday, determine that nobody in the selling force should receive less than six dollars. There is no doubt they could get people cheaper, but in principle at least they have established a certain point below which they will not go, and I think very wisely. I do not think that that point is high enough.

Q. You mean it is wise from the economical standpoint for their own benefit? A. For their own benefit, exactly.

Q. Doctor, will you tell us your views or discuss this matter — if less than a living wage is paid to a woman who is unable to maintain herself upon it, who has to bear the balance of her living expense? A. In the first place she bears the expense in reduced health and even in reduced morale. In the second place the employer pays in greatly reduced efficiency. In the third place her family, the whole working class to which she belongs, pay as a result of an unfair competition, and finally society pays through its almshouse — you know the whole thing.

Q. Private or public charity? A. Finally, I think heredity pays, the nation pays.

Q. Heredity? A. Yes, sir; in other words, to pay a girl what is below a living wage is like running a thoroughbred horse without shoes — in order to economize a few dollars at one end of the line we incur a cost that runs up to hundreds and thousands.

Q. Yesterday, one of the business men who was here said that he thought this question of wages should be left as a commercial matter to be regulated by the law of supply and demand. What do you say about that, Doctor? A. We have been doing it for 100 years, and I think the result as indicated by your own report shows how utterly inadequate it is. The fact is this, that if you allow people to compete according to the law of supply and demand you put the efficient person against the inefficient and give the inefficient the strong favorable handicap of willingness to work for less wages; in other words, if there is a person who can do ten dollars' worth of work a week we absolutely exclude that person and allow a person to work who can only produce five dollars a week because she is willing to work for five dollars less. It seems to me, Mr. Elkus, our whole social progress not only in

the United States, but in England, France and Belgium, and all of the other countries during the last fifty years, to say the least, has been obtained by limiting and regulating the law of supply and demand.

Q. Doctor, have you considered the payment of less than a living wage to women in relation to vice or immorality? A. I do not pretend to be able to say how great that effect would be. I think the effect of low wages on vice has perhaps in some quarters been exaggerated. I do not believe that has a very direct relation. I think there is no doubt that a number of women are driven into prostitution, not so much by the direct effect of poverty as by the indirect effect. I do not think the question comes up to the girl, "Shall I sell myself in order to earn more than my six dollars wage," but I do think this, that the absence of amusement, the poorness and barrenness and ugliness of life, the worry and all that sort of thing, combined with unemployment, does tend powerfully in that direction.

By Commissioner DREIER:

Q. Yesterday, some of those low wages were justified on the ground that girls lived at home in such large numbers, and that, therefore, they were partially supported by members of the family; what is your judgment on that assertion? A. It seems to me that if you merely shift the burden to the family of the girl that you are not improving conditions very much. While I think the department store managers have been animated by the very best feeling in limiting their employment largely to girls who have families, still the effect upon the other girls is made even worse. If you lessen the number of jobs which a self-supporting girl can possibly obtain you naturally limit her wages, and I think that this plan is nothing but a shifting of the burden from the present employer to other employers. I can see no advantage in saying let us exclude the girl who needs the money, let us exclude the girl who requires her wage.

Q. I want to know whether you have considered what law would be desirable in the way of a minimum wage law for this State?

A. I have not studied that question in detail. It seems to me that a law establishing a board with power to study the question in the particular trades and to enact regulations in particular trades

would be valuable, but I think that there should be some penalty attached. I do not think that we should do what has been done in Massachusetts, leave it entirely to public opinion, because I think you will find that when a law of this kind is passed — let us take the department stores. I think that you will find that the big department stores will immediately obey it, and they, of course, would be the ones most subject to publicity. I think the main trouble in the administration would be in the very small stores and upon them mere publicity will have very little effect.

Q. Do you think that a minimum wage law would lessen the possibility of organization in the trade? A. It would naturally increase the possibility of organization. Organization of employees, like any other independent activity, depends upon getting some sort of confidence, and that confidence requires a definite wage. The trade unions have discovered that the underpaid workers cannot organize, and I think the result would undoubtedly be an increase instead of a decrease in organization.

By Mr. ELKUS:

Q. Doctor, for the record, I would like you to state some of the books you have written on this subject, and what editorial positions you hold? A. I am the author of "Labor Conditions in Mexico," issued by the Department of Labor; "Labor Conditions in Porto Rico," issued by the same department; "Railway Labor in Europe," "The Entrance to a Trade," and three or four monographs for the Department of Labor, now the Bureau of Labor Statistics. I am also the author of "The New Democracy," and also the author of "Passenger Traffic of Railways," and I have written many articles on the subject of labor for magazines. I am at present one of the editors of "The New Republic."

By the CHAIRMAN:

Q. You have made a study of other statistics gathered by either commissions or officials outside of those covered by the Factory Commission? A. Yes.

Q. Have you found any of the others as complete as those we gathered? A. I should like to say that this statistical report is the best presentation of statistics of wages that I have seen for a very long time, and the data seems to have been collected with

great care and analyzed beautifully. I have the misfortune to be a statistician and usually one confined to a lot of statistical material which is gathered sufficiently well but is absolutely killed in the presentation. In your report it is clear and one can very easily follow the average wages or the median wages for any particular group, either by age or by the particular nature of the work, and so on, and I was delighted to find that you used the classified wages right through instead of the average wages or bulking them, or both. I thought the work was done beautifully.

Prof. EDWIN R. A. SELIGMAN addressed the Commission.

By Mr. ELKUS:

Q. You are professor in Columbia University and hold what chair? A. The MacVickar chair of economics.

Q. Now, Professor, the Commission is getting views of those interested and who are competent to speak upon what is known as the minimum wage question, which is a pretty broad question, and we would be very glad to have you give us your views upon the subject, and then after you are through, if we may, the Commission would like to ask you some questions? A. Mr. Chairman, and gentlemen, the problem, as you say, is of course a very complicated and a difficult one, and as is the case with all such problems the further that you go into it the more the difficulties appear. The chief points, it seems to me, sir, are the ones that have been brought out in the various investigations in this country and in Australasia and in England, both as to the needs for such legislation, and then more especially in Australasia and England as to the results of such legislation. The scientific aspect of the problem, the difficulty with it is that with the exception of Australasia, the system has been in operation for so short a time as not yet to permit of scientifically tested conclusions, and with the one exception, perhaps, of the study that has been made by Mr. Tawney in England in one of the industries, we are reduced either to the conclusions as formulated by the government commissions themselves, which we must always somewhat discount, or to the general economic theory that is proclaimed by such students, for instance, as the Webbs and others. When I say we must somewhat discount the reports of the officials and commis-

sions, I do not wish to be understood as implying any kind of discourtesy towards or disbelief in the commissions, but simply to call attention to the fact that as these commissions are obliged to administer the law and to maintain the law, when there is any doubt they are apt to give the law the benefit of the doubt. With that general introduction I would say that the reason why most economists I think are to-day favorably predisposed in general to the principle is the fact that when you deal with wages in the actual conditions of industrial life you have far more than the static conditions which have generally been the basis of the theories of the economists, and that you may have conditions of inequality through inequality of bargaining or inequality of other kinds which prevent the normal result of the working out of law of wages. You may have abnormal conditions, not normal conditions, abnormal to certain situations in the market, and as I take it the whole theory of the minimum wage is concerned with an attempt to reduce as far as possible the scope of the abnormal conditions. Now, you have, I take it, very much the same situation which presented itself to the economists and Legislatures when dealing with factory legislation. Factory legislation was also advocated by its enthusiastic supporters and somewhat extravagant claims were at one time made by the supporters. On the other hand, factory legislation a century ago and for a long time after that was just as energetically opposed by the employers and by some of the economists and similarly extreme claims were made. Now, after half a century, or a century in some cases, we are in position to judge a little more adequately of the actual results, and we see that neither side was correct in its anticipation and diagnosis, and that it has not been the panacea that some people supposed it would be, but that on the other hand it did not have those deleterious, those injurious results which were proclaimed by others.

Now I imagine that very much the same thing is going to take place in this question of the minimum wage. It is not a solution of the wage problem. It is not going to solve our problem by any means. It is going to be to a certain extent, I think, if carefully handled and intelligently devised, a help. If unintelligently handled and not carefully administered it may prove a drag to industry.

Q. Isn't that true, Professor, of every law? A. No; there are some laws which are themselves so bad that an intelligent administration would make them worse. What I mean to say is, if you can devise the proper machinery for the minimum wage, and if you use methods which will conscientiously or discernedly put the manufacturers and the industries in any one place at no disadvantage with those in some other place, in the same state at all events, why then there is a chance of good results ensuing. Secondly, I wish to point out that the problem is largely the problem of efficiency. It is often claimed by the manufacturer that the result of the minimum wage will be to render impossible the continued employment of the inefficient. That has both a good side and a bad side. I think there is a good deal of truth in that. The good side is that if you have more efficiency you are going to have more social benefits. The other good side of it is that if you weed out the inefficient from the efficient, separate the unemployable from the employable, we have more clearly presented to us the problem of the employable and the efficient and we can proceed to take up that question.

Thirdly, the argument of the expense of a carefully devised minimum wage law necessarily falling upon the consumer is to the extent that the argument is an unsound argument — and it is only partially unsound — is to that extent met by this very argument of efficiency. If you increase efficiency you will decrease costs. The argument of high wages which has been accepted by all economists, and I think it is the basis of the whole theory, of our industrial life, is as true of wages as of anything else. High wages does not necessarily mean high cost. High wages may mean low cost. The highest wages are paid in those products in this country where the products are least expensive, the dollar watch and things of that kind. Now if the minimum wage can be shown to be due to increased efficiency, and that is a question of fact which must be very carefully gone into, it does not necessarily follow that the community is going to suffer to the extent that the argument is true that the burden of the minimum wage will fall upon the consumer. That, also, is not necessarily an argument against it, because anything that increases the cost of business, providing it is a socially desirable cost, ought to be paid for by the com-

munity at large. It is the same problem as that which confronts us with insurance, labor insurance or fire insurance or any other kind of insurance, which rests upon the employer. So far as it increases the cost of operation and thereby becomes a charge upon the business it is shifted to the community at large and very properly so. It is a question of social responsibility for social conditions.

Finally, I would say that in considering the problem you have got to consider very carefully two other phases of it. The one is the point that I think is met in pretty much all of the minimum wage laws in this country, that it cannot be a rigid, hard and fast law, that there are certain classes to which the law can not be made to apply, where exceptions must come in — not the inefficient young people, but the inefficient mature people whose inefficiency is due to age or physical infirmity. That, of course, goes without saying, that that must be provided for, and that there you have another case of a social responsibility for such conditions. Another point is that when you are dealing with the problem of the minimum wage, especially in a State like New York, and in a metropolis like New York, you must consider things which are largely unnecessary to consider in small states, and that is that you have a State law and yet you have very varying local conditions — a minimum in New York city may be an entirely different minimum from a minimum in Syracuse, or from a minimum in Glens Falls, and at the same time you can not have a law which would put industry in one city at the mercy of the competition of industry in other cities. It seems to me that we have to go much further in the direction of differentiation in the case of a minimum wage in a State like New York than you do in almost any other State in the Union. That is why I maintain that a law which is to be applicable to our conditions has got to be much more carefully devised and thought out than a law, let us say, that is perfectly serviceable in New South Wales or Tasmania, or elsewhere. To conclude, I should say that in my opinion the best investigation that has been made of this whole subject is contained in a little book of Tawney, who has gone into the results of the six months' or year's administration of the English act, in which he Commission no doubt knows in his concluding chapter he sums

up one by one the arguments that have been advanced for and against, and seeks to point out the actual results, both upon labor unions, upon efficiency, upon costs, prices, etc.

Q. Have you, Professor, ever seen the reports of this Commission A. I have, sir.

Q. Have you seen the advance sheets of the report on wage statistics? A. The one that has been published within the last few weeks, you mean?

Q. It has not been published, but a number of advance copies in proof form have been submitted? A. I have not seen that; I have heard of it, but I have not had a chance to look through it.

Q. What I referred to is this — A. No; I have not looked through that yet.

Q. I was going to ask you whether you found those statistics which we have gathered there in such form as they would serve as the basis of any opinion that you might want to give? A. Not having looked through it yet I should be unable to answer that question except to express my general opinion from what I know of the commission and of the people who have been doing the work that in all probability the statistics would be entirely creditable and valuable.

Q. The Commission would be very glad if after you have had an opportunity to examine them, if you desire to give us any further views you will do so in writing at your convenience, so that they can be added to your testimony.

By Commissioner DREIER:

Q. It has been suggested that it might be desirable to have a minimum wage law for only minors; what is your judgment on that? A. On the principle that half a loaf is better than no bread I should say that that might be acceptable, but in the legislation of this country and in the earlier legislation of all countries, almost from the very beginning women have been put on a par with minors because to a very large extent the same arguments have been thought to apply to each. Of course, personally, I do not believe much in that argument. Personally, I believe that if the minimum wage theory is applicable to minors it is applicable not alone to women, but also to men. We are not ready in this country, of course, for any such application of the scheme as is found everywhere else in the world, but the history of all such legisla-

tion shows that you begin with the one class and you gradually spread it to all of the workers, and therefore, I should say that while the application of the minimum wage law to minors would be desirable if you can not get anything more, that a carefully devised law ought to be as applicable to women certainly as to minors.

By Mr. ELKUS:

Q. I might say to you, Professor, for your information, when you examine this report that the information was gathered by an actual investigation of certain industries and particular establishments, and that in each case in order that there might not be an error the facts and figures gathered were submitted to the proprietors of the establishments and they were asked to make any corrections or point out any errors, so that those figures may be taken as absolutely accurate. A. Of course there is one point — I did not know at all, sir, whether that has been met in this volume, but you will remember that in some of the investigations of similar commissions a difficulty arose from the fact that the returns were predicated only on the amount of wages and the hours which the employees were supposed to receive, and that sufficient attention was not called to the actual period.

Q. That point we actually investigated, the actual amount of time spent and the actual amount of wages received in each case, and the employee was followed through the period, and we distinguished rates from actual earnings.

By the CHAIRMAN:

Q. Professor, early in your testimony you made some reference to factory legislation and that it did not always accomplish the results claimed for it when advocated; you are acquainted, of course, with the legislation which this Commission advocated and which, as a result of its advocacy has been enacted into law; do you consider that legislation wise? A. Are you referring to the New York legislation or the general legislation of this country?

Q. I am speaking of the New York legislation and even to be more specific than that, to the legislation which was proposed by this Commission, that is about the only legislation which has been passed during the past four years? A. I think the labor legislation has been moderate and wise. When I spoke of the

previous legislation that was passed by Congress during the Civil War and which remained necessarily a dead letter, it was because there were a good many laws in advance of the economic possibilities, and, therefore, they did not amount to anything, but in New York State we have been going ahead piecemeal and it seems to me conservatively, and the results have been proportionately good.

By Commissioner DREIER:

Q. It was claimed yesterday by some of the manufacturers that the purchasing power of the dollar of the employees whose wage might be raised through a minimum wage law, would not be increased because of the increased cost of living; can you give us any light on that subject? A. If the increased cost of living were entirely independent of the change in the rate of wages it would not effect, of course, the employees of these establishments any more than it would affect anybody else. Insofar as the intimation or the implication is that the minimum wage would lead to increased cost, through a large price, and, therefore, that the employee would lose in prices what she or he would gain in their wages, that argument seems to be largely destitute of foundation, very obviously. First, for the reason that it has not yet been proved that the minimum wage would necessarily increase prices. In fact, we find in the one careful investigation that has been made that the increase of wages in this particular industry—that this increase of wages was divided among three parties, that it did lead to a partial increase in price, that it also led to a somewhat, although not very marked, diminution in the profits of the employer of that particular industry, and, therefore, I would say that in so far as an increase of wages would under conceivable circumstances either lead to more efficiency by eliminating the inefficient or in so far as it might even conceivably, where competition was very close and under certain conditions, lead to a diminution of the profits of the employer it would not necessarily then be added to the cost of the consumers, therefore I should say that the argument that the employees loses on one hand what he or she gains on the other is not in anywise true.

Commissioner DREIER: Thank you very much.

MR. ELKUS: Now, Mr. Chairman, there is a lady here who wants to say a word out of order in relation to one of the bills which was passed by the Legislature and which she thinks ought to be amended.

MRS. MARGARET KERR FIRTH addressed the Commission.

MRS. FIRTH: I do not need to go into details about this law; you are thoroughly acquainted with it. I think not one of you would for a moment call this gilded dome building across the way a factory building, I mean the Pulitzer building, yet the powers that be have seen fit to call women printers or men printers for that matter, factory workers. Now there are about 300 women printers in New York city. How many there are in New York State I don't know, but this law affects them materially. It frequently occurs that we are compelled to work a few hours overtime. Our New York ownership do not know when we are going to have to stay and if in accordance with the law they must not keep women overtime, they are not going to employ women because they have to have people that they can keep and they are not going to keep us any oftener than necessary because they have to pay us at the rate of time and a half for overtime, and they don't like to pay any extra wages, so we haven't found it any hardship, and I know in one office positively, that they will not employ women. That is a big type office. They have one or two there and they will take on no additional women for the reasons I stated. On the other hand the newspapers, some of them, have seen fit to bar us out in accordance with that law, and that means cutting us from the highest wages we can receive in our profession. We stand very little opportunity to get the day work in the newspapers, but at night some of us have situations and some of us have been barred from situations and those who are continuing to work at night are working under sufferance. We do not know when the final blow may fall and we may lose it. Now we are not in the ordinary factory class, we are above the six dollar a week people. It takes some degree of intelligence to get into our line of work in the first place and we are not young and no girl can hold a situation on a newspaper, no young girl, and our salary really lifts us out into the salaried class. It is nominally a wage but we find that the

previous legislation that was passed by Congress during the War and which remained necessarily a dead letter. It was there were a good many laws in advance of the economic conditions, and, therefore, they did not amount to anything. In New York State we have been going ahead piecemeal and to me conservatively, and the results have been practically good.

By Commissioner DREIER:

Q. It was claimed yesterday by some of the manufacturers that the purchasing power of the dollar of the employees whose might be raised through a minimum wage law, would not be increased because of the increased cost of living; can you give any light on that subject? A. If the increased cost of living is entirely independent of the change in the rate of wages it will not effect, of course, the employees of these establishments more than it would affect anybody else. Insofar as the inflation or the implication is that the minimum wage would be increased through a large price, and, therefore, that the employee would lose in prices what she or he would gain in the wages, that argument seems to be largely destitute of foundation very obviously. First, for the reason that it has not yet been proved that the minimum wage would necessarily increase prices. In fact, we find in the one careful investigation that has been made that the increase of wages in this particular industry—that this increase of wages was divided among three parties, that it did lead to a partial increase in price, that it also led to a small what, although not very marked, diminution in the profits of the employer of that particular industry, and, therefore, I say that in so far as an increase of wages would under favorable circumstances either lead to more efficiency by the inefficient or in so far as it might even conceivably diminish the profits of the employer it would then be added to the cost of the consumers. The argument that the employer or she gains on the other is not just.

Commissioner DREIER: The

us: Now, Mr. Chairman, there is a lady here who
may a word out of order in relation to one of the bills
passed by the Legislature and which she thinks ought
to be amended.

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MARGARET KERR FIRTH addressed the Commission.

FIRTH: I do not need to go into details about this law;
I am thoroughly acquainted with it. I think not one of you
for a moment call this gilded dome building across
a factory building, I mean the Pulitzer building, yet the
that he have seen fit to call women printers or men printers
matter, factory workers. Now there are about 300 women
s in New York city. How many there are in New York
I don't know, but this law affects them materially. It fre-
quently occurs that we are compelled to work a few hours overtime.
New York ownership do not know when we are going to have
and if in accordance with the law they must not keep women
at home, they are not going to employ women because they have
to have people that they can keep and they are not going to
any oftener than necessary because they have to pay us
of time and a half for overtime, and they don't like
extra wages, so we haven't found it any hardship, at
one office positively, that they will not employ women
a big type office. They have one or two there and
no additional women for the reasons I stated
and the newspapers, some of them, have seen
accordance with that law, and that means
highest wages we can receive in our profes-
sion, a little opportunity to get the day work
might some of us have situations and
from situations and those who are
working under sufferance. We
may fall and we may
factory class, we
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his report is that it is not an
entering here. The subject of
after state in our country and
upon the federal government started this
it has been burned into the con-
state after state, that here is an
men are paid wages far below what

extra wage we receive at night, most of us, who work at night, is a sufficient compensation for the night hours, and I personally prefer the night work, because it gives me an opportunity to do things in the day time that I like to do. Aside from this I want to pursue some study at the University and this will enable me to do that. We do not need to be meddled with. We simply want you to recognize that we are human beings capable of fighting our own battle, and not to be moved about as pawns upon the chess board. There is "big six" that has done more for us than the whole United States has done as far as that goes.

Q. Do you think the law prohibiting any work for women at night should be repealed? A. I am not asking for the repealing of that law in general but as applied to women printers.

Q. Will you tell us how that could be done? A. Couldn't that law be amended?

Q. You mean by exempting women printers? A. Yes.

Q. Any one else you think of ought to be exempted? A. If they want to be let them say so.

Q. Anybody who wants to be? A. Yes, I myself think that if this is carried to its ultimate end, there are women who scrub offices at night —

Mr. ELKUS: We have your idea and are much obliged.

MISS JOSEPHINE GOLDMARK addressed the Commission.

By Mr. ELKUS:

Q. Miss Goldmark will you give us your views about this question, and we will be very glad to hear you? A. Mr. Chairman and members of the Commission, I should like to begin by repeating a few words which I had with Mr. Gompers yesterday after he left the room, as he is unfortunately unable to be here to-day. Mr. Gompers as you will remember expressed some solicitude lest the legislation providing for minimum wages for women if adopted might lead to some disadvantage to the political status of women. He dwelt upon that question and asked several of the witnesses questions in regard to it. I said to Mr. Gompers, and I wish to repeat here for the record, that women who have this subject at heart must appreciate very much any such solicitude. I said to

Mr. Gompers that we who are suffragists are not afraid of legislation of this character; and I pointed out to him this one fact as an illustration: in the year 1911 the Legislature of California gave the women of that state the vote. It was the same legislature of 1911 that passed the eight hour law for women in that state employed in a wide range of occupations. There was nothing in their new political status as citizens detrimental to the special protection accorded to them as wage earners; nor was there anything in the special protection accorded to them as wage-earners which militated against their status as citizens. We know that every man as well as every woman has to submit to restrictions on his or her personal liberty just because they are members of society and citizens. We know that there are laws that restrict the hours of labor of men in private employment on the statute books to-day, many eight hour laws in private employment as well as in employment for the State. Such laws do not interfere with the political status of the men whom they protect; and similarly there does not seem to us to be any danger that this special legislation for women engaged in industry is going to interfere with their political status.

I too have had occasion to go over the various reports of this Commission in connection with the defense of the Oregon minimum wage law for women, recently argued before the Supreme court of the United States. I am glad to leave with you some copies of the brief presented in that case, in advance of the hearing that I understand Mr. Brandeis is to have before you later. I want to repeat what the previous speakers have said, to express very high appreciation of the work of the Commission embodied in their advance Fourth Report. I think it stands not only on a par but in many ways it leads the investigations made in this country and also in England and Australasia. One particular point of interest that emerges from this report is that it is not an isolated phenomena you are considering here. The subject of wages has been considered in state after state in our country and has been prominent since the Federal government started this line of investigation in 1911. It has been burned into the consciousness of our people, in state after state, that here is an intolerable situation when women are paid wages far below what

is necessary for their decent subsistence, however they may make up the balance. The question is: here are the facts and what are we going to do about them? Are we going to sit down and say that nothing can be done to remedy a state of affairs so deplorable? Doctor Weyl referred to what you will find set forth in this Oregon brief. Doctor Weyl refers to the experience of Victoria and showed that this is not a new or revolutionary suggestion which is being made, for a minimum wage commission with powers to establish subordinate boards in different industries. We have, to begin with, experience in one community now covering a period of over 18 years — surely not a short period for one of these experiments in social legislation — Dr. Weyl pointed out also how this experiment began in a smaller number of trades, only five, growing to 134 wage boards covering 134 trades in the year 1913. We have the experience of conservative England which studied and looked into the matter with great care before entering upon a similar experiment. No community I think has entered upon it without a feeling of hesitation such as is natural for any Commission to feel in proposing such a new line of legislation. The Australasians were most intelligently conscious that it was an experiment for years until they proved by actual experiment how the scheme was working out. England realized that it was experimental and started wage boards in only four trades; and after four years the value of the experience justified the inclusion of four additional trades.

Now among the many subjects that might be brought to your attention in regard to this proposed legislation what I want to dwell on is this: that this proposed wage commission, bringing employers and employees together in trades where they never have acted jointly before, above all things is valuable because it turns on the light. We know from all these investigations, including your own, that what exists is chaos in wages. It cannot be called by any other name. We heard yesterday from a number of manufacturers, we heard from the printing trades, we heard from organized labor in regard to the printing trades, the testimony of the great value accruing when employers and employees come together and discuss these subjects in their own particular trades. Now what are we asking? I speak for the

National Consumers' League which has been urging this legislation for a number of years. We ask this Commission to take the logical next step after all their investigation and propose such minimum wage legislation, wisely guarded as Professor Seligman pointed out, for this state, as an extension of the method of collective bargaining which has been proved successful when privately initiated.

Yesterday the secretary of the Retail Dry Goods Association said that some of the low wages in the dry goods trade had been brought to their attention because the Civic Federation chanced to look into their wage scales, and the lowness of some of the wages was brought to the attention of their members in a way it had never been brought before. Senator Wagner pointed out that conditions became known only because an outside party happened along by good luck, and had brought to their attention conditions never before known. The employers did not know what was being paid in their own establishments. Questions were asked yesterday time and time again, as to what wages are paid to different groups of girls and the answer of the employers was "I don't know." Now what is needed is exact knowledge. We want knowledge of what is going on in each individual trade. It was for lack of current knowledge as to wages and other conditions of employment that we have a situation arising such as disgraced New York a few years ago, when girls of 14 to 16 years of age were picketing the city and the police force of one of the richest cities of the world was fighting girl strikers on the streets of New York. Now it is to avoid such things that we ask you to provide a legitimate method of getting this information as to existing conditions; or are we to go on until really revolutionary methods are urged?

I am too well aware of the difficulties of sustaining this kind of legislation before the courts, to want to see anything enacted which might not be called reasonable. For instance in the state of Arkansas at this moment they are considering a most unreasonable law. We are opposed to the proposed Arkansas minimum wage law because it provides for a flat rate of wages, manifestly unreasonable. That is not what is proposed for New York. We do not ask this Commission to go on record as saying what is a

living wage for women. That we do not conceive to be the function or the duty laid upon you. But we ask you to establish a wage commission with subordinate wage boards composed of representatives of employers, employees and the general public, in the different trades. Employees serving on such boards can learn something of the difficulties of the manufacturers in their own occupations, and manufacturers on the other hand can get an absolutely new point of view as to their workers, not merely as units in their great systems, but as living people who have to eat and sleep and meet their physical and other needs of life, whether they are living with their families or supporting themselves alone.

Just a word as to the form of this legislation. Mention has been made here several times of the Massachusetts law and I would like to point out here as to what was said by some representatives of organized labor. I spent the winter of 1911 in Boston and was present at the hearings at the State house before the bill was passed. It was organized labor that stood back of that law, and it was Mr. John Golden, president of the Textile Workers who was on the first Minimum Wage Commission in Massachusetts. Now the undesirable feature of the Massachusetts law is in regard to the method of enforcement it provides. It is a misapprehension, this idea that the original Massachusetts minimum wage bill contemplated having the law enforced only by publicity. That was a mere compromise at the last moment put in by the enemies of the law, not the friends of the law.

If you will look at the act as it was originally drawn by the first Minimum Wage Commission you will see they provided regular penalties for violations. This other method was only accepted as a compromise. They did have other laws of the same recommendatory kind. Their Railway Commission, for instance, had had only advisory powers and could not enforce the penalties that other railways commissions did, but within the year or two the Railway Commission in Massachusetts has found it necessary to get specific penalties to make its orders enforceable, and it is quite possible that the Minimum Wage Commission will also have to get these penalties to make this law enforceable. Therefore it seems to us it would be a decided mistake to follow that law, although it is now in effect in the State of Massachusetts.

Q. What is your position with the National Consumers' League?

A. I am the Publication Secretary and Chairman of the Committee on Legislation and the legal defense of labor laws.

Q. For the record will you state what the National Consumers' League is? A. It is an organization devoted to improving the conditions of women and children in industry.

Q. It is a national organization? A. With ninety-five leagues spread in twenty States or more.

Q. Now, have you investigated, Miss Goldmark, yourself, so that you are able to say, both in the city and in the State of New York, what in your opinion is a sufficient sum for a woman who does not live at home, or rather has no outside support, but must be self-maintained, to live upon? A. I have not myself made such specific investigations. What I learn from those who have, and basing my opinion on my general information, I think it is not impossible that a woman might live on the \$9 wage suggested by the John Wanamaker Department store yesterday; but I think that is probably a low estimate for the necessities in a city of New York's size.

Q. How about outside the City of New York and in the State? A. I think Dr. Seligman was entirely right in saying conditions should be differentiated for different localities as they have been in other states. The city of Portland requires a higher wage than in other portions of the State of Oregon.

Before leaving, I wonder if I might have the privilege of answering the speaker who preceded me from the bindery trades.

Q. Certainly, and I shall ask some more questions in regard to the minimum wage and you may go back to that; in case less than a living wage is paid to a woman employee and she has no outside means of support, who eventually must bear the burden of her support? A. There was an interesting point made yesterday by the President of the Retail Dry Goods Association who spoke of efficiency in living as well as efficiency in work. Now there is no doubt that a woman who is a capable manager can live better on a low wage than one who is incapable. That is only common sense. But to talk of the efficiency of living on a wage like \$6 a week; we know perfectly well that it means just the most intensive kind of scrimping on all sides. It is not efficiency in any true sense at all; and, therefore, it seems to me when you

ask on whom the burden of support is to fall it is a divided burden, that is, it is made up partly by the shattered health of the worker; partly by the father or family which has the unfair burden of supporting her; partly by the industries which pay that family and partly by society which in the end must pay in some way. If the underpaid worker has children in the future, if they are poorly nurtured and fall an easy prey to temptation and get into our juvenile courts, the community pays, and it pays in the necessary support of the hospitals and such other agencies. We have to pay in the end. It never can be escaped.

Q. The public has to pay in the end? A. Absolutely.

Q. Now, Miss Goldmark, have you considered the low wage less than a living wage with reference to vice conditions? A. I think there is absolutely no question of the undermining effect of such low wages, that it tends to put too severe a strain upon the moral strength of the individual. As another speaker has said, it may not lead deliberately to immoral living, because we have too high an opinion of working women to think that they turn readily to that. As investigator after investigator has shown, the wonder of it is how good they remain under temptation, but it is an unfair premium put on goodness.

By Commissioner DREIER:

Q. In the investigation in England and Australia regarding the minimum wage can you tell us whether the minimum has become the maximum? A. So far as I have been able to understand through the study of their reports and through correspondence with the officials charged there with enforcing the law, this preconceived notion is not true. If you take the reports of the Factory Investigator of Victoria and look at the minimum set in various trades from year to year and then take the other tables and see the actual wages paid you will find as matter of fact that the minimum is not the maximum because in trade after trade the maximum that the workers are getting is higher than the minimum set by the various 130 boards in existence. I would like to say just a word in answer to those gentlemen who have suggested a minimum be set for minors only. There was an occasion when child labor was stopped in glass factories and an effort was made to replace those young boys in the glass works by negro women be-

cause they would work for less than men would work. The effort was made in various states. It seems to me there is absolutely no question that if you had a minimum for minors they would be perfectly willing to replace minors by adults who would accept any wage under the stress of competition.

I should like to say just a word in answer to the request for exemption from the law limiting hours of labor for one particular trade such as the representative of the binderies presented here. This is closely connected with the question of the constitutionality of these laws. Unless you can prove that the classification of occupations or trades included in the laws is reasonable, and that classification is borne out by the facts, these laws cannot stand before the courts. The only exception in the various states that has been upheld as constitutional by the United States Supreme Court and other courts was the exception of perishable fruits and vegetables, because a case can be shown there, that at least some elasticity of hours is justifiable on the ground that the things do perish easily. Now unless it can be shown that there is an inherent reason like that there is no more reason for exempting one trade than for any other and any of the reasons given by the book binders for the exception of their trade is absolutely as true in other trades where they have learned to educate their customers that they cannot get things done at the last moment, or else regularize their trade so that they can do away with a great deal of over time and night work which is said to be necessary in this industry. The law now allows for overtime. The law does not prohibit work until after 10 o'clock at night, and before this Commission even seriously considers the matter of exempting any one trade they should bear in mind the disastrous effect this will have, not only to these few hundred women but to the thousands and hundreds of thousands in occupations like the laundries and canneries and any other amount of establishments where the 10 o'clock closing law now protects them.

Mr. N. I. STONE addressed the Commission :

By Mr. ELKUS :

Q. What is your profession? A. I am an economist and writer on economic subjects.

Q. With what official bodies have you been connected? A. Re-

cently connected with the dress and waist industry as the chief statistician of the New York wage scale board and prior to that I held a position as chief statistician of the United States tariff board.

Q. How long did you hold that position? A. During the life of the board. It was in existence for about three and one-half years.

Q. You have been a student of the minimum wage question? A. I have given some attention to it.

Q. We will be very glad to hear you about this matter. A. The report recently published by your Commission has served to confirm the impression that the students of the wage problem have had that there are thousands of wage-workers, particularly among women and children, who do not earn a living wage. As Dr. Weyl has said here to-day it has served to emphasize it and bring out the fact that the prevalence of that phenomena was greater than some of us were led to believe. From the last advance sheets of the report I noticed that in the case of the confectionery workers I believe fully 85 per cent. were earning less than \$8 a week, and if we are to assume that \$8 is a living minimum from some of the discussion that has preceded us, it would appear that 85 per cent. of the workers were getting less than a living wage. Now this situation exists among the women and children in industries where the skill required is not very great but can be easily acquired and sometimes it does not exist at all and can be acquired in a few days or hours, and that being the case, and adding to that the peculiar psychological features of the women employed in the industries, organization there, union organization, is very difficult, and so the women seem to be helpless in this particular respect. I see no other way out of this situation than legislation that would lift the competition among the workers to a level above the starvation line.

It has been stated here, it was stated yesterday by one of the employers, Mr. Frances, I believe, that it was not a matter that concerned society, and that the manufacturers and industry had better be left alone and let the commercialism of it work it out. If it was a matter between the manufacturers and the workers alone perhaps the argument would hold good, although even there

a certain sense of pity for the under dog might play some part, but it is not a matter that concerns industry alone. It is a matter that directly concerns society. The deficit between the four and a half dollar wage and the eight or nine dollars or whatever is necessary for the living wage must be made up in some way. Now, in some cases the worker simply starves and her efficiency is affected, and that is a matter that concerns the employer primarily, although even that concerns society because a lowering of the efficiency means a diminution of the wealth of society. It impoverishes society as a whole, not only the particular employe or employer.

Now not all of these women live with families and a great many of them who do simply have an additional burden of families to support rather than to be supported by them. Insofar as that exists society is frequently called upon directly to make up the difference in dollars and cents by charitable institutions, penal institutions which it is called upon to maintain, because some people are driven to crime and immorality because of the wages they receive, so that it affects in dollars and cents the taxpayer who has to contribute the funds out of which these have to be maintained.

Now there is one point I would like to draw attention to in this discussion of the Minimum Wage Law, that so far I have not seen brought out in the discussion that has preceded, and that is, what do we mean by a Minimum Wage Law? There are two kinds of wage minima. We have on one hand the wage minimum which every union establishes. Of course the union rate of wages is a minimum. The union never prevents the employer from rewarding the more efficient worker by paying him more than the union establishes. Some reference has been made to the protocol that exists in the garment trades. I have had several opportunities of looking into that working arrangement. There they have minimum wages. They are a peculiar minima. It is not a subsistence minimum such as we are discussing here to-day. Their minima were established as a result of the bargaining on the basis of what they think is a fair wage for the skill. Take for instance the protocol in the dress and waist industry. There are half a dozen minima from six to twenty-five dollars a week. A

clerk gets \$6 a week, finisher gets \$8, examiner \$10, joiner \$12, presser \$20, cutter \$25. Each one of these is specifically called a minimum wage. Now it stands to reason that it does not take or cost a draper any more to live than it does a finisher, yet a draper is awarded a \$14 minimum wage while a finisher is awarded only an \$8 minimum. Naturally the union would like to secure \$14 for all the members of its union, and if it did not it is clear that the reason for it was a recognition of the commercial value. There is commercialism, to which Mr. Frances referred yesterday, a recognition of the greater skill required before she can perform these duties. That is one sort of a minimum, and so far as I know the only legislation that has ever recognized a minimum of that sort is the New Zealand legislation, and to some extent the Coal Mining Industry Act which went into effect in 1912 in England. In New Zealand there is no minimum wage, so called. All they have is a General Arbitration Act and wage minima are determined as a part of the operation of the Arbitration Act. Now usually the boards are called upon to make determinations of what shall be a minimum wage in any particular industry as a result of a trade dispute between the workers on the one hand and the employers on the other as to what is a fair wage.

The CHAIRMAN: Has that determination the power of law?

Mr. STONE: It has. It is practically compulsory arbitration. That is what it amounts to. In England in 1912 when the great disturbance occurred in the coal mining industry and all England was on the point of breaking down as the result of the general shutting down of the mines, as a concession to the union, Parliament passed a special act which in a way supplemented the General Minimum Wage Act, but it is a specific act applying to the coal mining industry only, and that acts in about the same way as the Wage Scale Board acts here in the garment industry. That is to say, the employer and employees form a board with an impartial chairman selected by the members of the board or appointed by the Board of Trade, which corresponds to our Labor and Commerce Department, in other words, an impartial man, and they determine upon the wage, which is also binding. In that case they do not consider what is the minimum amount necessary to maintain a person, but what is a fair wage, and they are gov-

earned more by the average wage existing in the industry, and in fact the law made specific reference to that.

Q. How do they take up these questions of wage, only on complaint from the outside? A. Yes, it would be largely a matter of complaint from the outside.

Q. Then the Commission takes steps to increase wages upon its own initiative? A. In that particular case, this having arisen out of a dispute, the Commission was authorized to create boards in the various districts, and in every district the district boards are to proceed to fix the wages and the union is represented on that board directly.

Q. How about New Zealand, how do they take up such matters? A. As I said, the Arbitration Board in any particular case acts as a result of a dispute breaking out in a particular industry.

Q. They cannot take any action on their own initiative? A. No, and it is not a minimum wage in the sense Victoria initiated it. Now coming to that type of minimum wage, the one that originated in Victoria some twenty odd years ago, the example of which England followed when it passed its Minimum Wage Act in 1909, the very object of that was similar to what we see in this country to-day, and in our State just now — it was the object to come to the relief of the workers in the sweated industries. They were referred to by that name in the act. In other words it was the desire to come to the aid of the submerged half of the workers who could not help themselves, who could not be organized into unions, and for one reason or another were compelled to submit to the sweating operation or what the Massachusetts Commission has so well called the parasitic industries, industries which would not or cannot give a living wage, cannot furnish a living to the workers without whom they cannot exist. They are naturally parasitic in the sense that they exist at the expense of somebody else, whether it be the father of the family, as some of the persons asserted, but at any rate somebody is giving a subvention to that particular industry.

Now I take it it is this particular minimum wage the Commission has before it just now. We all proceed upon this consideration — especially as to the low wages presented in the reports of the Commission — of coming to the assistance of the workers who are

getting less than a minimum wage, and if that is kept clearly in mind perhaps there would not be that objection we find on the part of trades unionists, some of whom seem to join the employers in the opposition to the proposed enactment. There seems to be a fear on the part of some of the trade union leaders that the enactment of such a law would put the unions out of business. I do not see it that way, because in the first place it is meant to come to the assistance of workers whom the unions apparently have not been able to reach or to organize. The mere fact that these industries have been in existence for decades and the workers are still unorganized is the best indication that the Unions have not been able to reach them or to organize them. In the second place if these industries can be organized this law would not be in the way of any trade union that wished to undertake the task. All it undertakes to do is to say there shall be no employment below a living wage. The Union is perfectly free to try to secure larger wages for workers who have the necessary skill that will command higher wages. In the same way the same answer would apply to people who are sure this would do away with the law of supply and demand. It modifies in a way the play of the forces of supply and demand in so far as it lifts it to a level above the starvation line. It does not interfere with the working of the law of supply and demand and the value of the services of the workers above that. It simply draws the line below which it shall not go.

Q. Mr. Stone, have you come to any conclusion as to what percentage of women workers there are who receive less than a living wage now in this State? A. I have not, I am sorry to say.

Q. I want to know how large it would be in dollars and cents, if it could be calculated, if an increase was granted or a minimum wage was fixed to cover the sum between what they now receive and a minimum wage? A. I am sorry I cannot give you that.

By Commissioner HAMILTON:

Q. Is the minimum wage law in England partly based on piece work? A. No, virtually on week's work. The general Minimum Wage Law in England is similar to what we have in this country. It was established first for the purpose of aiding those in the sweated industries like buttons, chain making and other industries

of a like character, and the Board was afterwards given the power to extend that to other industries.

Q. About what is the minimum for workers in the garment industry? A. I couldn't say; I know the wages are considerably lower than they are here because the living is lower. We could not very well compare the wages without going into the question of the cost of living,— what the real wages are.

By Commissioner DREIER:

Q. It was claimed yesterday that training these people in trades would naturally tend to increase the wages and there would be no need for a Minimum Wage Law; what is your judgment on that? A. All things being equal I should say that the trained workers would get the preference and if there is not a sufficient supply of them they would command a premium, that is to say receive a higher wage, that is command a certain margin above the minimum, but here again the mere training of all the workers, giving them a higher degree of skill, would not necessarily of itself raise wages, because if you are going to train all the workers and in this way make the supply of trained workers just as plentiful as the supply of untrained workers again the law of competition would simply force down the level to which the hardest bargainer can force it down and compelling the rest of manufacturers to follow suit. I see no other way of putting a stop to that than by an act of the State that would put all the manufacturers on an equality and demand them to pay a living wage. As a matter of fact today, without a living wage, we are all the time told about the great evils that would follow the enactment of a minimum wage because of the rising of prices, etc. Today in almost any industry investigated you will discover there is no such thing as a uniform wage, with the possible exception of an industry that is absolutely governed by a trade union where the wages are under strict control. You find a great variety of wages. Two shops will exist side by side, one paying as much as 50 per cent. higher than another, and yet they both manage to exist side by side. Mr. Frances referred here yesterday to the fact that he has a closed shop. He stated that his wages had gone up 35 per cent. since the union had been given control over his shop, and that he has been able to increase his prices accordingly. Now we all know that

the typographical union does not control the entire industry, and that side by side with the closed shops there are open shops in which presumably lower wages are being paid, yet Mr. Frances can go on existing and charging higher prices than others without any State enacting regulating prices as he suggested yesterday. Now this statement that a minimum wage would lead to either two things, either the public would suffer on account of higher prices, as Mr. Graff suggested yesterday, or the employer would suffer unless the State protected him and gave him a minimum price, is worth considering.

Assuming that it is true that a minimum wage must lead to a higher cost and therefore a higher price the question is as to whether the public is more entitled to a minimum price and the manufacturer or employer to a minimum profit than the worker to a minimum wage. There seems to be objection to the worker being protected by a minimum wage and it was thought quite right to allow the employee to receive starvation wages, and yet there is an implication immediately that the manufacturer or employer ought to be protected in his existing profits, that the profits do not allow of any reduction, and if the employer is able to maintain that and they shift the burden upon the consumer again that the public is entitled to the minimum prices that it has. Now granting that this is so it is again a question of what is a more proper public policy, to protect the worker who is admittedly working below the starvation line or to protect the public against paying a moderate increase in price, or an employer in his minimum profits, but I certainly dissent from the proposition that an increase in the wages above the starvation limit would necessarily lead to an increase in the cost of production.

I can only endorse what has been said here by Dr. Weyl and Prof. Seligman. I could quote to you a great many examples, startling facts, that the investigations of the Tariff Board have shown. At the time the Commission of Congress was considering the question of putting news print paper on the free list a representative of one of the largest paper mills in this country stated to the Commission that the introduction of the eight-hour shift in the paper mills, as the result of an eight month's strike on the part of the union, resulted in an increase in their wages to the

extent of $33\frac{1}{3}$ per cent., that is to say the hours of labor used to be twelve and they were reduced to eight, while the weekly wage remained the same, so that the rate per hour went up to $33\frac{1}{3}$ per cent., and he immediately drew the conclusion there that the established cost of production went up 33 per cent., and now on top of that you are going to remove the duty and ruin the paper making industry. Soon after that the Tariff Board was established, and the first industry we took up was the paper making industry, and to our great surprise we found the very first year after the introduction of the eight-hour shift in place of the twelve-hour shift,—that is the paper mills ran 24 hours a day and they simply had to substitute three shifts for two shifts, that right after that where the wages went up 33 per cent. per hour the cost of production went down 10 per cent. at a time when the mills were in full working time, and as you know after you start up a mill after it has been idle for eight months it takes some time to work up the mill to its full speed and full efficiency.

Q. Do you think that was entirely due to that or was there the introduction of new machinery? A. No new machinery, no radical changes have occurred so far as machinery is concerned. I explain it largely through the increased personal efficiency of workers.

Q. Governor Wagner was asking that question yesterday? A. That is one of the reasons I brought up this point. I heard the chairman raise that question this morning. The chief worker, a paper machine tender, is of the greatest value to his employer when he stands with his arms folded and watches the machine working. It is when he is working very hard with the perspiration falling down his face that the mill is losing money on him. His chief business is to watch the machine. A very thin layer of paper in liquid condition reaches the machine and it is at that point where it is caught by the machine that the greatest watchfulness is required. A moment of relaxation or lack of attention on his part and it may come at an angle, get twisted, and before he knows it the machine is tearing the paper, tons of paper are being destroyed and all the workers are running up to the machine, the machine has to be stopped and the whole thing has to start over again.

Q. Were you here yesterday, Dr. Stone, when Mr. Bryne of the City Button Company testified? A. No, I was here only in the morning.

Q. He testified that in his employment if wages had to be raised up to what was conceded to be a living wage he would have to go out of business; what have you to say as to that, whether with higher wages there would be greater efficiency even in that trade?

A. I don't know anything about that particular industry, but as a general proposition I am very skeptical when I hear the assertion of an industry having to go out of business because it has to pay a living wage. So far I have never come across an industry which was put out of business through the necessity of paying a living wage. I do not know of a single instance in industrial history.

By Commissioner HAMILTON:

Q. Did the paper manufacturers, do you know, maintain the same help they had before the shift? A. They did, and an entire explanation of that where the cost went down in spite of the reduction in hours, which was equivalent to an increase in wages per hour, is when the worker works 12 hours a day it is the last four hours that are very tiresome. After a man has been working eight hours he is apt to get tired. We know that by personal experience.

Q. And accidents will happen? A. Accidents will happen. After the change there was four hours less fatigue. That does not mean just one-third less fatigue. The twelfth hour is the worst and the eleventh the next worse and the last four hours are much more fatiguing than the preceding eight hours. Any efficiency engineer will tell you that. Any psychologist will tell you that. Now as a result of that change the worker not only got tired less but he rested four hours more. That should not be lost sight of. It is a difference of four hours but it is equivalent to 12 hours more to the worker in being less tired, and in the next place resting more, and the result was when he came to work next morning he was bright and able to watch the paper and there were less break-downs and the result was great reduction in the cost of production.

Now, I could cite many instances — ad libitum almost. I have a few here in my report to this Commission. It will be published

later. I shall not take the time to read it now, but there is one feature I want to point out and that is taking the commercialism of the thing. In the great competition that is going on today between different countries, it is not the Oriental country that pays the lowest wage that is ahead in the game. It is the most advanced country or the country that is paying the highest wages that will go ahead. Going back to the Tariff Board experience I will state but one more interesting example. When we took up the cotton investigation, of which I was in charge, we sent investigators to Europe to compare wages in Germany and England, but we were not satisfied with that and particularly the people from the South were very apprehensive over the great competition, both present and potential, especially the potential competition of Japanese cotton mills. There was talk about our losing some of the Chinese market to Japan, a fear that Japan would pretty soon come and swamp us, not only in China but at home. The Japanese it was said, gets 15 cents a day as against \$1.50 that the American weaver receives. Now I do not believe that \$1.50 is a wage to brag about for an American workman who has to maintain a family, but the fact was shown that it was ten times as high as that of the Japanese weaver. We got figures first hand from the books of Japanese concerns. He was getting 18 to 20 cents, which is almost as bad as the 15 cents. The fact was that in spite of the wage he got he was much more expensive to the manufacturer than the \$1.50 weaver, and we could still compete. Now to sum up, to show what it means, that high wages do not necessarily mean high cost of production, I wish to read a list of highly skilled and therefore the highest paid American labor, that Secretary Redfield sent to Congress. He read from a catalogue of American goods sold abroad in competition with England and Germany and other countries and the list was not very large and I will read it to you because it conveys a better impression than any argument that could be presented as to the possibilities of high wages. Here are some of the things that Secretary Redfield picked out at random from one of our export journals: iron mongery, fine tools, bicycles, sporting goods, lamps, razors, fire arms, carriage maker's supplies, sanitary goods, lighting systems, drygoods, men's furnishing goods, boots and shoes, corsets, hats, caps, textiles, clothing,

women's furnishings, office furniture, office devices, stationery, typewriters, filing cabinets, printer's supplies, paper machine tools, boilers, lubricants, electrical material, valves, wood working machinery, belting, shafting, pulleys, furniture, kitchen ware and agricultural implements. Now it goes without saying that this list could be amplified further. I believe I can leave the subject simply with this general remark that low wages are not equivalent to low costs, that the experience of practical business men with the broad outlook, who have had opportunity to look into things, from their own counting room and their own payroll as well as the teachings of economists and of history confirm this fact — the economy of high wages.

By Mr. ELKUS:

Q. I have been asked by Dr. Leach to ask you these questions: Would not a minimum wage tend to standardize the product, the standardization being one of the greatest factors in its production. In this way would not cut-throat competition be curtailed to a certain extent and after adjustment result in permanent benefit to the employer? A. It might have that tendency.

Q. Would not the minimum wage be a strong demarcation between the employer and the unemployed? A. It would undoubtedly do that.

(At this point, the hour of one o'clock having arrived, the Commission took a recess until 2 P. M.)

Professor HENRY R. SEAGER, addressed the Commission:

By Mr. ELKUS:

Q. Professor, so that we may have it on the record, will you give your full name and details? A. Professor Henry R. Seager, Columbia University, President of the American Association for Labor Legislation.

Q. You are professor of what? A. Political economy.

Q. Now Professor Seager, the Commission as you know is now considering what is broadly called the Minimum Wage question and we would be very glad to have your views upon this matter? A. Mr. Chairman, and members of the Commission; Mr. Elkus, I am in favor of the proposition of creating machinery to establish

minimum wages that will have the binding force of law. This plan as you all know was first introduced in Victoria some twenty years ago. A recent report which has come out on the subject seems to show convincingly that the plan there has been successful and that the objections that are commonly urged against it are not valid. In practice it does not work out in the way it is represented. Indirect evidence of that fact is its extension in Victoria until now it covers a substantial majority of the workers in manufacturing industries, not merely sweated industries but other industries. One of the objections most commonly urged is the danger that the minimum wages established may develop into the usual wages. An investigation of that aspect was made in Victoria in 1902 which showed that that result did not follow. For example, in the clothing industry, a minimum wage for men at that time was \$11.25 a week, whereas the actual average wage paid was \$13.25 a week, showing conclusively that the range of wages was as great as without any minimum wage regulation and that the minimum was merely the minimum and not at all the usual and normal wage. For women in the same grade the minimum provided by the wage law was thirty-six shillings a week, that is \$9 a week. The average was \$10.50 a week, showing again that the range of wages was very much as it would have been if there had been no minimum, and that the minimum was really the minimum and not the usual wage. That I believe was true of wages in other industries.

It is certainly true that wage earners in that country support the system and it is not likely that they would if the result that is feared by some labor leaders in this country actually followed. The operation of the law in Victoria, as you know, was exhaustively studied before the Minimum Wage Law of 1909 was adopted by the British Parliament. I have tried to follow as well as we could from the outside the operation of the British law, and am convinced that it is proven successful, as is indicated by the fact that no one so far as I know, of importance, advocates a repeal of the law and the Board of Trade which is administering it has extended it to four additional trades, additional to the four trades to which it applied at the outset.

The operation of the system in this country has been so recent

that I would not urge that any very important conclusion could be based on our experience, but so far as it goes I submit that even our experience justifies the belief that the system will prove advantageous.

The effects that seem to me to follow a minimum wage system are first of all the standardization of wages and hours in industries which are now in a chaotic condition. I do not mean by that that the minimum will become the usual wage but merely that the exploitation of workers that now occurs because the worker is ignorant and a bad bargainer would be stopped. Second, and quite as important, would be the education of the public as to the actual industrial conditions in the industries affected and the development of a more enlightened attitude on the whole labor problem. Already it is perfectly clear that that result follows inevitably the adoption of a system of wage boards. In the States that have this system, Massachusetts, Minnesota and Wisconsin, the light has been turned on. I do not mean Wisconsin, I mean Oregon, and the public is aroused as to the evils of low wages as it has not been before. The situation cannot be ignored any longer. These boards give official and convincing evidence of the fact that hundreds have been receiving wages on which they could not live, and that is a great stimulus to all measures intended to improve the condition of wage earners. It is helping along the whole program of ameliorative legislation for the benefit of wage earners.

The third result that I think has followed is better relations between employers and employees. The machinery I had in mind would put the burden of deciding what wages should be prescribed on a wage board made up of representatives of employers and employees and perhaps of the public. Bringing employers and employees together to consider that problem is a long step in my judgment toward better relations, better understanding. The representatives of employees will appreciate more clearly what the employer is confronted with and the employer will appreciate more clearly what low wages mean to the employee, and in my judgment the experience of Victoria justifies the view that in the long run this measure will make for industrial peace. Moreover, it means that the more high-minded employer will stand behind

the machinery after it is created to insist on the efficient enforcement of the wage law and help along the enforcement of labor legislation all along the line. That is the tendency in connection with our regulations, but I think it will be more the tendency in connection with wage regulations than at any other point, that the employer cannot permit a continuance of the situation where he is required to pay living wages to his employees and other employers because they do not obey the law do not pay those wages. That would have employers lined up behind the enforcement of our Labor Law as we have not had in the past.

That is my chief reason for being optimistic as to the enforcement of this kind of legislation. We would have it backed by the best opinion of the more influential class of employers. They would be even more interested than anybody else in making it impossible for the exploiting type of employer to continue his exploitation of the workers.

I have said that I had in mind a plan by which the determination of wages in different industries should be through a wage board. That is substantially the English system and the Victorian system. I think that under our conditions, partly for constitutional reasons, the organization of these wage boards and the giving of legal force to their determinations ought to be through a State commission that would have general supervision over the whole system and would decide in what industries it was desirable that wage boards be organized. That is the system that appeals to my judgment, the Massachusetts system, with the addition of power to make legally binding the wage determinations approved by the Commission, which is absent from the Massachusetts law.

That aspect that has received much attention is whether the law should apply to men as well as to women and children. In my opinion there is no good economic reason why it should not apply to men. So far as the economic argument is concerned it ought to apply to men. At the same time I am impressed with the great danger that if it did apply to men, as our Constitution is now interpreted, the measure might be declared unconstitutional. Therefore, I should favor under the present Constitution a law at the outset limited to wages of women and children, with the expectation and hope that in time it will be extended to men,

and that public opinion, including the opinion of judges, would justify that extension after we had experience of its operation and effect.

By Commissioner DREIER :

Q. You do believe much more in wage boards established through a wage commission than only in a commission; could you enlarge upon that? A. I believe in the wage boards chiefly because I think it is vital to the success of such a system that public opinion be behind it and particularly public opinion in the industry affected. If the determination is through a State commission I fear the result would be opposition in the industry or the feeling that it was being imposed upon the industry from the outside, whereas if it was put up to the wage board representing the industry it would then seem to come from the industry itself and would have the support of those in the industry and therefore be more likely to be enforced and developed in a way that would harmonize with the best interests of the industry. On the other hand, I think supervision by a commission is necessary to make certain that the wages actually adopted will harmonize in different industries, and also as I mentioned constitutionally, I imagine that the measure would have a better chance if a State commission were the authority that gave binding force to the determination than if that was through a local board.

By Commissioner HAMILTON :

Q. Is it your idea, Professor, that there be several boards, one for each industry? A. One for each industry or important branch of the industry. My idea is just a sort of a development that has followed in Victoria. I believe now they have 104 different boards for different industries there. In England it started out with four and now they have in process of organization eight. In the coal industry where the system was developed on the basis of independent legislation my impression is that they have thirteen districts for that industry with boards. Just how many boards there should be and just how they should be related to the different industries would be a matter that could be best determined by the Commission by a study of the conditions in different industries.

By Mr. ELKUS:

Q. Is there any economic objection to a minimum wage board with power to fix a minimum wage? A. I can see no objection. It is often argued that you cannot fix wages by law. It is obvious that you cannot fix the wages of a particular employee by law and compel a particular employer to pay that employee those wages. That would be an evasion of liberty that nobody would approve. You can, however, I believe, fix minimum wages by law leaving it to employers to decide whether they could afford to pay those wages to their employees. The result, if the minimum is made here, would be a culling out of the less efficient workers. How serious that would prove, how many workers would be discharged from employment in consequence, would depend on the minimum fixed. In my judgment that aspect presents a ground for being conservative in fixing the minimum. I noticed that yesterday one of your witnesses, it was stated in the papers, advocated a \$12 minimum for experienced women workers. In my judgment that would be much too high to be adjusted to New York conditions. I should favor a minimum somewhere between \$8 and \$9 for experienced women workers in New York city.

In Boston, in the brush making industry, the minimum fixed works out \$7.75 a week, lower than the finding of the Commission itself indicated was called for by a living wage, but at the outset I think it would be desirable to err on the side of a little too low a minimum rather than a little too high a minimum. After we get it started it may be possible to put up the minimum but we can not expect in a city where perhaps \$6 a wage is the common wage of a woman worker, we can not expect to jack that up to \$12 without causing a serious disturbance to our industries, and I do not think we ought to try.

Mr. ELKUS: Thank you very much, professor.

Dr. EDWARD T. DEVINE addressed the Commission:

By Mr. ELKUS:

Q. Will you give your full name? A. Edward T. Devine.

Q. You are professor of what in the school of philanthropy?
A. Director of the School of Philanthropy.

Q. Of Columbia University? A. No, I am director of the School of Philanthropy and Professor of Social Economy in Columbia University.

Q. I know you have given a good deal of time to the subject we are discussing and we would be very glad to have your views on this whole matter? A. I have had a general academic interest in this subject for a long time. My attention was called to it in a practical way by an interview I had with a prominent official in the English Board of Trade responsible for the administration of the minimum wage law in England, and he gave me a good deal of information as to the early operation of the law with reference to the four trades to which it first applied. If the Commission is interested in my repeating one of these details I shall be glad to report the conversation as I remember it.

Q. Yes? A. It was applied first of all —

The CHAIRMAN: Who was this conversation with?

Dr. DEVINE: It was with a prominent official in the Board of Trade responsible for administering this law — I am not sure of his name. I think it was Mr. Rodgers. He is a man who is continuously giving personal attention to this particular thing in the office of the Board of Trade. The first application of the law was to the women chain makers, women making heavy iron chains. They were being paid according to the information obtained by a local board appointed to investigate the matter, something like two and one-half cents an hour which would amount to twenty-five cents for a ten-hour day. They established a minimum wage of just double that amount, that is two pence half penny an hour, five cents an hour, by which a person working a ten-hour day would make fifty cents. That seems to us like a small wage but it was just twice what those women were earning at that time. The inspector of the board who was on the ground and responsible for putting this law into operation was a woman who had rather an exceptional genius for taking an interest in the personal problem of people socially, who really took a personal, friendly interest in the way in which it was worked out, and she was able to give some very good advice to individuals affected by it, so that the rather extraordinary results that were

obtained in that district were probably due in part to her good management, as well as to the increase which the women earned. At any rate the testimony was that this change from a twenty-five cent day to a fifty cent day did make the difference between starvation practically or burdensomeness, because some of them of course were being supported by others, and something like economic independence, and the change was really a revolutionary one and the extraordinary thing about it was that there were almost no complaints either from the employers or from the people who bought the chains. Some attempt was made to find out both from the point of view of the employers and the point of view of the people who bought their goods whether or not there was any ground for complaint on account of the increased wages paid and the uniform testimony of all of them was that there was not, and the explanation seemed to be that the women being better nourished and better fed because of their increased wages were able to produce a better article and the manufacturers were able to charge higher prices for it, and everybody was satisfied.

Q. Were those who had been engaged at twenty-five cents a day discharged and others taken in their places? A. No, the same women were paid on the fifty-cent basis.

Q. One of the points made against the minimum wage here was that the less efficient would lose their places and others would take them? A. As I say, this was not a very large number of people, it was a few hundred altogether.

Q. It served as an illustration? A. It served as an illustration, and I may say I am not sure but that some of the result was due to the fact that the people moved into better quarters and their health was better and the whole organization was better, partly as the result of the personal efforts of this inspector and that they had more wages. At any rate in that particular instance there was no complaint from any quarter and everybody concerned in the operation of the law was benefited. It was applied next to the machine lathe makers in the neighborhood of Nottingham with result that was similar, although a larger number were involved, and so far as I could learn at the time there was practically no complaint there. It was then applied to paper

box manufacturers where the problem was much more complicated because those factories were located partly in towns and partly in the country and there were some difficulties in connection with the administration of the law there. The people in the country factories for instance, asked to have a lower wage than the factories in the towns on the ground that living conditions were somewhat cheaper there and that people could live on less and that therefore they ought to be able to pay somewhat less wages. The board made a careful inquiry into the request and decided not to grant it and established a uniform rate for those industries throughout the country because they found there were some offsets to this and it was not a perfectly clear case, or at any rate the difference was not very great and they would not be justified in making any difference.

They applied next to the tailoring trade and there the experience at the time when I had this interview was so brief that they did not feel like saying anything particularly about it. It was interesting because there they established a different rate for men than that for women, six pence an hour for men and half that for women, but I have no information as to how it works out.

By Mr. ELKUS:

Q. Doctor may I ask you a question? A. Yes.

Q. You besides being the director of the school of philanthropy and Professor of Sociology in Columbia University have been associated with organized charity in this city for a good many years have you not? A. Yes.

Q. And you have studied charitable problems from an economic standpoint; assuming that a woman is paid less than a living wage upon whom does the burden fall of making up for her living expenses eventually? A. It may fall upon other members of the family.

Q. Assume that she has none, that she must be self-maintaining? A. I am afraid to a large extent it falls upon herself.

Q. That is directly? A. Her health breaks down and she has to pay the penalty in a very direct way. Of course to some slight extent it falls upon the relief societies, the public charitable institutions, and it paid by the community, and she becomes a public charge of course.

Q. That is the point I wanted, if I do not interrupt you; is there any relation between the question of morality of women workers and their receiving less than a living wage? A. I have never made any investigation that would justify me in expressing any particular opinion upon that subject. I have my impression through the general study of the subject and through my experience for the past eighteen years as secretary of the charities societies, and I have become converted to the idea that the community is justified in establishing standards of various kinds below which society can not afford to allow any considerable number of the community to go. This principle, I think, was very clearly enunciated at the first meeting of the American Economic Association in a very able address by the then president of the Association, Professor Henry Carter Adams, who has since been for many years statistician of the Interstate Commerce Commission. Professor Adams' general proposition was that it was not an interference with free competition for society to establish the line below which competition will not be allowed. In other words society does not, by doing that, favor one individual or one class at the expense of another. It simply establishes the level above which free competition shall be allowed among individuals and among groups. Now we have applied that principal in regard to housing. We have said that there is a certain definite sanitary minimum below which houses shall not be built or occupied. We have applied it to child welfare. We have said that there is a certain minimum below even which parents are not to be allowed to have a free hand, if they do not take care of their children according to the minimum standard. We have applied it to factories, not only as to legislation in regard to excessive hours, and night work and child work and various other respects, but especially with reference to safety. We have said not that this man must do one thing and another but that anybody who conducts a factory of any kind must give a certain minimum standard, of protection from the danger of machinery, from the danger of fire, and from other similar dangers in the factories, and it seems to me the time has come for us to establish in the same way, although this seems in some respects a more radical step than the others, to try this similar step of establishing a living standard of wages. We shall

not say one person must do this, and another must do that. We do not wish to establish different standards among competing groups, but we have a right to say anybody who wishes to engage in this industry and if it is to be carried on at all it must be with people who get a certain standard. So that it seems to me this is carrying on the process of establishing standards, to conform to the sense of decency and of self-respect on the part of the communities. We are all members of the community. We are all responsible for things that happen in the community. We do not allow starvation; we do not allow the exploitation of children in the factories; we do not allow certain factory risks; and it seems to me that the time has come when we shall say we do not allow employers to engage in industry unless they pay a reasonable wage with reference to that particular locality and that particular industry. But all those things, the locality and the industry must be taken into account and be determined, as Professor Seager has said, by wage boards established in particular industries.

Now of course it is said in criticism of the principle of minimum wage legislation that it will throw some people out of employment. Probably it will have that result. Some people will be thrown out of employment temporarily until through education and training they can be made sufficiently efficient and expert to earn the minimum standard established and then they will find employment. In other words for some people it will extend the period of education and training, which will be very desirable. Others, because of some mental deficiency, may never be able to attain the standard. Those who are incapable of training, unable ever to earn the reasonable minimum wage, which would be established in an important industry, ought I think properly to be cared for by the community on some other plan. They ought to be employed as is desirable or for their advantage, but on some plan that will take them out of the ordinary industrial competition. They are not capable of earning a minimum fixed by society. They ought therefore to be put under humane and proper guardianship, of people who will give them shelter and protection, and the kind of employment which will be beneficial for them, but they ought not to be in industry at large reducing wages by an unfair and under the belt competition.

By the CHAIRMAN:

Q. Doctor if that were a good argument for not enacting minimum wage legislation might you not just as well say we ought not to have any higher education because the man who gets the better education may replace one not so well educated? A. I do not think it is a good argument but I made it as it occurred to me.

By Mr. ELKUS:

Q. Do you think that there is an economic objection to any minimum wage law? A. I think there are economic arguments on both sides of the question but the substantial weight of the argument is I think in favor of minimum wage legislation.

Mr. ELKUS: Thank you very much doctor.

Miss MARY VAN KLEECK addressed the Commission.

By Mr. ELKUS:

Q. Miss Van Kleeck what is your occupation? A. Director of investigation for the Committee on Women's Work, Russell Sage Foundation. We are making investigations in New York into the conditions of women's work.

Q. You have made a number of investigations for this commission? A. Into the millinery trade for this commission.

Q. We shall be very glad to hear you on this? A. Supplementing what has been said by some previous speakers I should like to emphasize the fact that we are interested in the protection of women workers by wage legislation at this time, not particularly because they are women, but because they are underpaid workers and underpayment is a social menace whether the worker be a man or a woman, but it happens that the condition pressed most heavily upon women workers at this time, and it seems to me that we should regard those conditions as unique for women and to make the statement so often that the position of women workers with reference to industry and with reference to the support of families and to home life is something quite different from the position of men. The commission has a great deal of evidence about the wages of women, and it would be carrying coal to Newcastle to add to that information, but there are a few points I should like to emphasize on the conditions of work showing the reason why the

underpayment of women workers constitutes so serious a social menace, and I think that is that girls and women characteristically in a large majority are working not for themselves alone but they are working for their families; that primarily the wages of women are family wages rather than individual wages, and I think the evidence on that point may be cited in a number of directions. In the first place in the study that we made of woman's work in the bookbindery trade we found that in less than half of the households of bindery women were their fathers able to contribute to the support of the family; that these typical families were families in which much of the burden of the support fell upon the women workers; that the fathers were either incapacitated or they were dead and unable to contribute to support and that the grown boys were starting out and establishing homes of their own and that the support of the younger children, the support of the mother of the family or the incapacitated father fell very largely upon the women workers. Now in the United States Government study of women workers they investigated nearly 2,500 women here in New York in their studies of wage earning girls in the stores and in the factories and they discovered that of the women who were without home forty per cent. were contributing to needy relatives and that of the women in their home eighty-four per cent. of those in stores and eighty-eight per cent. of those in factories gave all of their earnings to the family budget and that only three per cent. of the girls in stores and six tenths of the girls in factories kept all of their earnings for themselves, showing decidedly that the earnings of women was a family matter. The report of the relief committee following the Ashe fire shows case after case in which appeals were made and substantiated by investigation from families in which the chief support had been taken away, the chief support being a woman worker. Now in this same United States Government investigation they investigated four very large and important industries in this country employing women, silk, cotton, glass and men's ready made clothing, and in each one of these industries they investigated some two thousand homes of the women workers and the evidence showing the number of persons in those families, the average number in the family, and the average number of wage earners is interesting. For silk

for instance the average number in the family was a little more than six and the average number of wage earners, three. In the glass industry the average number in the family was 6.3 and the average number of wage earners three. In the cotton industry the average number in the family 6.6 and the average number of workers 3.7. In men's clothing the average number in the family 5.4 and the average number of wage earners 2.9. In other words in every one of these important industries in this country the number in the family of these women wage earners was double the number of wage earners, that is there were dependents to be cared for by the combined earnings of these wage earners. I think all of that evidence that I have just been quoting shows that there are dependents in these families and that inadequate earnings on the part of the women would result in a low standard of living for those families. Now there is absolutely no evidence on which to base the statement of the average length of time which women remain in industry. We have some evidence of the ages of women in industry and only 36 per cent. of the women employed in manufacturing in this country are under 21. That is some 64 per cent. are 21 and over and something like 11 per cent are 45 and over. The evidence would now seem to show that they are not at all young girls by any manner of means but that they do stay longer in industry than the three or five years being quoted continually by persons who are merely guessing.

I would like to point out in passing in answer to one of the statements made yesterday that the proportion employed in domestic service is decreasing in favor of women employed in some of these other occupations, and moreover domestic and personal service does not mean necessarily employment in the homes but includes waitresses, institutional nurses, hair dressers, embalmers and various other occupations, so that we can not reason from that as was done yesterday quite so quickly that the most important occupation for women is work in the homes. Of every 100 workers in the city 27 are women and of every 100 in manufacturing 29 are women and that represents an increase in proportion as compared with 1900, so that it is becoming more and more important to consider the position of women both because of their importance in industry and because of their importance to the family, and

whatever standards are prevailing for women in industry are bound to affect standards in industry generally as well as standards in the home.

Now the creation of wage boards in my opinion ought to accomplish several things. First of all of course it ought to give to the workers, if they are organized as wage boards in different trades, it ought to give to the workers a voice in the conditions of their employment. Secondly, I think it ought to help employers to understand this problem. I think there is no more important evidence before the Commission than the evidence brought out yesterday when employer after employer responsible for thousands of the women workers stated that he had given no real consideration to the question to be able to answer or give any opinion as to what ought to be done to remedy the situation and when employer after employer says he has never given very much consideration or had given no consideration to what the living wage might be or what relation that might bear to his own wage scale, it seems to me that that was very significant. I believe that the establishment of minimum wage boards would help manufacturers to understand the problem. I think it would compel an analysis of what a worker actually earns. How many employers to-day can tell us how much an earner is actually worth? I think it is the evidence of the investigation for this Commission in all of these different industries that in none of these industries did we find employers studying the individual worker. It was a hit or miss method of bargaining. It never occurred to them to make a study of what the worker was actually earning in the course of a day and that sort of scientific management was unique and it was all the result of guess work of the earning capacity of the worker, so very different from the careful study which ought to be made of the actual productive power of a worker. Minimum wage boards ought to establish conditions which naturally make for efficiency. It has been stated here several times that industrial education might be a remedy for our problem. I should like to emphasize the fact that efficiency in industry to-day is primarily a matter of management, that it devolves upon the manager to create such conditions as shall make efficiency possible. It is perfectly obvious that unless you have an incentive to efficiency in

the form of an increased wage or increased productive capacity, or an exact analysis of what a worker's productive capacity is, you will not have efficiency. We may establish any number of trade schools. We may establish any number of classes and the workers trained in those schools and those classes will not save the general industrial conditions, unless employers are going to improve conditions, unless they realize that it is distinctly an admission of failure on their part to say they have inefficient workers in their establishment, unless they recognize that, there never will be efficiency in industry. What has been done in some industries in the matter of training employees to accomplish their task in the best way and then rewarding them for the accomplishment of that task by an increase is evidence of what can be accomplished. It will never be grappled with in my opinion unless there is some special propulsion or force in all the industries which will make it necessary.

Then I believe it will emphasize the public interest and secure wholesome publicity and that finally it will result in the establishment of better wage standards, but I put that last because I believe that will take care of itself if we have the few principle objects accomplished, publicity, the emphasis of the public interest and careful study of working conditions, including the training of the worker for the establishment of such standards as shall reward efficiency.

By Mr. ELKUS:

Q. Miss Van Kleeck in your investigations into this subject are you able to say what in your opinion constitutes a living wage for women in this city? A. I think perhaps there are two reasons for answering that question, Mr. Elkus. One is as a basis for determining what the finding of the Commissions are and from that point of view I shall be willing to answer the Commission and say roughly we are to look very carefully after all the workers getting less than \$9 a week. If, however, you mean my opinion as to what standards should be established by a wage board I should say that should be determined by each board in which the wage is established, and it is because that can not be established otherwise that I am so much interested in seeing wage boards established.

By the CHAIRMAN :

Q. How would you compose that board? A. It should be composed of workers and of the employers and of the public.

By Mr. ELKUS :

Q. In your investigation have you come to any conclusions as to the relationship between vice and immorality and low wages; have you any opinion to express on that? A. I should agree with the answer made to the question this morning, that it has an indirect effect, that low wage means that the worker is less able to maintain himself or herself on a high plane. I think there is not a great difference between the effect of low wages on men and low wages on women, that for both it means a lower moral tone.

Mrs. CHARLOTTE R. BANGS addressed the Commission :

By Mr. ELKUS :

Q. Are you engaged in any profession or business? A. My main profession is being a good housekeeper. My next profession is that of writing. I have written ever since I was a very young girl.

Q. If you want to address the Commission we shall be very glad to hear you. A. First of all I wish it understood that I am in favor of a minimum wage, especially as applied to factory and store help. I think it could be arranged by the State upon a schedule for efficiency; that is, the employee should be up to a certain set standard for efficiency at a certain salary, not less than \$8. I think it would not have to be over \$9 or \$10. For work inefficiently done I do not believe there can be a minimum wage fixed. There would have to be what I would consider an apprentice grade of workers who are not efficient. This would stimulate ambition to rise to a larger scale of wages. I also think that there is no such thing as the so-called working girl, or working boy or working man or working woman. I do think that they should be classed as three types of women in this world. I would call them the uplift wage earner, the standstill wage earner, of which we have a large number, and the nonworkers, those who do not become very much interested whether they work or not and allow somebody else to do it for them. I do not think that the working girl should have that slur cast upon her of being called a

working girl. Everybody in the whole world should work if they are able to, and if they are unable to unfortunately, they have to have somebody else to work for them, and in that respect I call that co-operation, that is co-operation of one member of the family working for the other who is unable to work. That co-operation I have carried out in the plan of market work and in buying at wholesale in order to get lower prices.

Q. We are very glad to hear you about that subject but we are very much pressed for time and if you will come down to the subject we are considering, the wage question? A. I have said I am in favor of a minimum wage.

Q. And do you want to say anything in favor of the minimum wage? A. I wrote an article that said a girl can live comfortably on \$6.50 a week and I am not going to retract that statement.

Q. That is in this city? A. In this city, but understand that there are many girls who are unable to live on that amount because they do not plan prudently. It is just the same with housekeepers. I can plan on a small sum and my neighbor can not.

Q. Did you base your statements on your own personal experience? A. No, on the experience of others.

Q. You never yourself — A. I have lived on \$5 a week and supported myself in connection with my brothers and sisters at home.

Q. That is at home, living together? A. Co-operatively. I have lived on \$5 a week. I have been through all the experience of the strictest economy.

Q. Have you any facts which you would like to lay before the Commission? A. Personally?

Q. Yes? A. No, I would like to say that I have a letter here from one girl who at least has lived on \$5 a week right here in New York. She has nobody to help her, she said. I can't use her name but she has given five rules for girls who have to live on a small amount.

Q. There were a great many letters published in answer to your statement, saying it was impossible to live on that; denying your statement? A. Bushels of them, but understand I did not say nor do I want to be put in the position that that is all a girl should receive. On the contrary it shows that a girl should rise from that

\$5 or that \$6.50. She should not be compelled to live under that strain and therefore I believe in a minimum wage, and that girl should make herself efficient to earn at least nine or ten dollars a week, but if she plans prudently she can live on \$6.50 and in order to prove the kind of clothes she can wear I have brought some from the department stores and they are pretty enough for anybody to wear. If you wish to see them I will show them. If not I will not.

Q. We do not want to advertise any department store? A. Another point is this that I believe a practice which brings about great immorality, especially in the department stores and I have a witness here to prove that the department stores are contradictory — they state they have rest rooms and hospital rooms and they invite their customers to see the beautiful way they treat their girls and then on the other hand they tell the girls you must wear something better, we don't care how you get it, but you must get it.

Q. You have a witness here to prove that? A. I have a witness here to prove that.

Q. Is she right here in the room? A. She is here in the room.

Q. We will call her? A. I have other witnesses too and they can prove that the department stores are what I call in a contradictory position and the reason they did not testify yesterday is because they can not testify. My witness here I think does not wish to give her name.

Mr. ELKUS: We won't ask her her name if she doesn't care to give it.

Mrs. BANGS: I will be very glad to answer any question but please do not put me down as believing that a girl must live on six dollars and a half a week.

Mrs. GILBERT addressed the Commission.

By Mr. ELKUS:

Q. Are you now employed anywhere? A. No sir.

Q. Now go right ahead and tell us what you want to say? A. I am an ex-employee of department stores and can tell some of

the experiences I have had where one of the employers has told me, on a \$6.50 wage, he don't care where I get my clothes from as long as I have them, to be dressed to suit him.

Q. Was that here in New York city? A. Right here in New York city. If you wish the department store I will be glad to let you have it.

Mr. ELKUS: Just write it on a piece of paper and give it to Commissioner Dreier.

Mrs. GILBERT: I know of another department store where the employer said to the girl when she asked for employment, yes she could have employment if she comes to see him in his office afterwards. I know the girl, and the store is not in existence any more but I know it has been and the wage they paid is from five to five and a half and six dollars a week.

By Commissioner DREIER:

Q. You don't think five and six dollars a week is enough? A. By no means. My opinion is ten dollars a week if she wants to live independently and respectably in New York city. In my own experience I worked in Gimbel Brothers and got \$8 a week and had the hardest struggle to get along. It took me five and six months to save up \$15 to buy a suit. They expect you on a low wage to dress as well as a woman who gets \$18 in the cloak and suit department, who have satin dresses and long trains. Girls can not dress nice enough on \$6, \$7 and \$7.50 a week. If you ask for a raise they say you ought to be glad to keep your position. That is what the manager answered me.

By the CHAIRMAN:

Q. When were you working in this place you have written on this piece of paper? A. This was from 1909 to 1910.

Q. Was it the proprietor of the establishment? A. At that time he was the manager but now he is the proprietor. He told me that himself. One morning I came in, I had a brown skirt on and I had my good skirt at home. I had but two skirts. He came in and he seen it and he said you can not wear brown skirts around here. I said at present I haven't got another. He said what do we care where you get your clothes as long as you have them.

By Mr. ELKUS:

Q. How much did you receive in wages? A. At that time I got \$6.50.

Q. Do you say \$6 or \$6.50 is enough to live on? A. No, sir; it is not. A girl should get from \$9 to \$10 a week.

Q. How long did you draw that? A. Five years.

Q. Did you give your experiences to Mrs. Bangs? A. Yes.

Q. You told her how you tried to live on \$6 a week? A. I didn't live, I simply existed. I couldn't live that you could call living. I certainly had to deprive myself of lots of things I should have had. It took me months and months to save up money to buy a dress or a suit or a pair of shoes. I was nine years in New York before I was able to go to Pittsburg and visit my folks. That was just before I was married. My husband gave me some of the money to go to Pittsburg in order that I could go. I could never save up \$50.

Q. How about sufficient food? A. Many times I didn't have it because I couldn't afford it.

Q. Did you ever go without your meals? A. I never went without my meals but I had very little at times. I had a sandwich and a cup of coffee which was not enough. I worked in a store when I first came to New York from 12 to 14 hours a day. We worked from eight in the morning until nine at night and on Friday night until half-past nine and Saturday until ten and the night before any legal holiday we worked until ten o'clock, and four weeks before Christmas we worked until ten, eleven and twelve o'clock without any extra for it, and I lived under those conditions for four and a half years, with those long hours. I had no carfare but I had to pay for my room and board and I had the hardest struggle I ever had in my life and I think the only thing is, if the employers would be a little more liberal and give the girls the privilege of organizing and let them do the rest.

Q. Now you worked with a great many other girls during this time? A. I have.

Q. From your actual experience and knowledge of the subject can you say, from your actual knowledge, whether wages from \$6 to \$6.50 a week tends to make the girls immoral? A. It does.

They are compelled to. I know a girl — I don't know her name — who went out on the street, because she had too low a wage, and they were actually compelling you to wear good clothes and the girl couldn't afford to buy them. I know it from facts where parents had to send their children of fourteen to work and make them say they were fifteen in order to help their parents at home, they were so poor. They had not enough to pay their rent. They didn't know where to get it under the low wage.

Mrs. ANNA FARDAY addressed the Commission:

By Mr. ELKUS:

Q. Where do you live? A. 5911 Fourth avenue.

Q. Mrs. Farday before you were married were you engaged in working in one of the stores? A. I worked in a drug house. I worked for fifteen years.

Q. Manufacturing establishment? A. Yes.

Q. For fifteen years? A. Yes.

Q. What did you do? A. I partly filled bottles and some of the time corked them.

Q. What did those bottles contain? A. Fellowes Compound Syrup of Hypo-phosphate.

Q. A nerve tonic? A. Yes.

Q. And you worked at that for fifteen years? A. Yes.

Q. You never took any of it? A. Not very much.

Q. Now Mrs. Farday, did you get paid by the week? A. By the week, I first received a salary of \$4 a week and during that fifteen years I received an increase to \$6.50 a week. That was the highest I ever got.

Q. Six dollars and fifty cents a week at the end of fifteen years? A. Yes, sir.

Q. How old were you when you began to work? A. Well, I was when I began I guess about eighteen.

Q. And you continued to about 33? A. Yes, sir.

Q. Did you live alone in the city before you were married? A. Well for twelve years I was with my mother and then of course I lost my mother and I was three years struggling by myself.

Q. Alone? A. Yes.

Q. On \$6.50 a week? A. Yes.

Q. Now you have been kind enough to volunteer to give your testimony on how you managed to get along. Just tell us how you did? A. Well I paid at the rate of \$2.75 a week for my room and breakfast and then about twenty cents —

Q. Did you walk to work? A. No, I rode. Sixty cents a week for carfare, and then I had insurance of fifteen cents a week.

Q. What was the insurance for? A. For myself and my sister, life insurance.

Q. How much? A. Fifteen cents a week.

Q. Was it insurance in case of death? A. Yes.

Q. How much would your estate be paid? A. If there had been a death I would have received \$116 for my sister.

Q. For that you paid fifteen cents a week? A. No, five cents a week on her, and ten cents for myself.

Q. Now go right ahead? A. Of course I paid \$2.75 for my breakfast and room and about twenty cents for my dinner. That was my main meal.

Q. What was your breakfast, will you tell us? A. An egg and a cup of coffee and a slice of bread and butter. Of course most of the time I had an expense of \$2 a week for a doctor. I was always in ill health and it was due to standing all the time and lifting heavy vessels.

Q. Now did you have luncheon in the middle of the day? A. Yes, dinner I would call it.

Q. Did you have supper? A. Well supper was very light, a cup of tea perhaps and some crackers, something like that.

Q. Did you do your own sewing? A. I did my own washing and sewing or whatever I had to do and I had to do it in the evening.

By Commissioner DREIER:

Q. How many hours a day did you work? A. From 9 until 5 o'clock.

Q. You said you were sick. A. From 10 to 12 years I was sick and in the end I had to undergo a very serious operation. The doctor told me that it was brought on by this constant standing.

Q. Did you have to go to any sanitorium? A. Yes, I had to be sent through Miss Dutcher, my friend. I had to be sent away, about six times. I suffered a great deal from nervous trouble.

By Mr. ELKUS:

Q. How did you get your clothes? A. Partly on the installment plan.

Q. How much a week or month? A. I couldn't afford to get much clothes. It took me about all I could do to manage. I was lucky if I had a dollar at the end of the week.

Q. For what? A. For my own good. Very seldom I had that much.

Q. You mean after paying for your boarding and lodging and carfare? A. Yes.

Q. And how about shoes and things like that? A. A pair of shoes I suppose about once every six months.

By Mrs. NATHAN:

Q. I would like to ask whether it would have been possible to have done that work sitting if they had provided her with a high bench? A. No, it was impossible to sit.

Q. If there had been high benches? A. No, the work required standing.

Q. As I understand it Mr. Chairman it was filling bottles and corking them; if the tables and chairs had been properly adjusted why couldn't it have been done sitting down? A. Possibly it may have been done if it was allowed but it was not allowed.

By Mr. ELKUS:

Q. Now how did you happen to leave your job after being there fifteen years? A. I got married.

Q. Now in your opinion what do you consider as the lowest sum a girl can maintain herself on in New York City? A. I should consider the lowest sum as from eight to nine dollars a week.

Mr. ALGERNON LEE addressed the Commission:

By Mr. ELKUS:

Q. Will you state your profession and association? A. I am director of the Rand School of Social Science.

Q. The Commission will be very glad to hear you upon this question we are discussing? A. Perhaps I might say I suppose when counsel for the Commission asked me to come here it was largely in view of the fact that for a good many years I have been actively connected with the labor movement and particularly with the labor movement in its socialist form. I would wish to say, however, that I speak distinctly for myself, not as an authorized representative of the socialist movement or of any organization.

My observations have brought me distinctly to the opinion that a legal minimum wage is highly desirable, I might say necessary. A few weeks ago Dr. Woolston was quoted as saying that it was not possible for a woman to live in health and decency in New York on the sum of \$6.50 a week or less. One of the best edited evening papers in New York, printed a very well written article on the subject which is worth referring to because it very well expresses the answer that a very great many people make and do not say so well. The writer says we can not see how anybody can live on \$6 a week. We don't know how we can do it, but people do it. Get on the street car and watch the crowds coming out of the factory and going to the factory and of course you say as you see by the evidence brought out by this Commission, that there are many thousands of women who do live on \$6 or on \$5 a week and who as we look around us, think they have the appearance of health and decency. The proof of the pudding is in the eating, the editor says. Obviously although we don't see, Dr. Woolston don't see how any one can live on \$6 a week, obviously they can and do. Now I think the answer to that is perfectly plain. The answer certainly has been made here this afternoon. It is the answer to which my own observation and the observations in our intimate association of very large numbers of working people of various trades and industries for the last 18 or 20 years has brought me to, and that is that the workers getting \$6.50 or \$6 or

\$5 do not live in health and decency on those wages. There are very many who live upon their youth. They live upon their reserve of vitality, of physical stamina and moral courage that they start out with. They draw on their vital bank account year and year and you may some fine day get notice that the account is overdrawn and they very quickly die from tuberculosis or some other disease which they would have escaped if they had been adequately fed, adequately clothed and reasonably free from anxiety and fear.

Q. And the effect of that descends upon the children? A. I should say so. I am not an expert in biology. I do not think my opinion on that would be worth while. Personally, I should think that if they have children the effects do descend to them but I should not express an opinion on that. Now that is a condition which requires exceptional measures.

In the first place there are these thousands that are being slowly destroyed by living below the normal minimum, and as has also been repeatedly pointed out there, competition tends to drag others down and the results are in very many ways injurious to society as a whole. The question has been a great deal discussed whether the payment of such miserable low wages has an effect upon the morality of those who receive them. I think a good deal has been rationally said on both sides. My observation would lead me to conclude that there are not very many working girls who deliberately resort to prostitution as a means of supplementing their low wages or as a means of getting a better wage on the street. I think the number who deliberately do that or who are in the most literal sense of the word driven into prostitution by poverty is comparatively small. I believe that the number who are indirectly forced into it is very large. The need for some pleasure, some gaiety, some enjoyment in life is as vital as the need for food and clothing. The normal human being, some young man or young woman, will go out and seek the enjoyment of life under whatever condition it is to be found and the conditions of those women who are working for \$7, or \$6 or \$5 a week, the conditions under which they must seek the enjoyment of life are such that they are extremely likely to slide or fall gracefully or unwittingly into the pitfalls that are made for them.

The question is asked or the objection is raised to the establishment of a minimum wage materially above the wages prevailing, a minimum wage of perhaps \$9 a week, that it would handicap many businesses, would drive them into bankruptcy. That has been frequently alleged. I do not know whether there is anything in that; I do not know whether it would have any such effect. If it is a fact that there are businesses which cannot exist without employing workers at a wage which is destructive of them physically, intellectually, morally and socially and in every way, which means sooner or later slow starvation or throwing them into degradation — if there are any businesses which cannot exist without those conditions — then it is to be desired that those businesses come to an end. Every change, every step in social progress and every step in technical processes destroys some business. Whenever an important new machine is introduced, changing the process of industry, there are enterprises that are driven out of the field because they are unable to adapt their operations to the new methods, and we do not shed any tears over those manufacturers who are unable to keep up with the best mechanical methods and are thus driven to the wall. We may have personal sympathy with them, but we desire advancement in the methods of production. I think on exactly the same ground we cannot be deterred from the protection of these thousands of miserably underpaid workers by such considerations of business which cannot get along without this exploitation.

Objection is also raised if a minimum wage is established at say, \$9, the result will be to disemploy many of those who are now employed at a lower wage, for the reason that they are not efficient enough workers to make them worth \$9 a week. I am inclined to think that the argument is not well founded. I think that as a general rule the wages of the workers do not depend primarily upon the degree of their efficiency. I do not believe that the business man is or can be guided by the rule of paying the worker as much as he is worth. I believe that a business man is most of the time necessarily guided by the rule of paying the worker whatever he must pay in order to get the work done. It goes without saying that if there are any unemployed then generally it will be the

less efficient workers who will be unemployed and the most efficient who will be employed. The establishment of the minimum wage then would not result in the disemployment of a part of the workers on the ground of their inefficiency, unless the minimum wage would result in a general contradiction of business in reducing the whole demand for labor in the labor market. I have not seen any evidence produced to show that that would be the case.

But if it be true that there are some who would be disemployed under such conditions, then certainly the answer would be the same as the answer given by Dr. Devine that they ought to be provided for by society in some other way and not allowed to be a drag upon the whole body of the working people and society as a whole.

I do not believe that the opposition to the legal minimum wage principle by some members of organized labor is well founded. They express a fear that a legal minimum wage will tend to become a standard wage, or, broadly, a maximum wage; that the wages of those who are getting more than this will be dragged down to it. It seems to me there is no theoretical reason for believing that; that there is no reason for believing it drawn from the experience of places where the legal minimum wage has been in vogue, and I am inclined to think that those labor leaders who set this against the principle of the legal minimum wage failed to make a distinction that they are confusing the legal minimum wage with the general system of the fixation of wages by local government wage boards; that is to say the system of compulsory arbitration of labor disputes, which involves, of course, the prohibition of strikes and lock-outs, of all the methods of conflict by which organized workers and organized employers settle their differences, by collective bargaining.

The legal minimum wage does not at all involve the proposition of a general legal fixation of wages, or an interference with their collective bargaining, or their individual bargaining for the matter of that, except insofar as it establishes the rule that no one shall have the right to make the contract which to the worker means the giving away of everything that makes life worth living,

and which makes that worker injurious to society as a whole. We have to hold that such a contract as that, a contract by which the worker consents to work for less than enough to properly maintain himself or herself in health and decency, to say nothing of providing for sickness and old age, is a contract made under duress, and that contract enforced by the whole industrial system is not to be regarded at all. A contract regarded as an unconscionable contract is one that should not be permitted to be made.

I apprehend that the greatest difficulty in the working of the minimum wage system would be the difficulty of actually enforcing it, because I know that this difficulty presents itself with somewhat better paid, more skillful, more fortunate workers, who are organized in trades unions, who have a union scale, perhaps established through a strike or perhaps without and who have a collective agreement with the employers, and yet in times of stress, in times of depression it not infrequently happens in many trades that the weekly pay envelope contains an amount somewhat less than the wage which has been agreed upon between the union and the employers, and that the employees individually and the union as such in times when there is a great body of unemployed workers on the street, wink at such violations of the scale.

I should suppose it would be very likely that might happen just as well if the minimum wage were established by law, that there might be the same difficulty in complete enforcement. The conclusion from that is in the first place doubtless that we are not to expect the system to work perfectly and not to be disappointed if it does not work perfectly. I do not know for that matter of any human institutions that do work perfectly.

By Commissioner DREIER:

Q. It has been published, or at least has been suggested, that minimum wage boards would be detrimental to trade union organization; what is your judgment on that question? A. I cannot see it. If it were not joint wage boards that fix the rate of wages then I should be inclined at the present to think it a very dangerous proposition, but when it is a proposition of a wage board to fix a minimum and we have no reason to think it would be a very high minimum, I do not think the labor organizations

have anything to fear from that, but rather hope from it as removing cut-throat competition from the labor market.

Mrs. FREDERICK NATHAN addressed the Commission:

By Mr. ELKUS:

Q. You are the president of the Consumers' League? A. President of the Consumers' League of the city of New York, and First Vice-President of the National Consumers' League.

Q. We should be very glad to hear you, Mrs. Nathan? A. I have brought some data which I will file with the Commission and I want simply to say that it was through the National Consumers' League that the whole agitation for Minimum Wage Boards started in this country. It was in 1908 that we had our first International Conference of Consumers' Leagues, held in Geneva, Switzerland, and there I heard the report read by Mr. James J. Mallon, Secretary of the National Anti-Sweating League of England, and his report was so very interesting as to the results obtained where these wage boards had been maintained that I procured all the pamphlets that I could from him and brought them to the United States and gave them to the National Consumers' League, of which I was first vice-president, and the National Consumers' League formed a national committee to look into the question and report in regard to legislation of wage boards in this country. This was in line with the resolution unanimously adopted at the National Conference, recommending to the various consumers' leagues affiliated that they agitate for legislation establishing wage boards.

Mr. Mallon's report was especially on the conditions in Victoria and in New Zealand in connection with its industrial Conciliation and Arbitration Act in 1894.

In 1896 Victoria, Australia, enacted legislation providing for wage boards to fix minimum wages in any trade. These wage boards, consisting of representatives of workers and an equal number of their employers were created at first as an experiment.

They started with six such boards and they achieved such a success that they were gradually extended to other trades until they covered, in 1909, ninety-one industries. After nine years'

experience, it was decided to make them part of the fixed laws of Victoria and no modification of the law was even contemplated.

Mr. Mallon presented statistics to show that these minimum wage boards increased wages and did not tend to drag the maximum wage down to the minimum wage.

A commissioner sent by the British government to Victoria to investigate, reported in regard to the work of the wage boards, that notwithstanding increases of wage which had taken place in practically all the fifty trades affected, there was no evidence of anything like commensurate increases in the selling prices of articles produced in these trades.

Wage boards have had twenty years of trial in New Zealand and eighteen years of successful experiment in Victoria. In no place, when once established has the system ever been abolished. New South Wales, West Australia, South Australia and Tasmania have all adopted minimum wage legislation of some sort.

The Trade Boards Act passed in England in 1909 was modeled on the Australian law. The first three trades experimented upon were: tailoring, paper-box making, finishing of machine-made lace and hand-hammered chain making. It has been stated that the first effect of the wage boards was to steady and regulate trades — to establish standards of payment, rather than force prices up. Any trade in which women are largely employed, the law requires that at least one of the appointed members, shall be a woman. The board is also empowered to limit the number of learners or apprentices and in this way, employers cannot dismiss workers as soon as skilled and then employ only learners at a reduced wage. The law also provides that the minimum wage must be “clear of all deductions.”

In one trade alone (chain making) the women have obtained an increase of net wage amounting to about 80 per cent., while in many cases the increase rose as high as 150 per cent. Yet, in England, when it was suggested to add five new trades to the original four, only the employers of one trade (laundrymen) among all the employers of the five trades, showed any opposition. In England, over 400,000 workers now come under the Trade Boards Act in eight industries.

I think it is better to have separate wage boards for each individual trade because the representatives then of the employees would have naturally better knowledge of conditions in their particular trade, and because I feel it is better to bring into close relationship the employers and the employees in the individual trades.

I have with me, Mr. Chairman, the report of our International Conference of Consumers' Leagues. I do not intend to read it all but I brought it down because Mr. Mallon's address is given in English. It is perhaps the only address in English, the others are in French, and I did not know but what we might be questioned in regard to some of his report; particularly the statistics, and so I have it here.

The International Consumers' League was instrumental, as I have said, in agitating for wage legislation in this country and since 1913 minimum wage legislation has been enacted in nine states: Colorado, California, Massachusetts, Minnesota, Nebraska, Oregon, Utah, Washington and Wisconsin. The legislation covers all industries except in Colorado; there the law affects mercantile establishments, factories, laundries, hotels, restaurants, telegraph and telephone offices.

New York is a conservative State, yet it seems to me that in view of our knowledge concerning the experience in Australia, New Zealand and Great Britain and in view of the facts made public by the State Factory Investigating Commission, in regard to low wages and the resulting evils, that it is time for our legislators to make some attempt to remedy conditions which have become intolerable to the community.

As Mr. Mallon said in 1908: "Wage Boards are not a solution of all industrial ills, but they are machinery of high social value and mark the next step which civilized nations will take in the direction of establishing juster and happier conditions for their weaker and most unfortunate workers."

I have here the actual budget of one saleswoman who received \$5 a week.

Mr. ELKUS: We will have that put in as part of your testimony.

"ACTUAL BUDGET OF ONE SALESWOMAN EARNING \$5 A WEEK

Board and room at \$3 a week.....	\$156 00
Lunches at 75 cents a week.....	39 00
Car fares at 40 cents a week.....	20 80
One suit	12 00
Two dresses at \$5 and \$4.50.....	9 50
One hat at 49 cents, and one at \$1.....	1 49
Woolen underwear at 59 cents.....	1 18
Two pairs of gloves at 25 cents.....	50
Twenty-four pairs stockings at 12½ cents.....	3 00
Two pairs corsets at \$1 and \$1.50.....	2 50
Three pairs shoes at \$2.....	6 00
Two petticoats at 45 cents, black and white.....	90
Two flannel petticoats at 27 cents.....	54
Six corset covers at 10 cents.....	60
Five white shirt waists, four at sixty-nine cents, one at seventy-seven cents	3 53
One black shirt waist.....	1 59
Sickness, insurance, pleasures, all incidental.....	87
	<hr/>
Total.....	\$260 00
	<hr/> <hr/>

Five dollars a week — \$260 a year."

Mrs. NATHAN: I have also a number of other pamphlets which I would like to leave with the Commission.

Mr. ELKUS: We shall be glad to receive them.

(At this point the Commission adjourned to meet at 10:15 A. M., December 9th, in room 504 of the Hall of Records.)

**HEARING OF THE NEW YORK STATE FACTORY
INVESTIGATION, HELD IN ROOM 504 (SUR-
ROGATE'S COURT ROOM), HALL OF
RECORDS, ON SATURDAY,
JANUARY 9, 1915, AT
10: 15 A. M.**

Miss HELEN MAROT addressed the Commission :

By Mr. ELKUS :

Q. Miss Marot, will you give your full name? A. Helen Marot.

Q. What is your position? A. I have no position. I am a trade union member, of the Bookkeepers, Stenographers and Accountants' Union.

Q. What officer are you in the union? A. Not any. I am a very humble member.

Q. And by profession you are what? A. I haven't any profession.

Q. Now, with reference to this question which is under discussion before the Commission what are your views with reference to it? A. I stand as one of the trade union women who are refusing to endorse the minimum wage as a legislative proposition, and I should like to speak from that point of view.

Q. Go right ahead? A. I think the position of the trade union women who are objecting to endorsing the proposition for a legislative minimum wage is pretty generally misunderstood. There is a good deal of feeling, I find, in the community, that it is supposed that they have been able to secure more or less their safety in industry through their organization and that they have little sympathy or interest in those working women who have no organizations to represent them. I think this is an unfair assumption, but I venture also to say that the trade union women, those who stand for the minimum wage and those who are op-

posed to it, understand the economics of wage regulation perhaps more than our friends the economists or our friends the reformers. They have had very practical experience, all of them, in collective bargaining, and they know perfectly well the possibility of an employer and the necessity probably of an employer shifting the expense, the increased expense of production, on to the shoulders of the working people.

The trade union women in San Francisco, as you know, oppose the minimum wage; the trade union women in Illinois, as I understand stood for the minimum wage, and the trade union women in Washington stood for the minimum wage. I am not particularly informed as to what part they took in other states, but I should like to say that the California women in opposing minimum wage did so on the ground of which I am going to speak to-day. I should like to say that the trade union women in Washington who stood for the minimum wage when the agitation was on, and I understand are now saying that they regret the step they have taken because they understand the working women have to pay for this legislation and we predict that the Illinois trade union women will realize the same results. The trade union women who are opposing this minimum wage and who realize the ability of the employers to shift the burden of the expense of production on to the workers realize this through their union activity; that is when a trade union increases its wage or secures any concession they find that the securing of that concession is just the beginning. That is, they may, through a strike or through some temporary position of advantage be able to secure an increase in wages or a reduction in hours and when they secure that, their troubles have just begun, they must be on the alert every moment to prevent that increase in wages, or reduction in hours, or benefit whatever it is they have secured, they must be on the alert every moment to see that that increase is not shifted or some change made in management or in the condition of the shop or the store that deprives them of the increase that they have gotten. This is concrete economic experience, which is not theory.

Q. Miss Marot you will pardon me if I interrupt you; we have a great many people who want to be heard this morning and our

time is therefore somewhat limited? A. Yes, how much time may I have?

Q. You may have ten minutes at the most; I do not want to interrupt your argument but what we are interested in now is this: perhaps I can simplify the matter for you; it has been made to appear before the Commission that in these trades where there is organization on the part of the workers there is not as much need, if any, of any regulation about wages, as there is in those trades especially where women are employed, where there is no organization and the suggestions which have been made to the Commission are, that any regulation of wages or attempts of regulation of wages, through wage boards, shall apply to women and minors, and it can be done through what are known as the sweated industries; now if you will address yourself to that you will be able to give us some information; on the general question of what trades unions do and how necessary it is to watch and see that you keep what you get, we are fairly well informed?

A. I was citing the trades union experience thinking this was to be applied to the organized trades because their position is that the legal regulations do provide for this constant watching and shifting.

Q. Why doesn't it? A. May I take the example of the shortening of hours by legislation? The working women find that when hours are reduced by law that the wages are reduced or efficiency methods are introduced or new machinery is introduced or some change is made in the management of the shop or speeding up is introduced to make up for this decrease in hours.

Q. I do not quite follow you; if the Legislature provides for a closing hour, how can they work beyond the hour? A. Did I say an increase in hours?

Q. Yes? A. I said a decrease in wages follows the decrease in hours as well as new management like speeding up.

Q. Now you know although you have never worked yourself as I understand it— A. Not in any store or factory.

Q. You know from your study of the subject that there are a great many women, thousands of them, who are not organized in any industry? A. Yes.

Q. And therefore have no one to act for them in any action with their employers? A. Yes.

Q. Now I presume that you are in favor of something being done either through organization or through some other way for the women and minors; now what would you suggest should be done for them or should they be left alone as was suggested yesterday by a number of employers? A. Our position is that unemployment will be the immediate result of legislative measures for regulating wages.

Q. Don't let us talk about the result; I want to direct your views to this. Do you say nothing should be done and then go on and tell me why or do you say something should be done and if so, what? A. I should say that legislation will not remedy the difficulty.

Q. You say there should be no legislation? A. Yes.

Q. What do you say should be done? A. We stand for organization because we believe it is the only way of getting it.

Q. Suppose you can not organize these people? A. We say you can and the last year the increase in organization of New York women is 107 per cent. and in the last five years the organization of women was practically just begun and the real gain, the conscious gain among the women themselves through the country has practically taken within the last five years, and it is not quite fair to hark back to history of 100 years ago when there were no organizations of women, because the woman's movement among the working women is a very new movement and we believe it is the only way and we would be very glad of legislation if we thought it would help, but we believe tremendous unemployment will be the direct result of the minimum wage legislation.

By the CHAIRMAN:

Q. How do you figure that out? A. This way, that if employers have to increase wage rates that it will be absolutely to their interests to sift out those who are the least efficient and to introduce all possible efficiency methods which are known to them. It will also shorten seasons and make the seasons more intermittent because they can by driving their force—this of course in

factories and also partly in the stores — and by arranging their sales and filling their orders they can use simply their most efficient force of workers rather than put on a large body of workers.

Q. Miss Marot you say that any action by legislation which would produce an increase in wage would throw a great many people out of employment; that is because the wage is more or less artificially increased or arbitrarily increased? A. Yes.

Q. Now when you get an organization in the trade and they insist upon being paid higher wages, you accomplish the same thing that the Legislature does? A. Not in the same way.

Q. How do you do it otherwise? A. In our organized trades one of the objects of a trade that is organized is to stretch the work over a season.

Q. I am not talking about that; I am talking about increase in pay; one of the primary objects of labor is to get increased pay and as soon as you get an organization and you think you are entitled to it and you are powerful enough you go to the employer and say we want so much more; now that is an arbitrary increase isn't it? A. Yes, it is an arbitrary increase.

Q. And if a mere arbitrary increase in pay would result in the discharge of people, it does not make any difference, does it, whether that arbitrary increase is created by act of the Legislature or by the arbitrary act of the employees? A. I think any experienced trade unionists will tell you that the increase of pay they get does not follow with the discharge of workers.

Q. Why doesn't it just as if the increase was brought by the Legislature? A. For the reason that they force the situation, the unions, and a strong union does not permit a decrease of the staff.

Q. The state is stronger than any union? A. What happens is that the employment is spread over —

By Mr. ELKUS:

Q. We are talking about the discharge of people? A. I would like to make this point —

Q. We are talking about the discharge of people following increased pay which comes from a trade union? A. There is a

tremendous spirit among the trades unionists and any discharge of the workers at that time would create trouble.

Q. You mean there would be another strike; would that stop the employer from introducing efficiency methods? A. No, only partially, but when he introduced a new machine or new efficiency method the workers are there on the job to make the bargain for the rates.

Q. They would be on the job the other way, wouldn't they? A. No, not at all.

Q. Why? A. They could not be on the job without an organization.

By the CHAIRMAN:

Q. Do you think the employer now does not use all the efficiency methods within his reach or that he can think of in order to make economies in his business? A. No, I think the industry probably has seen possibly only the beginning of efficiency methods.

Q. That is a matter of development? A. Exactly, but I think just as long as employers can use cheap labor — sometimes it is cheaper for them to employ cheap labor rather than introduce efficiency methods — I think that the suffering which comes from low wages is just as ghastly and as terrible as anybody else does but I think it is more difficult for a woman to be thrown out absolutely of employment than even to have what they are getting. It comes about gradually. When it comes through organization methods it is gradual rather than by a sudden introduction of legislation.

Q. Your objection to any legislation — of course we are not committed either way — is this, you believe more results can be obtained through organization of employees? A. Yes.

Q. And your objection to legislation is that you think a number of people will be thrown out of employment at once while through the same method obtained by organization the throwing out of employment will be more gradual? A. Yes, and then may I add also that that period is prolonged almost always, the economists are perfectly right in this, that through the introduction of efficiency methods the demand is increased because prices can be lowered and if these efficiency methods are intro-

duced gradually rather than suddenly, as they will when trade unions are on the job, rather than the state the period is prolonged and this sudden discharge of workers does not occur.

By the CHAIRMAN :

Q. Supposing the State does it in a gradual way? A. I don't understand the question.

Q. For instance in introducing it in different trades gradually and then only after a board of a particular trade has made a thorough investigation and decided? A. I was speaking when it was introduced in a trade this is what happens.

Q. Is it gradual there — when a union for instance in a trade strikes for a certain sum and an agreement is reached for the wage that may be agreed upon — that goes into effect at once? A. Exactly, but discharge does not follow under union circumstances.

Q. Do you say that discharge follows as a result of experience where the minimum wage law has been adopted? A. May I say in Washington that I have just been interviewing one of the former commissioners of the State of Washington who was very enthusiastic for the minimum wage and she tells me now that the girls who are the very poorest paid workers in the department stores, who are working at the notion counters and those counters where the poorest pay is received, are begging the Commission not to enforce the award because they say that the moment that the employers are notified that the girls have been in their positions long enough — the time there is specified — that they will be discharged and they are up against it I may say in Washington, and the trades union women of Washington are absolutely now standing against it as well as a good many of the reformers, and especially this commissioner told me that they are viewing these results, the discharge of these girls who were supposed to receive this minimum wage, with a good deal of dismay.

Q. Of course all reforms injure some few? A. Certainly.

Q. And usually benefit a great many? A. Yes.

Q. And those few have to give way, so that is not necessarily an argument, if one or two of your girls working at a counter are not able to come up to the efficiency standard of \$9 a week and

have to be disposed of there is no reason for depriving the great many? A. That is exactly the difference in the point of view of the working people and the people who approach this from the point of view of reform. We would suggest that the reformers who are supposed to meet all these objections begin at the other end. They said when they introduced the eight-hour legislation that they had back in their minds a long program of reform. They supposed the wages would be reduced and we would have a minimum wage. Now they tell us the minimum wage throws us out of work and we will have old age pensions and take care of them by the State, the unemployable, and we are facing all over the country a condition none of us know how to meet. The country has not yet proven that they can take care of the unemployed working people and the working people view with alarm this program.

By Mr. ELKUS:

Q. There is no suggestion that I have heard on the part of anybody that we want to increase the unemployment; that is purely an assumption of yours? (No reply.)

By the CHAIRMAN:

Q. That has been given to us as your theory, but on the contrary we have some evidence to the effect that increase in wages increases efficiency and in England I think some one testified yesterday that in the same place where there was an increase in wages as a result of establishing a wage board a 100 per cent. increase and the same people remained, and there were no discharges and the efficiency of the individuals increased because of the increase in wages? A. May I say that the advocates of the minimum wage, some of the leading advocates of the minimum wage give as particular reasons for the introduction of the minimum wage, greater efficiency. Sydney Webb is one of the leading exponents and he assures every one I understand that the result where it has been tried is just that.

By Mr. ELKUS:

Q. May I ask you a question, do you know Miss Rose Schneiderman? A. Yes.

Q. Who is she? A. She is a member of the Woman's Trades Union League and has been our vice-president for several years.

Q. What does she work at if she does work? A. She has been an organizer for the league for several years and has also been an organizer for trades.

Q. Is she a working woman herself? A. She has been employed in a factory, she is not now.

Mr. ELKUS: I want to read a letter that she has written:

"I am very sorry that my work calls me out of town and I will therefore not be able to attend the hearing on Friday. I did so much want to be there, thinking that the more people there would be to ask for minimum wage legislation the Commission might see fit to recommend such legislation at the coming session of the legislature. I stand emphatically for a minimum wage commission and minimum wage boards. I feel that it is the business of the State as to how people work and live and especially as with the great army of underpaid women and girls. I am not making this statement as an official of the Trades Union League as I have severed my official connections with that organization."

Q. Is there anything more you would like to say? A. There is a good deal more but it would take much more than ten minutes.

The CHAIRMAN: I think we have the gist of your position?

The WITNESS: I should like to have especially spoken of the effect on the union but that will also take me time.

Mr. ELKUS: We will send you a copy of what you have said and with the permission of the Commission you may add to it anything you want and it will appear in the record.

The CHAIRMAN: Especially if you can get something of value as to results in the experience of the working of the law. I know in the legislature we have all sorts of theories as to what is going to happen and usually the thing never happens. I remember when we proposed the 54-hour law all the manufacturers were going to leave the State and they were going to discharge everybody and get more efficient people, but after the law was established the same factories remained doing the same business with

the same people and the same salaries were paid, so that is theory. Now in practice it did not work out that way.

Miss MAROT: May I speak one word on that, I should like to say that I think all of us realize that the theories that the employers put out and their predictions did not go through but I should like to say that the predictions of the workers that their wages would be cut did go through.

Q. Where? A. In New York State here, when the 54-hour law went through, with the laundry workers particularly in mind throughout the State, they received very large cuts in wages.

Q. We have had no complaints at all? A. I can bring you plenty of laundry workers who can bring you that testimony.

By Commissioner DREIER:

Q. Wouldn't it be very desirable to have a minimum wage law to prevent that very cutting? A. We say the result would be splendid if it would prevent that but we believe the result of the minimum wage law will be unemployment, and the workers count their wage by the year and not by the day.

By the CHAIRMAN:

Q. Do you mean that they are going to do away with the working people? A. Not at all, but as soon as the cost of production through wages is increased it pays them to introduce other methods. I think that is the effect.

By Mr. ELKUS:

Q. Do you think the employers would refrain from doing that now if they could? A. I do not think it is so necessary when they can get cheaper labor.

By Commissioner DREIER:

Q. You advocate cheaper labor then? A. I do not advocate cheaper labor. I think I answered that question a moment ago that I do not advocate cheaper labor but until you can take care of the people who have no employment I doubt very much the value of increasing the rate.

By Mr. ELKUS:

Q. You are assuming that certain things will cause unemployment and we will be very glad if you will give us any State where

they have such legislation where unemployment has followed the introduction of the law? A. I would just like to say that in Australia where they have wage legislation, we all recognize that there has been a great shortage of labor there. There has never been the surplus labor there that there has been in the United States and people going into the Australia experience I think are very apt to forget that fact that the establishment of minimum wage legislation did not have the same results as there would be here with our surplus labor.

Q. I was asked to ask you one question; what happens to what are called scabs when the union rate is established in most shops?

A. The scabs are usually where they were before.

Q. Discharged? A. Surely discharged.

By the CHAIRMAN:

Q. Isn't that rather extraordinary that where there is a shortage of labor that the government should step in and establish a minimum wage? A. You mean in Australia?

Q. Yes, you said there was a shortage of labor there? A. I think that is conceded.

MISS ELIZARETH DUTCHER addressed the Commission:

By Mr. ELKUS:

Q. Where do you live? A. Thirty-nine Pierrepont street, Brooklyn.

Q. And your full name? A. Elizabeth Dutcher.

Q. What is your position? A. I come here to-day representing the Retail Clerk's Union of New York in whose organization I have been active and of which I am the financial secretary. I have been active in the trades union movement for nine years. In the first place, I have some letters here in regard to low wages that I wanted to read, but will place them on file instead. The letters go to show that there are a great many people who are willing to come forward and write letters and sign their names and give their addresses, telling how they live on wages of from five to six to seven dollars a week given in the stores of New York, and also showing the deductions that are made from that amount for fines and for various reasons. I think the Commission already

has a good deal of testimony upon the subject. It is a terrible condition of affairs that has to be met and the question is, how shall it be met? Shall it be met through organization or through the minimum wage or otherwise? Now, the organization that I represent, the Retail Clerk's Union of New York, and also the large international organization, the Retail Clerk's International Protective Association, stand for both methods. They stand for the minimum wage and they stand for organization. We believe that the two things together will work for the best interests of this parasitic trade, as we call it, the mercantile trade. Organization alone in that trade is very difficult. We want to point out some of the difficulties. In the first place the fluctuations in the trade — Dr. Woolston has pointed out in his report that there are a large number of workers, at least one third, who fluctuate in and out of the trade — make it difficult. Then the fact the wages are so low that the girls and, in many cases, the men are unable to pay their dues, is another difficulty. It very hard to pay union dues out of a salary of \$5 a week, and you heard the testimony of Mrs. Fardy yesterday and you know how every penny counted with her on \$6.50 a week salary. Now would it have been possible for a girl on her salary to have paid initiation fees and dues to a trade union? We also have bitter persecution on the part of the employers to face. Members of our union have come and testified for the State Factory Commission and before the Federal Commission, and, with one exception, where there was a particular reason for it, those people, men and women, have not been able to secure employment since in the large stores of New York city.

The black list to which we have referred again and again and concerning which Mr. E. W. Bloomingdale told us to write to the Retail Dry Goods Association, asking that the black list be opened to the public, has not been so opened and has kept union people out of employment. An example of how the employers can arrest the development of a trades union in an underpaid trade is the present condition of the paper box union in New York city. That union is almost dead. There is just the remnant of it still extant. It has been fought steadily by the employers. Of course we believe in a high minimum wage. I would like to see a high minimum wage established for women in New York State. We

want to call your attention to the fact that in Victoria, conditions in which country have been referred to many times in these hearings, the minimum wage for the clerk is forty-eight shillings a week, \$12 a week.

Q. Miss Dutcher, if I may interrupt you, Miss Marot stated that the reasons those laws were successful in these countries was because there was a shortage of labor; do you know anything about that? A. I do not think that that is so, Mr. Elkus. In this little book that has been published on minimum wage, a book, "Minimum Wage in the Chain Making Industry," by R. H. Tawney, which is perhaps the best and most scientific publication to date, it is shown that minimum wages tend to prevent fluctuations in industry and to standardize industry, rather than to cause fluctuations and throw people out of employment. Unemployment is a separate problem which will have to be dealt with by insurance schemes, by employment bureaus, and by State aid to agriculture. I think unemployment has been a serious question at times in Australia just as it is here at times, and it has had to be met by such special provisions. Some people have come here and said that minimum wage would hurt trade unionism. We believe there is good testimony to show that the minimum wage is a help to organization. In the first place it gives people enough money to pay their union dues. It gives them a sense of security and hope that is better than a tonic for them. They feel strengthened. They have some sort of a basis on which they can stand and come forward and I have some authoritative statements that I would like to read to show that trade unionism has succeeded better where minimum wages existed than where they did not exist. This same book, "Minimum Wage in the Chain Making Industry," states on page 102 that a rate board by introducing uniformity in enterprises and fixing a minimum upon which organization can take place makes it easier for the workers to get together than when the worker is at the mercy of the individual employers or middle man who gives them work. The discussion which accompanies its formation — the formation of the wage board — and its work implies a motive which keeps the members together and is a training in industrial self-government. It has been shown that the union is much larger, anywheres from 60 to

90 per cent. among the chain makers than it was before the introduction of the minimum wage. Correspondingly, J. J. Mallon, who is a famous English trade unionist and the secretary of the English Anti-Sweating League, says, in his article on trades boards and organizations in the National Woman's Trade Review of England, that the legal minimum wage so far from being an alternative to vigorous trade unionism will serve as an incentive and prop to combination, and he names a long list of trades in which trades unions have sprung up or been strengthened in England since the minimum wage was introduced there. We have similar testimony from Mr. Justice Higgins of Australia and from Sir George Asquith in England to show how much trade unionism has been strengthened by the minimum wage. It is also a kind of unionism to which employers object less than under other conditions. Minimum wage makes conditions in the trades so much more standardized, so organized on both sides, that it is possible to go forward in trade union propaganda in a much more satisfactory way for all concerned.

There is a question of efficiency among workers which has been brought up many times. I want to say just a word as to my personal belief that the present system works a hardship to the inefficient instead of being a help to them, A great many people who are against the minimum wage seem to consider that the mercantile trade which employs 100,000 people in New York city, the paper box industry which employs at least 10,000 people and the candy industry which employs perhaps another 10,000 exist solely for the support or rather the semi-support of the inefficient workers of New York,—

Q. May I interrupt you there; Miss Marot, the last witness testified that in her opinion if there was a minimum wage fixed that it would result in a great many being thrown out of employment, the inefficient workers, and also that it would mean the introduction of new machinery and more methods of greater efficiency and it would result in longer hours if it were possible and in the speeding up of work and shorter seasons; now we would like to be informed, as you take a different view of the mat-

ter, what you have to say about that? A. In regard to the throwing of people out of employment, I think it would throw out some of these defectives and subnormal people of whom I have just been talking, but I think it would be a mercy to them. I have been trying to show that the presence in the trade of these people is just a cruelty to themselves and a great injury to other people in the trade, in that they lower trade standards.

Q. If they are thrown out of work even at a low wage what is going to become of them? A. What becomes of them now? I have known a large number of such workers who worked for \$4.50 a week or so whose health was undermined by it. I know of one girl for instance who worked in the basement of Gimbel's who was undoubtedly what we call an inefficient worker, and after two months' work there she was three months in the hospital and she is permanently incapacitated by the strain of trying to work in a large department store, a place for which she was not adapted for reasons of health and mentality. It was entirely too much for her. I have known of girls of that kind who have become insane through the strain and gone to city institutions for the insane, and I have known of others who have gone into a life of prostitution and ended in Bedford Reformatory. I submit that the strain of big modern industries is too much for these sub-normal workers and they should be out of them entirely. As to conditions in the trade I think I answered that in my citations from Mr. Towney's book on conditions among the chain makers.

Q. Miss Marot said besides being thrown out of employment the employers would introduce better methods of efficiency so as to curtail the number of employees, and also that they would have shorter hours, and they would speed up the work? A. The book already cited shows that the minimum wage scheme standardizes a trade and lengthens the seasons. It has done that with the chain makers, and that is due to a complicated economic cause which I perhaps need not go into here. The masters in the chain making industry were accustomed to close the shops and say that the season was bad for making chains and would throw the workers out of employment, and then take them back at a reduced rate of pay, make a large quantity of chains and hold the same for higher prices, shutting down and throwing the workers out

of employment again. The introduction of the minimum wage ended this deplorable state of affairs. This "lowering of wages as an investment," lengthened the season.

As for introducing more efficient methods, machinery and that sort of thing, that might be possible in some trades. I do not think it would be possible in the mercantile trade, but in the long run improved machinery has never proved a real detriment to the workers. I think the history of industry shows that.

By Mr. BLOOMINGDALE:

Q. I would like to ask Miss Dutcher whether she thinks legislation ought to be enacted with reference to the help or hindrance it might be to trade unionism? A. Mr. Bloomingdale, I do not think that that is the only consideration.

Q. I am referring more particularly to your statement on the stand as to the effect that it might have, and it is simply a question of whether you think that should be the basis of legislation, the consideration of what help or hindrance it would be to trade unionism? A. Only in that does trade unionism is one of the biggest modern movements to better conditions for the worker. It is just a means to an end like the minimum wage. The seed is the health and efficiency and happiness of the people who constitute the state.

Mr. BLOOMINGDALE: That does not answer my question.

By Mr. ELKUS:

Q. As I understand, Mr. Bloomingdale wants to know whether trade unionism should be considered at all in the framing of legislation? A. Yes, trade unionism should be considered because trades unions have an immense amount of valuable information to contribute to any discussion of the living wage.

Q. I do not think you catch the point; should the Legislature at all in deciding whether or not legislation is beneficial consider whether that is going to help or harm trade unions? A. It seems to me they should because trade unionism is—

Q. Isn't there a first consideration of what will benefit the people affected by the law?

Mr. BLOOMINGDALE: The first consideration and the only consideration only ought to be what benefits the state as a whole?

Commissioner DREIER: Mr. Bloomingdale, you must admit it benefits the state to have well fed workers?

Mr. BLOOMINGDALE: That begs the question, Miss Dreier. I am trying to follow Miss Dutcher's idea in recommending this legislation to know whether it will help the organization and as to whether she thinks that ought to be a consideration with the Legislature in enacting legislation *per se*.

Miss DUTCHER: I don't quite think Mr. Bloomingdale gets my point in reply. Whatever facilitates arrangements between the State and groups of its citizens is a help to the State and it has been shown that the easiest way to deal with any trade is through its trade union. Trade unionism makes all legislation by the State easier to frame and more effective in operation, and for that reason it is important that minimum wage should conserve rather than hurt trade unionism, because it would be and is very difficult to deal in any way through the State or otherwise with a completely unorganized trade.

By Mr. ELKUS:

Q. I have been asked to ask you this question: Is this so: A law which keeps a body of unskilled employees who can be thrown out and taken up at low rates whenever the need of business requires and that being partially employed it keeps unskilled labor on its knees for any job? A. If I understand the question — and of that I am not sure — I think that is generally so.

Q. Also this question I have been asked to ask you: Should the effect of legislation on groups of employees be considered? A. That is, as I understand it, the object of all of these hearings. May I add just one word. It seems to me very important that the question of the relation of trades unions, minimum wage and vocational training should be considered. One of those letters that I handed Mr. Elkus, a letter from an experienced saleswoman, describes life on five dollars a week, and that letter was written by an employee at Bloomingdale's. That is one of the stores where there is a system of vocational training in co-operation with the public school system of New York. We have no quarrel with vocational training. It is one of the methods by which these

inefficient workers are going to be made more efficient. But we submit that with wages as low as they are, and advancement so uncertain in a store of the Bloomingdale type, it is a mistake to attract young workers to such a place by vocational training in connection with the business itself.

Dr. ISAAC RUBINOW addressed the Commission.

By Mr. ELKUS:

Q. What is your position doctor? A. I want it understood I am here in a private capacity of course.

Q. We understand that, but what is your official position? A. I am a statistician of an insurance company.

Q. You know the subject that is under discussion; we would be glad to hear what your views are about the whole matter? A. Mr. Elkus, of course I received a request to come here on rather short notice and I do not know that I have prepared any definite statement; I do not know that I can add anything to the general stock of information which has been gathered by the Commission already. Of course I have some views on the subject of the minimum wage legislation and on the question of labor legislation in general. I have been for 15 years studying questions of labor and have been connected for nearly that time, or perhaps longer than that time, with the socialist movement in this country, and so of course I have some views on the problem of minimum wage legislation. If it is any good I want to give the weight of my experience in favor of the minimum wage law. Of course it depends largely on what sort of a minimum wage law you have.

Q. You say you want to give the weight of your experience; do you mean that you have some knowledge of facts that you can give us? A. The facts that I can quote are the facts of wage conditions in this country. It so happens that a short time ago I had an opportunity of studying wage fluctuations in the country and I brought a pamphlet which I could present to the Commission to do anything they please with it. I have come to the conclusion that the sum total of the result of the last 20 years of economical development as far as wage conditions are concerned,

real wages as measured by the producing value, is that there has been probably a reduction of from 10 to 12 per cent. I suppose we all agree that wage conditions in this country are not favorable, that is, that there is a large body of working people who are not getting a sufficient amount to live decently and preserve their health and efficiency. The opposition to minimum wage legislation, insofar as it comes from the employer on the pure basis of trying to preserve his high profits I think may be dismissed here. I think that the minimum wage law, if it is to be an efficient law, will cut into profits to some extent. I am not a prophet and I do not know how far it will cut into profits, but the very fact that there is a large opposition to minimum wage legislation, as there is to higher wages, indicates naturally that the employer is not willing to pay any more than he has to pay, but so far as the other opposition has been developed among organized labor, and I regret to say even among some members of the socialist party, it is evidently based upon an exaggerated opinion of what organized economic effort of the workmen can accomplish. It seems to me that notwithstanding all the conflicts between labor and capital in the last 20 years, notwithstanding all the exaggerated and acute form which that conflict has often assumed, and which is known under the labels of I. W. W. or anything else, that if the sum total of the result of the wage conditions or fluctuations is a reduction of ten to twelve per cent., I think that is a pretty strong argument that economic effort cannot accomplish and was not successful in keeping up the wage standards, to say nothing of a possible increase, and if organized men who have been in the labor movement for decades and decades were not any more successful than that, we can expect very little from organization of women. I do not want to stand here and criticise the results of the organization of labor among women. Of course I sympathize with anything they can do, but it seems to me in the very nature of things conditions among female labor are such that comparatively little can be accomplished by organized labor alone. The large body of female workers consists of two groups, either very young girls who look upon their occupation as a temporary thing to be followed by marriage, and they have not the incentive nor the experience to form a favorable

organized labor movement, and insofar as we have women of all ages working they are mostly married women or widows who are broken in spirit and they are very poor material for an active labor movement. So far there never was a strike of women that was won without very active assistance from the public at large, especially from organized male labor. Now it seems to me authority can accomplish the same results with a good deal less friction by utilizing the legislative machinery.

I won't take any more time than is allotted to me. As far as the economic effect of the minimum wage law is concerned there are two things I would like to say about it. First of all that prophecies in regard to the economic effects of legislative enactment have had such a bad reputation in the past that I am not willing to put much faith in them. All kinds of things have been charged every time labor legislation has been pushed, whether child labor, or reduction of hours of labor or compensation.

At the time the compensation law was considered — while it is not an ideal law still it is the most liberal in this country — it was argued that the New Jersey law, which is probably one of the worst laws in the country, would result in wholesale emigration from New York to New Jersey. I have failed to hear of a single case where that prophecy has taken place. Undoubtedly there is a certain theoretical basis for the fear of possible interstate competition. That is the great misfortune in this country, that it applies itself to problems of labor or social legislation and that we have to do it by piece meal and the next door neighbor may not do it as well as we do, but it is a condition that has to be met because the history of labor legislation has shown instead of migration of industries from one part to the other the progressive states have succeeded in influencing the reactionary states in slowly following, and if the State of New York has to fear the state of New Jersey we would never get ahead. We have to take our chances and see what results will follow and meet them as they arrive.

The other general remark I want to make in regard to possible economic effects of minimum wage legislation, such as dismissal of the inefficient and general increase of unemployment, I want to say that sort of argument comes with bad grace from anyone who believes in the labor movement, because economically an increase

in wages is an increase of wages whether it comes through union action or social legislation and if we are to fear an increase of wages because those not within that body may suffer, then of course we have to get an economic action as well as a political action, because there has never been a strike that would increase the wages of all of the employees at the same time. It may well be that by increasing wages at the bottom you will make it economically unprofitable to employ a certain class of labor. I think on the whole while there may be individual cases of hardship which have to be met in a different way, on the whole that is a result to be desired. As far as girls are concerned, it will simply mean an increase in the minimum age when a girl goes to work. It stands to reason, other things being equal, the older the girl the more efficient she is. If the result will be that the law will cut out all store girls of 15 to 16 that is a result to be desired. There are many young girls who work and still the main burden is upon their family.

It may be that a condition of crisis, of very severe unemployment, is not the time to begin with a minimum wage law. As a matter fact it is not the time to begin almost anything. Social legislation has to be experimented with, preferably during the more favorable times, and preparations have to be made for the peculiar problems that the crisis creates. I do not know whether the question of social insurance is germane to the topic you are discussing, but I never want to miss an opportunity of saying something in favor of my own hobby.

The CHAIRMAN: Judging from your book it is your hobby.

Mr. RUBINOW: I consider that social insurance is in the nature of minimum wage legislation because properly incorporated the minimum wage is a living wage, not a living wage only when the person is well and uninjured, but a wage on a parity throughout a year previous, of necessary standards of life. If the minimum wage is to be only an entering wedge for wider legislation, if it is to carry with it sooner or later proper insurance against all the conditions which deprive the wage worker of the regular income, whether it be industrial, accident or otherwise, which has already been accomplished, although not in regard to the department store girl, I am sorry to say, or sickness insurance or employment insur-

ance, if all these things are to be carried with it, then the economic results that apply and that people so much fear need not happen.

Q. Suppose they are not adopted how about the economic result? A. If the minimum wage law should emphasize the condition of marked unemployment in this State, I think I should welcome that which should give us unemployment insurance sooner or later, because I firmly believe that with recognition of the unemployment problem in this country, which we already have, further action depends entirely upon the amount of pressure which the interested groups of citizens will exercise.

Q. Did you see the suggestion of the President which he made yesterday that there should be a national employment information bureau or some of that kind? A. Employment agencies themselves are very good when employment is to be had. I am in favor of public employment offices. I might say more, I am in favor of monopolistic employment offices. In other words, I think the question of finding employment should not be left to private hands, to speculators to profit, but employment offices cannot create employment.

Q. Did not the President go further in his suggestion than merely to have employment offices? A. I did not read my paper this morning, I was too busy, so I do not know what the statement was, but the problem of unemployment has to be met eventually by a system of unemployment insurance. That is my deep conviction. Now the difficulty of unemployment insurance, or getting it, is the fact that we have so many people who are half employed, who seem to be employed and yet are not earning their living, and the more quickly the problem of unemployment is known the sooner it will come up before the people at large and the sooner we will get the necessary measures.

By Mr. BLOOMINGDALE:

Q. The witness has referred incidentally to the opposition to a minimum wage law, and I would like to ask him whether he has heard any opposition expressed — I haven't?

Mr. ELKUS: I have.

A. I might say in regard to that, there is considerable opposition to a minimum wage law among organized labor. We might

as well recognize that, but I believe this to some extent is due to misunderstanding. I think organized labor usually condemns the minimum wage law as compulsory arbitration. Outside of the opposition to minimum wage law because of the fear that it might interfere with the progress of organization, there is the further fact that the minimum wage law may eventually lead to an alteration of the highest or maximum wage by the organized state, but there is no denying that considerable amount of opposition to minimum wage exists.

Q. I mean have you heard of opposition on the part of the employer; I would like to put on the record that there has been no opposition expressed on the part of the employers? A. The opposition follows from the fact that so many there are who do not pay any more than a normal wage. I do not know whether the proposition includes clerical help as well as factory and store help. My experience with this work has convinced me there is just as great a problem in our largest offices as there is in factories and department stores, and there is one advantage in handling the situation, that large offices cannot emigrate to other states, so that there is no possibility of interstate competition as far as clerical aid is concerned. There is many a girl in the financial district who works in the very center of the wealth of this country, and when I say that I am not saying it as a political agitator, but as one who has seen things, who has to go to work with a ten or fifteen cent lunch, and that is regarded as quite a luxury.

By the CHAIRMAN:

Q. You were just saying something about interstate competition and emigration. I have heard that same story year after year and yet I have never been able to get one instance where a manufacturer left because of legislation which was enacted in this state. We had a very clear instance of that when President Marks came before us some time ago and said that because of the factory legislation which we enacted there were about 15 manufacturers that he knew of who were going to leave the State and go to another State where there was a little more laxity in the law, and when we tried to get from the borough president the name of one manufacturer who would leave he told us he would

volunteer some later day to give us all of the names. That was some six or eight months ago, and we have to to-day not received a single name from him. These statements made in public for the purpose of discrediting the law, and then making assertions of that kind, and letting the public impression get out that this is going to happen with a promise at some future date to make good and not make good should be condemned in a public official more than in a private individual. A. I want to say that perhaps it is not the wisest thing to neglect the factor altogether. I have never heard of anybody moving from one State to another because of the compensation law, but I do know that there are manufacturers who began in the State of New York and have gradually extended their operations in other States as well and who give as a reason for it the fact that wage conditions are better.

Q. For them? A. Better for them. That sort of thing is possible, and it is a fact that the minimum wage law is more drastic in its effect upon the profits than the compensation act. That is inevitable. If that is a serious factor to be reckoned with, then we should take cognizance of it. If that is the case there is always an incentive for the employer to open a branch in Pennsylvania, for instance, in the event of a strike. We cannot use that as an argument against labor legislation, and if we should use it we would be up against a dead wall and have to conform to the worst conditions in the country. The lord knows we have plenty bad States in the country in the matter of social and labor legislation.

Miss NELLE SWARTZ addressed the Commission.

By Mr. ELKUS:

Q. Miss Swartz, what is your official position? A. I am executive secretary of the Consumers' League of New York city. In some testimony which was given on Thursday it was stated that if the minimum wage is established the cost of the increased wage would naturally come back upon the public or on the consumer, and the point which I wish to emphasize this morning is that the public is paying for this now, paying for it through the wide variety of charity which this city offers. Any industry which is not paying to its workers a living wage is placing an

undue burden upon charity, and is in addition a parasite upon the community. To illustrate my point I wish to quote from the *New York Times* of December 13th where a description of 100 needy families of New York City is given. These families were selected for the *New York Times* by the Association for the Improvement of the Condition of the Poor, Charity Organization Society and State Charity Association, three of the largest relief societies of New York City. Out of these 100 cases, as I said, in the *New York Times*, in 70 of them women are the wage earners in the family. I just wish to quote several of these cases to give you an idea. In one case where the father is ill the mother has one small child dependent upon her. The woman is working in a factory earning \$4 a week. The church helps with a weekly allowance of \$4.50 a week. The Charity Organization Society appeals for \$50 to supplement the woman's earnings. There is still another, the father is dead. There is a woman and two small children. She works in a tie factory earning 80 cents a day and the State Charities Aid Association appeals for help. In still another case the only support of the family is a young girl who is working in a New York City department store earning \$4 a week as a cash girl. The Charity Society Organization appeals and asks the public to supplement her earnings to the extent of \$15 a month. And in still another, the father has heart disease. He is in a public sanitarium and four of the five children have been placed in public institutions. The mother is supporting a fifth child, but her meager earnings can only pay for food for herself and baby, and the State Charities Aid Association asks the public to supply her with clothing. I have just given a few of these. There are many more of them I might cite.

Are we not therefore creating these conditions which we are called upon later to alleviate. It seems to me necessary that we secure some standard of payment for our working people.

On Thursday some employer spoke of a minimum wage being imposed upon them. If we should have minimum wage boards which will fix the wage rates they will be made up of representatives of employers and employees and the public and the wage would not be imposed upon him because he would have a voice in fixing that wage.

The advantages of wage boards it seems to me are first the get-

ting together of the employer and the underpaid employe and the public to discuss this question. That particularly recommends this to those who believe in democracy. It would bring about a better understanding between the employes, the employers and the public and each realizing the difficulties which beset the other all would be correspondingly more tolerant. In such a commission wage boards would give voice to the now defenseless worker, and to the employer as well as the conscience of the community.

Mr. BENJAMIN C. MARSH addressed the Commission:

Mr. MARSH: Now, Mr. Chairman, what you ought to call this is not the minimum wage for the workers, but the maximum privilege rate for each, the maximum luxury wage for each. That is what it amounts to. Of course, as I am limited to five minutes, I can't go into much of an argument, but I will leave some proof with you.

Mr. ELKUS: You may add to your written statement, you may add anything to your statement and it will appear in the record afterward.

Mr. MARSH: Thank you, I will be very glad to do so. Of course the wrong way to go after improving the condition of the people is to try to get them to lift themselves by their own boot straps, which you do in the minimum wage. The only effective thing is to knock out privilege. Now, as far as women are concerned and minors, I want to say that personally, although I do not speak for any organization which I represent, I favor this minimum wage merely because they have no vote. If they had a vote and continued to vote for the present parties they ought to suffer, and if they had a vote and failed to use that vote in order to cut out privilege and did not stop sending out Tammany Hall candidates and Republicans to continue to represent them, they ought to suffer, but to be logical your minimum wage ought to cover the emigrant who does not vote. Now my only justification for introducing the minimum wage is this: the State of New York should say now you poor women and children you have not a vote, and we the political parties, Tammany Hall and the Republican organization, get our support from the privileged classes. We permit them to exploit you by high rents, Wall street contamination and

various protective privileges that we do not think it fair that you poor women should suffer so much, therefore we will let you have a little more wage which will come out of the consumers in the long run, but of course I say you ought to let that apply to the emigrants who do not vote similarly. Now it is nonsense to say that to pay the minimum wage to women and children will not increase the cost of goods. For instance in the coal strike that arose, the operators increased the miners about 25 cents a ton for coal and raised the price of coal from a dollar to a dollar and a half very shortly. Of course that was paid by the consumer. It don't reduce the profits in the least to the manufacturers. I hope this Commission realizes that just now they are begging the employers for God sake to give some work to the people and then pay the increase wage. That is what you ask. It is not a large wage, but relatively a large one and it is most unfortunate time to make this suggestion, and the manufacturers have a perfect right to say to the Legislature we want to be fair, but we demand that you relieve us and the other workers from the extortions of these before you ask us to pay a minimum wage. Now I challenge anyone to say that the minimum wage in any country under the present system of privilege has helped the working people very materially, because prices will increase much more rapidly than you can raise the minimum wage or any other wage, and until you have freedom of production as well as freedom of exchange your minimum wage is chiefly going to benefit the privileged classes. I grant you it will partly benefit the women and the minors who are made the beneficiaries of it, but not to any large extent, and the benefit will largely accrue to the privileged classes. It will also come out of the consumer who pays the freight. I want to be very clear as saying personally that those women who do not vote should have the benefit of the minimum wage, and as soon as they do vote they are not entitled to the minimum wage, and only as long as the nonvoters do not vote are they in any way entitled to the minimum wage. This is better than charity perhaps, but it does not really increase the real wage. It increases the nominal wage, but not the real wage, and what the working people are concerned with is the purchasing power of wages.

I would like to give a few figures as to what the minimum wage would mean. The average wage paid to the average number of workers in factories in New York City in 1909 — these are from the census figures — was \$584.10. Had all the workers been paid \$900 the total wages paid these factory employees would have been about \$490,000,000, or \$167,000,000 more than the total wages they actually received. Of course all of these were not women nor minors. Assuming that on the average only 400,000 people with families dependent upon them were working in factories and receiving \$360 less than the minimum wage, this would mean an increase in wages of \$126,500,000 in round figures, but there are in normal times at least 1,400,000 people working for hire, probably a large proportion of whom are getting less than the minimum wage. Simply trying to raise wages by fiat is not any more effective than trying to legislate morality into a community that does not want it.

Our tax system requires from the family in this city and country that they pay about \$180 more than they ought to pay. As the *Globe* put it in an editorial the other day, the land owners are taking about \$300 per family in taxes and ground rent, the cost of government another \$300 and they say it is no wonder we have hard times when half of the earnings of the families in New York City — not half on the average, but roughly half, go to the government and for profits to the land owners, and then you can figure, of course, the exploitation of other interests which detract from what seems to me the large nominal wage but what is really a very small wage. If you want to have wages raised for women the way to do it is to compel the utilization of the land and the other resources of the country. You can pass these laws. I do not suppose that it will do much harm. I talked with a gentleman in London who was administering the minimum wage law for those four trades and they were not at all optimistic as to the real benefit to the working people. Temporarily, it would relieve the situation, but as long as your cost of living is going up 100 points and your wage is going up only 20, you are never going to have them catch up with each other, and you cannot in that way help the working people. You have got to follow the economic laws and take off every sort of privilege.

ROME G. BROWN, Esq., addressed the Commission:

By Mr. ELKUS:

Q. Mr. Brown, you were the counsel in a recent case before the United States Supreme Court which attacked the constitutionality of the minimum wage law which was passed in Oregon?

A. Yes, sir, I was, that is one of the counsel.

Q. And you have considered this minimum wage question?

A. Yes, I have.

Q. We will be very glad to hear from you about it? A. I have not prepared any formal statement. I have put together in my mind mostly since I entered the room the points that I thought would be pertinent to the inquiry of this Commission, and if I could state those without too many questions it would give us more time for questions afterwards.

The CHAIRMAN: I suggest that we not interrupt Mr. Brown at all.

Mr. BROWN: I would be very glad to answer any questions or rather try to answer you or tell you I cannot afterwards. I will be very brief in my statement. I wish to be understood in the first place that I do not pose as an expert on the minimum wage or any other economic question. I want my position exactly understood. As a student such as any practicing lawyer is in general questions first, and second as particularly interested in the legal or constitutional view of the minimum wage question, I had made some investigations and studies in connection with the constitutional view point. I should right here, if you please, Mr. Chairman, like to say that I will ask permission to submit a short typewritten summary, for I shall be very desultory in my statements. In connection with these legal studies and my personal studies I happened to come across some of the points connected with the general questions or policies with regard to the minimum wage and I assumed that what little information I could give you from my experience and study is what the Commission desires. That is I understand the question before the Commission is as to whether it will recommend to the Legislature of the State of New York a statutory minimum wage, and if so, what sort of a statutory minimum wage.

The time is past when any frank or well informed person can deny that there are evils arising from inequality of wages. I shall not attempt to admit nor deny the various suggestions that have been made upon that point. There are too many employees and of course they consist of the lower class of employees who are getting too low wages. There are too many employers who are paying less than they ought to pay. As to what extent from the employer view point increase should be made or as to what extent from the employee view point the increase should be made, and as to how the increase should be provided for is the real question at issue. Now respecting the minimum wage and particularly the legislative minimum wage, I do not see any danger, economic, industrial or social in a minimum wage. I do not find from my studies any danger necessarily in a legislative minimum wage. The danger, it seems to me, threatens from the method or the means by which the minimum wage is to be established and enforced. In the discussion of the question much has been said of the necessity, the advantage in the education of the employee, those who on account of inefficiency or illiteracy have not brought themselves up to this standard of the minimum wage, and a great deal has been said which would seem from some quarters to place the blame of the situation upon the employee. I agree that one of the great needs to abate this admitted evil of inefficient wages is the education of the employee, but I think as much and perhaps more is needed the education of the employer, and I think the fault of insufficient and inadequate wages exists to-day, although I think it has been largely exaggerated, but they do exist — that fault is due to the employer quite as much as to the employee and in both instances I believe on account of a lack of education.

Employers are, many of them, selfishly not giving what their business will allow to their employees. Other employers are paying liberal wages. The selfish ones need an incentive in order to compel or to influence them to co-operate with the other larger class of employees who are willing to pay a sufficient wage. The employees need education and means of co-operation, not only among themselves, but between them as a class and the employers as a class.

In my opinion, and I draw my conclusion from the studies I have made, it is absolutely futile to attempt to enforce efficiency of the employees by legislation. I think it is absolutely futile to attempt to enforce a spirit of co-operation, benevolence or any other good quality on the part of the employers by legislation. I think the element of force is something that should be avoided. Therefore I believe that the best method and the only real practical method to bring about useful results, results in regard to this wage question, useful to the employee and consistent with the maintenance of industry, is through co-operation, through education of both classes, the employer and the employee. Wages have been improved heretofore to a great extent by just such co-operation, the influence of the better class of employers upon those who are not as liberal and by means of co-operation between the employees and the employers. I believe that if a minimum wage is to be legislated it should be on this theory that I have spoken of, that the best benefits will arise from co-operation, from voluntary actions and not forced actions, at least not to the extent that the provisions of the statute shall subject the employer to a criminal or civil prosecution. This was the spirit of the minimum wage in Massachusetts, so there are in legislating minimum wage, two classes, the non-compulsory statutes such as the Massachusetts statute of 1912, which was followed in Nebraska, and the compulsory statutes which have been passed in these five or six states by the Legislatures of 1914.

Now my statement and position that it is the non-compulsory statute which is the most effective to bring about an improvement in the wage condition is shown, it seems to me, by the way the Massachusetts statute was formulated. The State of Massachusetts appointed a board to investigate the question, just, I assume, as you are investigating it now. That investigation was during a period of a year or more, and they studied the experience in England, in Victoria and other countries of Australasia. The result of that investigation after studying the experience of all of the countries in which a compulsory minimum wage had been put into effect, the result of that investigation and report was this conclusion which was placed before the Legislature of Massachusetts; these special boards, referring to the boards in England

and these other countries — mind you this was a report that was made in 1911 to the Legislature of 1912 — although authorized to secure a living wage in truth have served to formulate rules for a trade and bring employees and employers into co-operation to provide suitable machinery for the readjustment of wages and other matters due to changing economic conditions, and in accordance with that report the Massachusetts statute was formulated and passed in the non-compulsory form. It omitted the criminal liability of non-compliance; it omitted the civil liability; it provided for a board to investigate all occupations throughout the State and to make its report to the Legislature, or to make its report and publish it as to what they deemed in any particular action as to particular classes the methods to be adopted towards a living wage. And the remedy was by publicity, that is, the only penalty was publicity, instead of the courts, publishing the names of the employers who were not complying with the recommendation of the board. The theory of this statute arises from the experience of the statutes in England, that the only really beneficial features which had worked out in those statutes were the co-operative features. Such a statute as Massachusetts adds to the co-operation which may be offered between the employers or between the employees or between both classes. It adds to them and promotes it by the investigations of the State Board that are made under official sanction. It adds and stimulates — it adds an official stimulus and an authoritative stimulant to the spirit which the employers, or some of them at least, already have to benefit the condition of the employee. It add also a stimulus to the employee to co-operate with the employer, and as I have stated the only real beneficial result will finally come by co-operation.

So it was that Mr. Aves, who was sent by England in 1909 to investigate the conditions in Victoria and in Australasia reported to the British authorities in regard to the experience there, just as you are investigating here — Mr. Aves found and so reported that up to that time in 1909 the experience in Australasia had been rather brief and it had been confined to times of prosperity and that the minimum wage there had been operative only in a very limited number of employments. However, he reported to

the British authorities that the evidence he had found, he says, "does not seem to justify the conclusion that it would be advantageous to make the recommendations by any special boards that may be constituted in this country — referring to England — legally binding because if this power were granted it could not with regard to wages be effectively exercised."

That report of Mr. Aves was acted upon or rather it had influence upon the action of the English Parliament in passing the act of 1910 which was the first minimum wage statute there. That minimum wage statute was applied to only three or four I think sweated industries and to certain employment which required work under ground. That experience and advice of Mr. Aves were before the Massachusetts commission and they studied the question as reported by him and made an independent investigation and secured the advice and experience up to 1912 and the Legislature of Massachusetts acting upon the advice and report of this Commission instituted for that purpose — I am a New Englander a little partial to New England enlightenment — I should say that Massachusetts could be taken as enlightened a state as there is, except New York of course — enlightened people of that state came deliberately to the conclusion that it was a non-compulsory statute that would be beneficial. They came to the conclusion that what was needed was promotion of co-operation, forcing the employers who were already willing to do better, and to bring in line the employers who were lagging behind. They thought also that what was needed was not force — not compulsion exactly — but official promotion of co-operation between employers and employees without the element of force, because as I have said it is utterly futile to attempt by legislation to force efficiency or to force added efficiency in employees. It is utterly futile to attempt to force a spirit of benevolent co-operation or whatever you may call it upon the part of the employer. More than that, as stated by Mr. Aves, when he found that the real beneficial, and the only beneficial features of the English act had been through the co-operative features, he also found as he stated that if the recommendations of the Board were made legally binding he thought that such power to force wages could not be, although enacted effectively exercised. So my conclusion from that point

is simply of course my opinion from my studies, that considered purely as a matter of policy and without discussing our peculiar system of government here and the powers of legislation, considering it as a mere matter of policy, I think it is advisable to go no further if you are going to legislate a minimum wage — it is advisable to go no further than fixing a non-compulsory wage in the manner it is fixed in Massachusetts.

Let me give this suggestion: you can change from a non-compulsory statute to a compulsory statute with less dangers of evils than you can to enact without sufficient consideration or proof of its advisability, a compulsory statute with a possibility that you would be compelled to go to a non-compulsory statute. Take the thing by steps and do not run the risk of over-doing it, because this element that Mr. Aves speaks of, that even if the Legislature had the power to enact and enforce a compulsory statute, nevertheless even in England he finds that such a statute does not work out. The powers attempted to be given are not effectively exercised to bring about the result that is desired. On the contrary under the non-compulsory statute the non-compulsory idea works out not only in theory but also in practice.

But to-day when the legislative minimum wage is spoken of there is in mind almost always the compulsory minimum wage such as, for instance, was enacted in Oregon and has been enacted in five or six other states, all with the feature of the commission investigation and report except in Utah. When we come to the compulsory statute there is that element of force, that drastic feature, that compulsory feature by reason of which the statute, as I say, becomes ineffective, because it will not work out right. It compels instead of induces. It places a situation absolutely unyielding instead of working up to it gradually by voluntary promotion and co-operation and more than that the principle of the statute is I believe illegal. I am not going to discuss the legal proposition because it has been discussed at Washington and will probably be decided soon, but let us discuss it as though the principle of that compulsory legislation had been sustained, as though it were possible to have it sustained — I say the element of force and compulsion is an evil, is a pure matter of policy for the community, for the compulsory statute makes the basis of the minimum wage the amount that it costs the employee to live in health and comfort.

It makes the wage based upon a purely individual thing which is neither creative nor increased nor affected by the effect of employment. It makes the amount of the wage to be paid entirely independent of the consideration of the amount of units of work that the employee does or is able to perform. It makes the computation of the amount of the wage to be based independently of the consideration of whether the work is worth the wage to the employer. In other words the very theory of the compulsory minimum wage is a statutory compulsion that the employer shall pay to his employee — the class that are affected by the minimum wage is the lower class earners — shall pay them the difference between what they earn and what it costs them to live, no matter whether it is less than what the work is worth to him and no matter what he can in his business afford to pay. Now I am not an expert in economics, I am not an expert in anything, but my conclusion from what I have studied here is, that if you once establish the principle that you are going to fix a compulsory wage, independent of any consideration of what it is paid for or what is the consideration received in return, in other words if you are going to fix a compulsory wage on a basis that is absolutely independent of the efficiency of the employee, you have established a principle which inevitably must be applied to all classes of employees. If you have established the principle that the State, for instance, has the power to enact and enforce a minimum wage, which compels an employer to give more than what the employee earns, and is based solely upon the cost of living then you have established the power to fix a maximum wage by statute; that is you establish the power for the minimum wage to make the employer pay more than he receives, and you have by the same principle the power to enact a statute compelling the employee to give more than he receives, in other words to give more work for a less wage than it is worth, and when you have once established that principle in our system of government you have established a principle under which it is possible to create what is slavery.

Am I alone in this idea? The platform of the so-called Progressive party in this campaign — I never could call them Progressives — third party I would rather call them — that party in the last campaign included in its platform, beside all of the other

vagaries that had been thought of up to that time, the minimum wage for women and minors, and I say the statutory compulsion of minimum wage for women and children and for all classes of workers is a vagary and impracticable proposition. It was necessary, therefore, that the opposition party should answer that question, and President Wilson, though so far as my information guides me, is neither a Tammanyite, nor a Progressive, nor a Socialist, therefore, from what I have heard to-day he is qualified to be heard — Mr. Elkus: Nor a Republican).

Mr. BROWN: I did not say nor a Republican, because it happens that the Republicans agree with President Wilson in his statement when he says, if a minimum wage were established by law a great majority of employers would take occasion to bring their wage scale as near as might be down to the level of the minimum. In other words, that the establishment of a compulsory minimum wage would not only establish the principle under which a statutory maximum wage could be enforced, which would be dangerous, but the establishment of a compulsory minimum wage would have the effect at the same time that it would officially increase the wages of the lower class of labor to decrease the wages of the higher class of labor, and so Mr. Gompers — I do not know whether this is pertinent, he being a member of the Commission, so that Mr. Samuel Gompers says with reference to this proposition, “I recognize the danger,” he says, “of such a proposition. The minimum wage would become the maximum from which we should find it necessary to depart.” And he further says, “I fear an attack that has not been discussed and that is, that the same law may endeavor to force men to work for the minimum wage and when government compels men to work for a minimum wage that means slavery.” There are other objections to the compulsory law, but lest I should take too much time let me pass on simply to note in an unconsecutive way certain opinions that I noted as I was sitting at the table.

It is too much overlooked, it seems to me, in the discussions of this question, that what we are after is really the benefit to the community as a whole. Our purposes should be to promote the prosperity of the nation, or if you are speaking from a state viewpoint, of the State, and that means the entire community of the

State. What does prosperity mean? Does it mean the prosperity simply of workers? Does it mean simply the prosperity or increased prosperity of this particular class of workers whose wages do not now equal what it costs them to live? Certainly not. The prosperity which we are trying to work out is the prosperity of the entire community, and that prosperity depends upon the prosperity of its industrial enterprises, and the prosperity, properly speaking, of the laboring classes, both those who are the low class and the low paid, and those who are high paid, all depends upon the prosperity more than any other element of the industrial development of the industries of the State or nation. To say then that a wage or a compulsory contribution would be forced upon employers in industry or in any other employment which takes not at all into consideration what they are able to pay, which does not at all take into consideration the consideration which they received from those whom they are compelled to pay is contrary to any idea of promoting their prosperity. It is, therefore, in my opinion, contrary to the purpose of promoting the prosperity of the laboring classes.

Another point: we have in America to-day, generally speaking, the highest wages of any country in the world, and we have had the highest wages, and on account of those wages the cost of production is greater here than in foreign countries. In order to protect our industries and not have them suffer by the competition of foreign countries, we have put on a tariff. Primarily the reason and the necessity of that tariff, however you may agree or disagree with it, as an economic feature of legislation, the necessity for that tariff is the high cost of production, and that high cost of production is mostly due to the high cost of labor and high wages that are given, and therefore every increase in the wage made tends to create a demand for a higher tariff. In another way, the increased wage, if it is enforced by compulsory legislation, increases the prices because it increases the cost of production through the increased cost of labor, but then again the cost of the product becomes a part of the cost of living, and, therefore, automatically, the cost of living is raised, and again by that prices are raised, and there tends by this principle of minimum wage to be established a sort of automatic lever, at one time raising prices

and at any other time raising wages, that is, raising the wage based on the cost of living. I say it tends to that extent. I am not one of those who say that the tendency is equal to the point of the raise of the wage because of course your products are consumed not only by the laboring class, but by a very large class of people.

But let me call your attention to this, that the compulsory minimum wage is undesirable because if the principle is recognized in this country the same principle will allow our legislators to enact and enforce prices as to all commodities because labor is a commodity. It is a subject of contract, and when you have once established the principle, as I say, of fixing a minimum wage, you have established the principle of fixing the minimum price, you have also established the principle of fixing the maximum wage and therefore the principle of fixing the maximum price. That result I submit without argument is undesirable.

To me the compulsory minimum wage, whether it is advocated or represented by the socialists, is a social menace. I am not going to argue socialism, but I am going to assume that somebody agrees with me that the socialist proposition is not desirable. That is the assumption of my statement anyway. I am not a socialist, and I do not believe in socialism. I do not disbelieve in everything they advocate, but I do disbelieve in the main essentials of their creed. The fundamental basis of socialism, as I am now considering, is a compulsory division between those who have and those who have not. It may be profits, it may be property, it may be something else. Now when you compel one class of people to pay to an employee the difference between what they earn and what it costs them to live, I say that is a compulsory division of property by one class of people to another class.

More than that, when you have once established under one of these statutes a certain specified minimum wage for a particular class of employees that is only a starting point, and the same board the next year raises the figure. When you have taken an employee who is getting \$6 a week and you raise her wage to \$8 a week she increases her standard of living and increases her cost of living. The establishment of a minimum wage tends to increase the standard of living, especially from one viewpoint, but as soon as you get the standard of living increased then you have

to increase the minimum wage to meet that standard, so it is simply a step from a lower to a higher wage on the principle of compulsory division, and it only becomes a short step without changing the principle of such legislation to pass from a mere compulsory division under the guise of wages to a compulsory division, expressly a division of profits and that is exactly the goal to which this sort of legislation would tend, and when you have established that principle there is only a step further to establish the compulsory division of property.

Indeed the minimum wage as now advocated involves in some instances a compulsory division of property, for we are told right from this stand that no matter that an employer cannot profitably do it, and no matter that it makes inroads upon his capital, he must nevertheless pay to his employees subject to this minimum wage the entire cost of their living. If he can pay it out of his profits then he must. If he cannot pay it out of profits then he must pay it out of capital. If he cannot pay it out of capital and continue to pay it out of capital, then it must come out of business. So we have in the advocacy of this measure now this advocacy of socialism displayed —

(After an interruption the speaker continued as follows:)

As I will submit a typewritten summary, for the present I will confine myself simply to two more suggestions which I think will be pertinent. The theory of the minimum wage, whether it is put into legislative form or not, is based upon the theory that every individual as an individual is entitled to receive the full cost of his living. Now, of course, he has to receive it from somebody. The abstract theory upon which this right of the individual is based is that he has a right to receive it from the community, that is, from the public. In other words, and that is the ethical theory announced by Father Ryan and others who have treated the ethical phase of this question — the ethical theory is that every individual, whether employed or not, has the generic right as a human being to receive the full cost of his living, of health and comfort, from the public.

With the contention that by co-operation you could get somebody to contribute this to the employed — by co-operation that can be brought about legally and in a feasible way I have no con-

tention, but why should we say that the employer, the one who happens to have a particular individual on his payroll, should be forced to contribute this difference between what persons earn and what it cost them to live? Take it as a practical business proposition. It does not reason out. Neither does it reason out as a legal constitutional proposition. You might as well say that that difference shall be made up by lowering forcibly by statute the price of the goods that the employee has to buy to live on, and you have as much right from a business standpoint, from a reasonable standpoint, a legal standpoint, as I have, to say that the employer shall pay over to you the amount necessary to buy those goods with, and no more pertinent remark was made than by one of the judges of the Federal Supreme Court the other day in the argument when he said to the attorney on the other side, why does not the State Legislature pay this difference between what the employee earns and what it costs him to live out of the public funds, or why don't you put it upon the farmer or the merchant — just as much reason as to put it upon the employer who happens to have that man on his payroll? The right of that individual to receive a living in health and comfort exists just as much the day he was employed by him, just as much the day before he was employed as it does when you have him on your payroll. When he is not employed who is going to fill the obligation of that right — the public? Why, the day I put him on my payroll is the public obligation transferred to me or to my class?

Just one word and I am through. I have not attempted to cover this matter. These are just thoughts that come to me. I want to emphasize the idea that I take no stock in the suggestion that has been made — I think it was suggested to-day — that the morality of female workers depends upon wages. The immoral female worker is immoral not because she is a worker, and not because she gets low wages, and the classes of those who are immoral are not among those who get the least wages. They are among those whose standards of living and desires and suggestions have been raised to an extravagant degree beyond those of the low wage workers.

The Wisconsin committee of the Legislature made their report about three weeks ago, and said their investigation satisfied them that morals had no connection with wages.

Judge Cutting, of the District Court of Minnesota, in a decision, held that the Minimum Wage Statute of Minnesota was unconstitutional and said: "That if morality depends upon wages then the Minimum Wage Statute, that is, the compulsory minimum wage statute, is an immoral measure because it deprives those of wages who now receive some wages." It throws out of employment a large class of people and puts them dependent upon their own resources for education and strife to reach up to the minimum wage — puts them out of employment — and therefore if wages govern morals the minimum wage statute is an immoral statute. I think that is good reasoning, but let me say that I do not take any stock whatever in the claim that low wages brings about immorality.

By Mr. ELKUS:

Q. Mr. Brown, do you mind if I ask you a few questions? A. I will be very glad, but I do not guarantee to answer anything I do not know about.

Q. You advocate the passage of a law similar to that which they have in Massachusetts? A. If you find it is desirable to have a law, and I must say I believe there are many beneficial features and possibly good results that would follow, that law —

Q. The law of Massachusetts provides for the creation of Minimum Wage Boards which fix minimum wages in different industries? A. After investigation.

Q. After investigation, of course, but there is no means of carrying out the recommendations of those boards except by publishing the facts which they have found and the rulings which they have made? A. That's all.

Q. In other words it is the law without what might be called colloquially a "punch" to it? A. It has a "punch" but not a dungeon cell.

Q. You mean you would not advocate imprisonment for failure to obey such a law? A. No, or any penalty except the natural penalty of not doing the reasonable thing when it had been found out.

Q. So your argument as I understand it is devoted entirely to doing away with any penalty in the law? A. I did not mean that my argument should be devoted entirely to that.

Q. That is one of your suggestions? A. Yes, sir.

Q. And you are assuming, are you not, Mr. Brown — of course I am sure unintentionally — when you say if there is a compulsory statute that the employer must pay the wage to the employee decreed by law — of course no employer is bound to employ any employee unless he wants to any more than any employee is bound to work for any employer unless he wants to, so that if an employee is not able, through lack of efficiency or of ability, to earn the wage which the employer is decreed to pay he can discharge the employee? A. Certainly.

Q. And the only case where an employer would have to pay a higher wage than the employee really earned was where there was insufficiency of competent labor; isn't that it? A. In that way, yes, but not properly speaking. In every employment there are certain classes of work. There are certain classes of work which do not take any very great efficiency. You have to provide for that work being done for what it is worth. Generally that work is in the preparatory stages of the industry and those who can do that work cheaply can thereby still continue to do better work which will gain them more pay.

Q. Eliminating all beginners and learners because for them naturally there would be a different provision? A. There are certain class of workers who can never properly be designated learners or apprentices or minors under these statutes who nevertheless are in the preparatory stages of their work. They are what might be termed full adult workers, but they do not reach that full degree of efficiency necessary for the minimum wage, and as I said a moment ago when the employer raises the wages of the inefficient class of labor he has got to let that work go undone or put into that class a higher paid set of employees so that the effect to him is just the same as though he retained the inefficient employee at the higher wage.

Q. That is not what the employers testified to here yesterday or the day before; that is contrary to their expressions. A. I do not know what the employers said.

Q. I am telling you, and I don't quite follow you, because if they discharge the inefficient they leave the efficient and therefore use the efficient to do the work which the inefficient would have

done and therefore it comes right back to the same proposition, doesn't it, Mr. Brown, that as long as there are people who are competent to do the work, who really earn the minimum wage which may be fixed in any way, then the employer only pays for what he gets? A. There are only two elements at work. There is quantity and quality. Now he has just the same quantity at work he had before he discharged his inefficient employees who were capable of doing the lower grade work. If he put efficient employees with a higher salary upon that low grade work it has the same financial effect upon him as though he retained the lower class workers at a higher wage, except of course he is liable to get better work out of the more efficient.

Q. I do not quite follow your trend; of course we are all very glad to hear you. A. Then if you did not understand me that was my fault undoubtedly. I would like to state it again for I should like to have you understand it. I said if the employer upon whom is put the minimum wage does not want to pay that minimum wage to the lower class workers then he must put upon that lower class work more efficient and higher paid workers so that the amount of money he has to pay, is compelled to pay for that lower class work, is just the same in all practical results.

Q. That is where I do not agree with you, or at least I cannot now; if the more efficient worker does work he does it more efficiently and at less cost even though his wages be higher. We had a practical example given to us yesterday where they told us that in the paper trade they decreased the hours of labor from twelve to eight and wages were not decreased, and yet despite all that the cost of production was ten per cent. less than it had been before. Those were actual facts given to us? A. Of course I was not here then.

By the CHAIRMAN:

Q. Mr. Brown, do you think that an increase of wages to the same individual increases his efficiency? A. I think that ordinarily the tendency would be that way, but it would have more that effect in the higher classes of labor who have ambition, and already some increase of efficiency to feel the benefits of it. I think the tendency would be comparatively small in the lower class of labor as to whom the minimum wage would apply.

By Commissioner DREIER:

Q. In your study have you found that employers know the worth of their employees? A. You mean in my practical experience?

Q. Yes? A. I have found that in many instances they did, to a most unexpected degree, and I found that in other instances they did not to a most unexpected degree. There is more difference among employers than there is among employees. There are the high class of employers who are working out these benefits not alone for the good of the employees but for the good of themselves. They appreciate the fact that increased devotion and care and efficiency helps them, the employers, and that is what this promotion and co-operation I speak of would bring about. It makes a non-compulsory statute helpful and feasible.

Q. The reason I asked that was we found many employers who had no idea of what the employee was worth? A. I think there are many instances of that.

Q. Then you spoke of the country depending upon the prosperity of industrial enterprises and I want to ask you whether you think an enterprise is prosperous if it pays its workers so little they cannot live on it? A. I think in many instances I will agree with you. I was not speaking of any particular kind of enterprises, much less of a factory managed by a particular manager and managed wrong; I was speaking about the general industrial development of the State; that upon the prosperity of that general industrial development depends in general and I think primarily the prosperity of the employee class in the State.

Q. This means primarily the wage upon which they can live? A. Of course the general prosperity of the industry would give them the means, the ability to pay a higher wage, but I think both should be taken into view, the prosperity of the employer and the prosperity of the employee and not start at the employee end and make a forced, arbitrary contribution. It seems to me it won't work out. I think these minimum wage statutes, if they are passed, if they are declared constitutional, which I expect they will not be, I think they will turn out to be as a feasible proposition, unworkable.

By Mrs. NATHAN :

Q. Mr. Brown, may I ask first why you say "an enforced minimum wage put upon the employer" if the wage boards are composed of the employers themselves in equal number with the employees; how would that minimum wage be forced upon the employers since they would have to consent to that wage in co-operation with the employees? A. Theoretically in a utopian community the argument is sound. As a practical proposition I do not agree with the basis of your argument at all. Theoretically the boards are composed of an equal number of employees and employers and a third class supposed to intervene and to be disinterested. As a practical working proposition these boards and these commissions, it has been demonstrated, are in a very large majority working out against the employer and as we believe in favor of the employee.

Q. May I ask when they worked out that way? A. That has been shown in the experience in Oregon. They could hardly wait before they found out whether they could enforce that rate before they put a higher rate on and every move that has been started from the basis of the employed interests — I say in fact it is not their interests but what is supposed to be the employee interests, has gone through.

Q. But they have the representatives of the employers? A. They have representatives of the employers but the representatives of the employers do not control either the Advisory Board or the Commission. The control is from the other side.

Q. How is it from the other side when they have equal representation? A. In most cases they have an equal representation of the employees and employer and a third disinterested person.

Q. But they have to be approved by both employees and employer? A. Yes, and it is a curious fact that as it works out as a practical proposition these boards are employees' boards and not employers' boards.

Q. Then the disinterested people simply favor the minimum wage? A. That is not the idea. They are generally put upon these boards for the purpose of favoring the minimum wage.

By Mr. BLOOMINGDALE :

Q. Would not the legislative assumption of the right to fix the price of labor necessarily imply its right to fix the price of all commodities? A. I started to emphasize that when I was interrupted. I think it inevitably follows that when you have established the power to fix a legislative wage, as in these measures proposed you have established the legislative power to fix the price of all commodities, both manufactured and raw material; you have established that principle and power in the government and I think for that very reason the compulsory minimum wage is inadmissible. Furthermore, when you have created a minimum wage by this enforced legislation you have created the necessity of increasing prices, at least legislative government prices.

MISS PAULINE M. NEWMAN addressed the Commission.

By Mr. ELKUS :

Q. What is your business? A. At the present time I am lecturer for the Joint Board of Sanitary Control and have been connected with the International Ladies' Garment Workers' Union for six years.

Q. We will be very glad to have your views on the subject of minimum wage legislation? A. As a worker in the factories for years and as an organizer of working women for five or six years, as one who has come in contact with the working women in the factories during strikes, in organizations and out of organizations, I favor a minimum wage for working women and minors. I am indeed sorry to have heard some people who represent trade unions or who are trade unionists opposing a minimum wage for women in the State of New York. As a trade unionist I want to say this, that if I thought for one moment that a minimum wage would hurt organization or retard the progress of trade unionism I certainly would not be here at this moment, for I believe too much in organization to solve the problem as a whole to speak for any thing that would retard organization, but I have given enough thought, enough time to the question of minimum wage, and I have come to the conclusion that it will not hurt the progress of organization but on the contrary it may help organization to a very great extent.

As to the necessity for a minimum wage for working women in the State of New York, I only want to say that if I had the time to go into details to describe the lives of the working women, I would gladly do so, but I honestly believe there is hardly a man or a woman of intelligence who needs a detailed description of the lives of a great majority of working women. Any woman or man who goes before a commission and states that it may not be practicable for one or the other or that women to-day after all are getting along on five or six dollars a week — personally I believe there is something wrong with either of them, because it is an impossibility for any human being of intelligence to say that a minimum wage is not a necessity or that it will injure the cause of trade unionism. I have traveled and have been through about sixteen states in the Union; always in connection with trade unionism, always in contact with working women, and I know the lives of those girls, not only from observation but as one of them. I have worked in factories for many years; I have seen the girls live in their dingy rooms; I know how much they can afford for lunch and I know how they are clothed in winter, and I know the pleasures and the enjoyments they have in summers, and so on and so forth. I can give even a detailed report as to what kind of lunches they eat. I know hundreds of thousands of girls to-day whose lunch does not amount to more than seven cents, and if the Commission will permit me I can state what they are eating for the seven cents. I doubt if it is necessary because you can use your own imagination. So as to the necessity of a minimum wage there is no longer any doubt in the minds of intelligent people be they socialists, social workers or merely fair minded people.

They all agree that a minimum wage is an absolute necessity for women and minors. The only question that arises in the minds of intelligent people is as to what that minimum wage should consist of, and that is the question that has occupied my mind for the past few months. I am opposed to an \$8 minimum wage, I am opposed to a \$9 minimum wage. I claim that the working woman in the city of New York, and I speak from experience, please remember that, cannot get along on less than two or two and one-half dollars a day. That would mean twelve or fifteen dollars a week. I suppose some will be terribly shocked with this,

and the papers may take it up, but I stand for not less than \$2 a day as a minimum wage and I will tell you why. When we consider an \$8 minimum wage we think of a girl having food and shelter, a suit of clothes, pair of shoes, etc. So far so good. But a working woman is a human being, with a heart, with desires, with aspirations, with ideas and ideals, and when we think of food and shelter we merely think of the actual necessities to cover her body and to feed her. But what about the other things? Have we thought of providing her with books, with money for amusements, and when I speak of amusements I do not speak of the five cent picture shows, I speak of amusements that a girl should go to — a good drama or refined vaudeville — few think about that. Have you thought about a girl providing herself with a good room that had plenty of air, proper ventilation, in a somewhat decent neighborhood. Do you think of all these things when we speak of a minimum wage? Do you want a girl to have a nice comfortable room? If you want her to have any luxuries and just a little bit more comfort you have got to think of a two dollar a day or two and a half dollar a day minimum. An \$8 minimum will favor her very little and when we discuss the lives of girls let us be a little more liberal; let us not think of a piece of bread; let us not think of a sandwich; let us not think of a breakfast that should cost 12 cents instead of five cents or seven cents; let us think of the working woman as a human being who has her desires to which she is entitled, and when you stop to think we cannot think of an \$8 weekly wage. This is one point.

The second point is that a weekly wage in itself is not sufficient. What about those weeks or those months when the girls are not employed? This is a question that should be thought about. Suppose a minimum wage law is passed and suppose a girl will get \$9 or \$10 a week when she works, but how about the time when she does not work? Should we not consider a yearly minimum wage on the average? I am not prepared to state as to how it can be worked out, but I am sure it can be. Of course the argument will immediately be made as to how an employer can afford to pay when a girl is not working. Well, something could be done by the State. Unemployment insurance has been suggested to-day by Dr. Rubinow. I heartily favor that. Some-

thing can be done if society will take an interest in its members. The trouble has been that society has neglected its members.

Now comes the objection to a minimum wage from both sides, and I want the Commission to understand that the woman who spoke this morning saying "we," meaning organized labor, was not fair because organized labor is divided on the question. Organized labor as an official body has not taken any action in reference to a minimum wage and any woman who speaks as representing organized labor as opposed to a minimum wage does not do the right thing. I am for organized labor and yet I believe in a minimum wage. Hundreds of persons belonging to local and international unions are for a minimum wage because they know from bitter experience that it is a mighty difficult thing to organize those who are at the present moment below the living level. We know it takes years and years to drill into a girl the absolute necessity for organization, the value of organization, and I am not pessimistic. I know that working girls are awakening to the necessity for organization, but how about those trades where no attempt has as yet been made to organize them? What about those trades where perhaps it will take ten years to organize? In the meantime the girls are absolutely starved.

I have a paper here which shows how a girl lives on \$4 a week. She has to give up eating meat for at least two or three weeks if she wants to buy a pair of shoes. Now, what right have I, even as a trade unionist, to say to this girl, you wait and some day you will be conscious of your own power, some day you are going to be organized and some day you are going to gain higher wages through your own efforts. What right have I to say to those girls, even though a trade unionist, wait? Can they wait? From personal experience I say they cannot, and the sooner the minimum wage is fixed the better for everybody concerned.

A great deal has been said about inefficiency. Let me say this, and emphasize it — I do not believe that anybody will be thrown out of employment because of a minimum wage. I will tell you why. No employer and no merchant employs more than they actually need. I do not think a merchant is a charitable person nor that a store is a charitable institution. I do not believe a factory is a charitable institution, and they do not keep people

unless they need them. Now, if they keep people because they need them to produce the work a minimum wage will not make them discharge certain people. They will still have to have the same number of employees, and this argument that it will throw people out of employment I cannot absolutely understand, I cannot follow it.

Now, this morning something has been said about organized working women being opposed to the wage commission at Washington. May I say for the benefit of those who heard the speaker this morning, and for the members of the Commission, that in the State of Washington the Commission has full power to fix the wage, and this was one of the reasons why the organized working women opposed it. At this time we are considering wage boards. That takes away the full power of this commission and places it in the hands of the employees as well as the employers. This is practically the difference, and to bring the same argument without stating the cause of the opposition is wrong.

The opposition from Mr. Brown I expect. I expect the other side to oppose it. I know it would decrease their profits and I do really insist that even if the Minimum Wage Law is enacted we still will have a lot of opposition from the employers. That is natural. I am, however, somewhat disappointed in hearing people who stand for labor oppose this question. I have been long enough with the labor movement and with the working women to know that it will not hurt organization nor will it hurt the women.

Mr. THOMAS P. RYAN, addressed the Commission:

By Mr. SHIENTAG:

Q. Go right ahead, Mr. Ryan? A. Mr. Chairman, I am an old trade unionist. For twenty-nine years I have been in the trade unions in this city in one local. I have attended seven national conventions of my trade and at the present time I am president of the District Council of Carpenters, of this city, although I am not speaking for them. I am speaking from experience. I am opposed to a minimum wage law on the ground that it is not according to economic law. That has been proven in my experience in the trade organization of which I am a member.

Q. You believe in having the union fix the rates — is that the point? A. No, that is not the point. The unions fix a minimum trade rate, and I find out from my experience that is the maximum trade rate. If the minimum is fixed by law it will become the maximum. The difference between fixing it by law and the difference between fixing it by trade unions is the difference in its flexibility. If fixed by law it will not be so flexible as to agree to changing conditions as it would if fixed by trade unions, but the effect is the same. The trade unions under the minimum law cannot enforce that law, and the reason is they cannot provide more work.

I wish to supplement the statement made here by Mr. Benjamin Marsh that these investigations all along this line have not tended to examine into the causes of the conditions that exist. They are trying to make trade law conditions or alter conditions that are the result of present laws and economic laws. In seeking to change the legislation to agree with economic law we are trying to force trade legislation that will try to overcome the economic laws. To my mind that is illogical. A great number of members of my trade union hold the same opinions I do. They are not all the same, but to my mind you cannot benefit the workers of this State through any form of legislation until you first attack privilege. Privilege is entrenched in this State and in this city. The social benefits, the social results of the action of the whole community in this city and in this State and in all States are reflected in the values of land that that community work on and as long as these social results go into private pockets the workers of the State are not going to get the benefit out of them. Employers and employees are under the same economic law and bound by it and what you force out of the employer by any arbitrary measure whatever without first increasing the possibility of greater production will only be a fight that you will have to enter into again and force through again. My full sympathy is with the women and the children and the men that are working under the foul conditions of our present social system. My sympathies are there, but I have to be guided by my experience in regard to what laws shall be made for them. I do not want to have held up to them as a panacea a law that when enacted is going to turn to ashes in their mouths.

Q. What would you do, nothing at all? A. Yes, I would have the laws of this State so fixed that the people of the State could initiate legislation and have it referred to them for their sanction. That would allow of experimentation at any time and prevent any fixed legislation being put upon them that was not good for them. That is the first method by which I would go about it — to get the initiative and the referendum in the State of New York.

Here in the city of New York the real estate interests in this city are getting the benefit of social functions in this city, openly admitted by their principal trade paper in this city — if you will look at the issue of December 26th of the Record and Guide, where they open their editorials with these words: “In the near future the real estate interests of this city are about to reap the benefits produced by the tremendous expenditure of the city of New York in public improvements.” The laws of the city, the laws of the State are all being reflected in the values of land in this city and by the admission of these real estate interests are going into private pockets. That means no work, that means idle land in this city, and that means idle men. Sixty per cent. of the men of my trade to-day are on the street without employment. I ask you how can trade unions or minimum wage boards hold up under those conditions. We find these conditions to-day in our trade and they are applicable to all trades, that when conditions are economically as they are to-day we cannot enforce our laws, we cannot enforce the laws of our union, of our trade. We know they are being broken, but men will deny it, and if you have a minimum wage law will not the employees be forced to enter into secret agreements with their employers. You cannot get them as witnesses because their jobs depends upon their telling an untruth. It is the same way in our trade unions and when we find these conditions, and we know they exist, we cannot get the men who are suffering from the bad conditions that we have the power to create, we cannot get them to act as witnesses for fear of losing their employment.

Now generally trade unionists won't make these admissions, but what is the use of not telling the truth? These are facts that can be proven by the records of our courts. We have courts within our organization for the trial of these cases and the records show

that under present conditions we are filled all the time with men tried for breaking the trade rules, and when times are prosperous these courts are ended. We hardly need the trade unions.

Q. Those are abnormal conditions, aren't they? A. They are abnormal at times. We are under periods of depression at times — sometimes they call it good times and bad times, but the bad times are always due to giving special privileges by law.

By EDWARD RADLER:

Q. Why is it that the rich, successful dry goods merchants of this city are the ones that pay the best wages to the girls? A. Because high wages mean cheap product.

Q. In what way? A. Because the high paid man is the more efficient man.

Q. Why is it that James A. Hearn, John Wanamaker, Franklin Simon, why are these men to-day personally richer than the men who paid these low wages? A. I will answer that in this way: Mr. Tom L. Johnson, the former mayor of Cleveland, said he always paid the highest wages in every craft he ever was engaged in for the reason that it drew to him the best men in that craft; that he did not do it as a philanthropist but as a business man, and the intelligent man to-day does that same thing.

Q. How is it that these concerns by paying these better wages in the stores, how is it that they have reduced the cost of running the stores? A. I answered that in the first instance.

Q. I haven't heard your answer to a question of Mr. Shientag; of course you give your sympathies to the women who are underpaid, but what is to be done with them; sympathy won't go far? A. Sympathy won't go anywheres or do anything, I admit that, but the argument I raised was that what you are trying to do I do not believe will be very effective.

Adjourned to January 22nd, at 10:30 a. m.

**HEARING OF THE NEW YORK STATE FACTORY
INVESTIGATING COMMISSION, HELD IN ROOM
305, 154 NASSAU STREET, NEW YORK CITY,
JANUARY 22, 1915, 10:30 A. M.**

Present:— HON. ROBERT F. WAGNER, *Chairman*,
HON. ALFRED E. SMITH, *Vice Chairman*,
HON. CHARLES M. HAMILTON,
MISS MARY E. DREIER,
MR. LAURENCE M. D. MCGUIRE,
Commissioners.

Appearances:— HON. ABRAM I. ELKUS, *Chief Counsel*,
BERNARD L. SHIENTAG, *Esq.*, *Assistant Counsel.*

Mr. ELKUS: We have to-day, Mr. Chairman, three or four witnesses upon the question before us. Perhaps it might be advisable to say a word. Since the last hearing of the Commission, a number of people have spoken to me about the object and purposes of these hearings, and evidently have misconceived the object. A number have taken the position that the Commission is in some way committed upon this wage question and have adopted the attitude that the Commission has already decided the matter. Of course that is absolutely incorrect. No decision has been made. Others have addressed me and said I see you have decided to adopt the minimum wage of a certain sum. Of course, that is absolutely incorrect, and I take it that in any event this Commission would probably do no more than recommend some kind of a commission, if it did anything, but that nothing has been done should be, I think, publicly stated, so that there may be no more misunderstanding on the subject. The Commission is open to all facts and all arguments on either side of this question, whether they are addressed to the Commission orally here or after these hearings are closed. If they are sent to the Commission in writing they will receive the attention which they deserve.

The first witness to-day is Mr. Brandeis.

LOUIS D. BRANDEIS, Esq., addressed the Commission:

Mr. ELKUS: For the sake of the record, Mr. Brandeis, will you be kind enough to tell us a little about yourself?

Mr. BRANDEIS: I am a lawyer and have been practicing law in Boston for many years.

Mr. ELKUS: Will you be kind enough to tell the Commission what study, if any, you have made of this minimum wage question?

Mr. BRANDEIS: I had particular occasion to study this question, acting as counsel for the Industrial Commission of Oregon, in the case brought to test the constitutionality of the Oregon Minimum Wage Law. This is one of the seven State laws involving the power of the Legislature to prohibit the employment of women at wages insufficient to support the worker.

Mr. ELKUS: Mr. Brandeis, have you also studied the Massachusetts law creating a minimum wage board or a wage board?

Mr. BRANDEIS: I have given it some consideration.

Mr. ELKUS: So that you are familiar with the legislation upon this subject throughout the United States, and have studied it so far as it has been enacted in other countries.

Mr. BRANDEIS: I have also given that some consideration.

Mr. ELKUS: And the effect of that legislation in other countries?

Mr. BRANDEIS: I have.

Mr. ELKUS: Will you state to the Commission, for the record, what other official positions, if any, you have held?

Mr. BRANDEIS: No official position.

Mr. ELKUS: The case to which you referred, in which you appeared for the Oregon State Commission, your opponent in that case was Mr. Rome G. Brown?

Mr. BRANDEIS: Rome G. Brown and Ex-Senator Fulton of Oregon.

Mr. ELKUS: The reason I brought that out is that we had pleasure of hearing Mr. Brown.

Mr. BRANDEIS: I think you have heard him since we argued the case before the Supreme Court.

Mr. ELKUS: Now, Mr. Brandeis, with this interruption, for which I hope you will pardon me, the Commission will be very glad to hear you.

Mr. BRANDEIS: Mr. Elkus, I think the Commission has heard so many witnesses and has made such an investigation itself upon this subject, it perhaps might save time if my attention were directed to those matters in which I might conceivably be of some help to the Commission.

Mr. ELKUS: I might say this — I do not know whether you have been informed of what Mr. Brown stated to the Commission — he stated that he was in favor of the enactment of legislation similar to that which you have in Massachusetts, a minimum wage board which would fix, after investigation, wages in the different trades, but without any power, except the power of public opinion and publicity, to enforce their decisions, and he argued at length before us that it was unnecessary and unwise and improper and unfair to have an act passed which would give the decisions of this board the effect of law, and provide some way in which they should be carried out. He said he was opposed to a minimum wage, that is, a fixed wage. He argued at length, and I presume you are familiar with his arguments, against the constitutionality of such a law; he told us something of that but he argued against the unfairness and impropriety of any legislation other than that of the Massachusetts law. We have had a number of employees, some of whom were in favor of the minimum wage, and others who stated that they thought the whole subject should be regulated by the law of supply and demand; that it was unfair and improper for the Legislature to step in and endeavor to force a fixed wage or create some commission by which a wage should be fixed not regulated by the only law which should apply. Now if it suits you, if you will address yourself along those lines, I think you will be able to enlighten the Commission.

Mr. BRANDEIS: I presume the Commission in taking up the subject naturally directed its investigations to these two questions — first, is there an evil? And second, if there is, how shall that evil be remedied? As to the first, I presume from your own investigations and other testimony that may have been introduced here, you must have been convinced that there is an evil; that in the first place women's wages are very low, lower than the amount required for decent support.

In the next place, that wages being so low, they involve danger not only to the women themselves, but to the State; danger to health, danger to moral standards, danger to society and the race. And the inevitable tendency of all this is to lay a very heavy burden of dependency upon the Commonwealth. So that it seems to me there cannot be any doubt as to the first question, the existence of the evil.

As to the second question, what the remedy should be for this evil, if there is a remedy, that alone is a question on which men, it seems to me, may have different opinions. Moreover, assuming there is a remedy we must inquire further whether there are incidents in connection with the application of that remedy, which would make it disadvantageous and on the whole undesirable.

I am convinced that there is a remedy which ought to be applied, that it will be reasonably efficacious, and I am unable to see that there are disadvantages. On the contrary it seems to me that the by-products of applying the remedy would probably be at least as beneficial as the direct advantages of the remedy itself.

Now, as to the questions presented — the objection of employers. I think the main objections of the employers are two-fold. In the first place, they do not want to be interfered with; and in the second place they think this special interference will be injurious to them. That desire in not wanting to be interfered with is a perfectly natural one, but it is a desire which society has to deal with constantly. It has dealt with that subject for over a century in all of the factory laws. There is not an argument adduced to-day against the minimum wage law which was not adduced one hundred and thirteen years ago against the first labor laws; and when you follow down the debates and public discussions in relation to each of the child labor laws, and each of the women's labor

laws which followed a generation later, and the other laws to secure improved factory conditions, you will find precisely these same objections raised. Economically and socially and politically the objections in addition to such arguments are exactly the same. Later in America, constitutional objections were raised in regard to each one of these laws, which are practically the same as those now adduced against the minimum wage law. I am unable to see that there is any difference in principle between a minimum wage law, and a law governing the hours of labor, or a factory safety law or a child labor law or any of the other laws of this character. We set out with the principle, the fundamental policy, not only in the Constitution, but as the fundamental policy of the Anglo-American people, that liberty should not be restricted except in so far as required, for the public welfare, health, safety, morals and general public conditions.

We began by limiting child labor, at the outset limiting it first to twelve hours and then to eleven, and then to ten and nine hours; and then when we found that enough was not accomplished in regulating child labor, we had to pass to limiting the hours of labor for women. There again a generation, considerably more than a generation was required to reduce the hours of labor for women; and at the same time we found we had to provide, in addition to the reduction of the hours of labor, specific times in which women might obtain rest; and then we had to enact all the provisions in regard to sanitation and safety in factories. We found that even this was not sufficient, and, in the interest of the community, we had to protect the wage earners in a great many other ways. We have had to protect them in the different states of the Union, in many different ways, which have been held constitutional by the Supreme Court of the United States, such as the fortnightly payments provided in your own law, and upheld in *Williams vs. Erie R. R.*; the anti-truck laws by which employers who give store orders must stand ready to cash those orders at par; the coal-screen laws, under which coal must be weighed and measured before screening in order to fix the compensation; the employers' liability laws, and recently by workmen's compensation laws.

Now every single step which we have thus taken is a limitation upon liberty of contract, but we have found that such a

restriction upon liberty is just the difference between liberty and license, and the liberty of each individual must be limited in such a way that it leaves to others the possibility of individual liberty; the right to develop must be subject to that limitation which gives to everybody else the right to develop; the restriction is merely an adjustment of the relations of one individual to another.

Now, I think that the objection of the manufacturers to this situation is very largely due to the fact that they have not thought out this proposition, what law means and what liberty means and the rest of it. There is also a failure on their part to think out what the law of supply and demand means. Of course, there isn't any such thing as a law of supply and demand as an inexorable rule. It is an economic tendency, a highly important one and one of the most important of the economic forces; but all the time we see that there are conditions under which the law of supply and demand does not work.

Here in New York we have been made familiar during this war with the fact that conditions arise where the law of supply and demand so absolutely fails to work that we have had to close the stock exchange for three or four months. And other exchanges throughout the world have had to be closed, simply because we came to a point where for one reason or another the law of supply and demand does not work. One reason why the trades union had to come into existence was because the law of supply and demand did not work properly between the opposing forces of the powerful employer and the individual worker. I think it would be found, in talking with men, that half truths expressed in such words as "liberty of contract" and the "law of supply and demand" which people, the business men use but have not thought out, are probably the most important sources of their objections.

A certain number of them raise the very short-sighted objection that their expenses are being increased when the law imposes certain restrictions. I believe that is absolutely mistaken. For years, I had occasion to consider with clients, men of large business, both in manufacturing and merchandising and the retailing of merchandise, the question of the age limit of employees and in other ways the question of the competency of help. Before the minimum wage was discussed and before the question of child labor had been legally prohibited, as it is now, these men had come

to the conclusion that it was uneconomical to employ anyone under sixteen years of age. They were not willing to take into their establishments persons under sixteen, not from humane reasons but because they didn't get their money's worth. They came to the conclusion that the best was the cheapest and that people were simply deluding themselves when they took cheap labor. And they came to exactly that same conclusion, many of them, in regard to what we are speaking of as a minimum wage. They said they would not take into their employ anybody who was not worth at least eight dollars a week, because it did not pay them, and it tended to degrade the efficiency of their establishments.

I am convinced that a minimum wage instead of adding to the expense of an establishment would, after the initial period of introduction, reduce the actual expenses of the establishment. Anything which is of better quality which costs a little more gives a larger percentage of value than a thing that is cheap. It is one of the curses of the poor that they have to buy poor things; and it is precisely the same in regard to human labor and human service as in regard to merchandise.

This will operate in two ways. Not only is the employee worth more but the employer exerts himself to make the employee more efficient.

A very large part of the failure of performance in individuals, the failure to make good, the failure to produce what appears to be "money's worth" is on account of the lack of management, the lack of provision;— people don't take care of things that are not valued. As soon as you make them valuable then they begin to be taken care of. It is true in regard to any animal. A person who has a horse that is really valuable will get more use, more money use, out of that horse, than he will out of a poor horse, because that is the inevitable effect of a valuable thing on the person who has the care and management of it to make him realize its value; on the other hand a man is careless and wasteful of any cheap thing. So too, cheap labor is treated carelessly and wastefully. Nobody would think, for instance, of expecting a good performance from a horse unless the horse is well fed. We don't expect it out of a cow. We know very well that chickens won't lay eggs unless they are well fed. Our attention has been called

to all of this waste in regard to animals which people have studied from the standpoint of economy; and everybody knows the only way is to take care of and to develop to the utmost any living being, whether it be a human being or whether it be a beast.

We do exactly the same even in regard to inanimate things. Profitable land is the land which people take care of, and which they develop. This truth which has been realized by our people whenever they have thought about it is one of the real explanations of our success in America in manufacture, and to a very great extent such success as we have had in agriculture is also largely attributable to it. The fact that wages were high in America is what made us save labor and what made us able to produce as we have. Schoenhof wrote twenty years or more ago on the great advantages of the economy of high wages. He merely expressed what had been the experience of our people. It seems to me that if there was an appreciation on the part of the community of what advantage there really is in handling men, in developing your help, nobody would want to accept anyone who was not worth at least a living wage.

Then the objectors say if that is so, why do you need more than this condition, why do you need the law to make people pay a higher wage when a person who is not worth a high wage ought not to be employed at all?

Mr. ELKUS: Mr. Brandeis, do you mind if I interrupt to ask you questions, or would you rather wait?

Mr. BRANDEIS: Go ahead, at any time.

Mr. ELKUS: What you state suggests something which has been said to the Commission. Some of the employers said that if a minimum wage was established that it would mean the discharge of many employees who were half efficient, not entirely inefficient, but whom now they were able to employ at a smaller wage; that it would mean only the employment of those who were efficient at a higher wage.

Mr. BRANDEIS: Well, the answer to that is two-fold. It would mean probably the discharge of some employees. That would be highly desirable in the interest of the whole number, and to a cer-

tain extent desirable in their own interests. It would lead in many instances to their employment in occupations where they could be more efficient than the one in which they found themselves, and it would be an immense incentive to the employee himself to become more efficient. I think there can be no fact that is more clearly demonstrable through individual investigation than the fact that very few persons attain their full efficiency and are performing 100 per cent of work. Very few perform 50 per cent. I mean a very large portion do not perform 50 per cent. It is not therefore necessarily their fault in the sense in which we use that term "fault." It is very often the result of circumstances. It is the result of the lack of education. It is the result of the lack of adaptation to the particular work in which they are engaged, and particularly the result of a lack of instruction. We assume the moment we take somebody into our establishments and into our stores that they ought to be able to perform the work, and if they do not perform it reasonably well we may declare them incompetent, or at all events, they remain in a very subordinate position. There are very few people who go into any employment who do not need instruction, and the moment that becomes apparent, that the employer has the alternative of either discharging these persons or making them worth the minimum wage, which may be 10, 15 or 20 per cent. more than he is paying, an effort to improve will be made. In some instances the employer will resort to discharge, but in a very much larger number of cases the result will be to make that person more competent and he or she will become more competent by the joint effort of the employer and the employee. The employer will endeavor to create competency, that reasonable competency expressed in the value of the minimum wage, and the employee will endeavor to rise up to the point of competency. And I think in many cases it would be found that the mere payment of a better wage would mean a rise in the living possibilities, so that the working woman might live better and work better because she lives better, because she eats more, because she lives under better conditions, because she gets more decent living,— all this would increase competency. And it would also increase the self-respect of the individual. Ordinarily with any right thinking person, right-minded employees

there is nothing that increases competency so much as an increase in wages. Treated from the purely selfish standpoint of the employer, a reasonable increase of wages is almost always responded to by an increase in efficiency. It is most deadening to the individual not to be raised, and per contra, a reasonable raise in wage generally results in more than a corresponding increase in efficiency. I think therefore, Mr. Elkus, that the number of cases where there will be a dismissal will be very small indeed, because employers will be reluctant to dismiss a large number and the employee will make a special effort in order that she be not dismissed. But so far as there are individual cases there will be cases which we shall have to take care of, but in the main it would present a condition which is largely temporary. It would be a period of transition, and we shall come to a time when the number of competents will probably be very much greater than they are to-day.

MR ELKUS: What is to become in the meantime of those who are discharged, the incompetents?

MR. BRANDEIS: Well, we shall have to deal with that problem as we have to deal with other labor problems. In the first place, we have not found that that occurs in other countries. There are not any special number of persons who can be assigned to that class. That is not an untried experiment. We have had eighteen years in Victoria, and between eighteen years down to a year in the other Australian colonies, and in England, and more recently in our own states. All of these apprehensions in regard to what is going to happen if you apply a minimum wage are entirely comparable to what we were told was going to happen and undoubtedly told with sincerity when we imposed a limitation upon the hours of labor. We were told not only with definiteness but with a perfect volume of most respectable testimony from the leading public spirited manufacturers of Massachusetts thirty years ago, that if we imposed any restrictions upon the hours of labor — horrible things were going to happen; that we were going to injure women primarily throughout the entire Commonwealth, not only injure these special employees but injure women in general, because we were going to deprive them of employment and the employment would go to the men, and that therefore in the in-

terest of the women themselves, and society indirectly, we must not interfere. We were told also that not only would it affect Massachusetts, but it would affect the conditions in Massachusetts generally, because it would drive manufacturers into the adjoining states and into New York. The Legislature had courage, nevertheless, to proceed, and after a series of years when there was further agitation on the subject of the limitation of the hours of labor, the manufacturers secured an investigation into the effects of the law upon women and upon the community. Among the things we had been told was that when you limit hours of labor you reduce wages. The result of a very careful investigation, which Carroll D. Wright made for our Bureau of Labor Statistics, was to establish beyond peradventure that none of the apprehensions had been well-founded; that more women were employed than had been employed before; that they had higher wages and that manufacturing in Massachusetts had prospered not only absolutely but relatively as compared with other states. The immediate effect of that investigation was the adoption of laws regulating the hours of labor in other states; Connecticut, Rhode Island and New Hampshire, and New York followed after that investigation and limited the hours of labor also. It proved exactly the opposite of what it was expected to prove by those who most desired the investigation.

Mr. ELKUS: I might say that it was testified to before the Commission that in the paper trade where they reduced the hours of labor from twelve to eight without reducing the wage; that after a year's trial the cost of production was 10 per cent. less in spite of the wages being really one-third more than they had been before the decrease of the hours of labor; but the answer to that was that it was a skilled trade and the men were able to exercise better care and attention and thus the cost of production was decreased.

Mr. BRANDEIS: I think it might have been replied, Mr. Elkus, that there is no trade that is not a skilled trade or that ought not to be. It has been clearly demonstrated, I think, by those who have studied the possible efficiencies and economies in labor, that the distinction between skilled and unskilled is wholly unscientific and unphilosophical. There certainly is nothing that could be

deemed to be nearer an unskilled occupation than lifting a pig of iron from the yard and putting it into a car; and yet it has been demonstrated by a study of that particular operation that it was possible with the same amount of exertion, or less, to produce four times the former results by knowing how to do it, by selecting the proper man to do it, by teaching him how to do it, and particularly by teaching him how to rest when he was not actually under load. Now what is true of the loading of pig iron has been shown to be true of other occupations which are constantly called unskilled, such as the mere shovelling of coal or the shovelling of dirt. You could pass through the whole realm of human manual occupation and find that the difference between the man who is skilled and the man who is unskilled, or rather the difference between skill and lack of skill, is not in the occupation but is in the man and in the training of the man. And in the same way the performance will be largely dependent not only upon skill but upon the physical and mental condition of the individual. As Lord Brassey said many years ago, it depended upon what a man ate as to what his efficiency was, and the cost of building a railroad was practically the same the world over, whether you paid a few cents or a few dollars a day to your men. You get about what you pay for.

Mr. ELKUS: It has also been claimed here, Mr. Brandeis, that if you have a minimum wage law, that it will probably become a maximum wage.

Mr. BRANDEIS: That I believe to be an unfounded apprehension suggested by some labor leaders. Experience disproves it. The minimum will never become the maximum unless there is uniformity in individual performance and uniformity of performance is contrary to nature. It comes only artificially as when a curb is placed upon production, by restricting output. Men differ and women differ in what they can do and what they will do, if left free to act. When you say to an employer he shall not go below a certain limit in wages, the employer will insist upon getting his money's worth. You may feel perfectly sure that nobody will be employed who is not worth the minimum. But there remains the same freedom to pay higher for better service that exists where there is no minimum wage law. If you shall fix a maximum

wage, you would find that no employee was worth more than that wage; for the employee would limit his output accordingly. But the moment you allow freedom to pay a higher wage and freedom to do more efficient work you will find that the minimum wage will differ from the maximum wage just as it does to-day.

Mr. ELKUS: We have had before us a number of labor leaders, that is, men who occupied official positions in the labor unions of the country, such as John Mitchell, and Mr. Frayne, and others. and they have taken divergent views upon this subject. Some of them have been in favor of minimum wage legislation, and others have been equally opposed to it, upon this ground — that they fear that a minimum wage means a maximum wage, and also upon the ground they think the State should not interfere in fixing wages; but that it should be left to organization of the workers, and that should be sufficient.

Mr. BRANDEIS: Now so far as the first proposition is concerned, I have just expressed my views. I think one could discuss it at very considerable length, but after all there are only two things that you can turn to. One is experience, and I think if you turn to experience you will find it disproves the assertion. I think you will find that if you take the large experience we have of Australia that it has been disproved.

The other matter is a question of judgment. I believe that if at any place and if in any occupation it has been found that a minimum wage, like that adopted by the unions under certain circumstances, becomes the maximum wage it does so only because the union in that particular instance, in that community, discouraged a differentiation in wage. For instance, in the garment trade in this city where there is for the week workers a minimum wage fixed by the protocol, that is only a minimum and in a great many cases the wage goes far beyond that minimum, in some instances 50 per cent., in some instances, 75 per cent., because there has not been, so far as I know, any discouragement of differentiations. You have the same condition in the boot and shoe industry, and in the most intelligently managed unions. You will find the greatest difference in performance, and I believe that that part of the objection, fearing the minimum wage will be the maxi-

mum, is wholly contrary to experience, wherever the differentiations between the capacities of individuals have been allowed to operate. Now so far as the other proposition is concerned, that you ought not to deal with wages, that is a purely arbitrary distinction. There is no more reason in the world why you should not deal with them than with hours of labor. The only theory which justifies at all the limitation upon the hours of labor is that women have not been able in their bargaining power to protect themselves, either because they lack the knowledge of the requirements and yield themselves to the necessity of working a longer time, or because they are unable to cope with their employers. That is the only justification for interfering at all. We interfered because we found they were unable, whatever the reason may be, the employee is unable to compete with the employer in securing that condition which is required by the demands of health and the welfare of the community.

Now it seems to me absolutely impossible to draw any distinction between any of the limitations. Take the commonest limitations that you could possibly think of, the question of sanitary conditions under which people ought to work, that they ought not to work in a place where there is obvious danger of loss of life by fire, and ought not to work in a place where they are going to contract tuberculosis or any of the other diseases due to the general sanitary conditions and lack of ventilation — any person of intelligence, anybody who is a citizen of a free country and has had the opportunities of the most rudimentary education you would say, ought to know enough not to want to work there. Why does the law interfere? The law interferes simply because it was found to be necessary. The law in part is an education; it is one of the methods of enforcing education in these matters, and on the other hand it is a moral support to the individual. It is an ethical advantage and it is a moral advantage which the State has to give. Why should we have compulsory education? It is exactly for the same reason. You cannot possibly, it seems to me, by the logic of facts draw any distinction between legislating in reference to wages and legislating in reference to anything else that deals with conditions of work. We have dealt with these matters in the semi-monthly payment of wages required from railroads, the anti-truck

laws, the coal-screen laws, the laws which give a preference to the wage earner in case of insolvency, the laws which give a lien to the mechanic on his work — they are all instances. There would be no need of any one of these laws if working people were able to make contracts and look out for themselves by contracts; this distinction between such laws is a distinction which has no basis in fact. It is absolutely an unsound basis. I think this question is affected by an entirely different consideration.

Mr. ELKUS: You mean as regards the labor leaders?

Mr. BRANDEIS: As regards the labor leaders, I believe it is this they fear, and I think the fear is entirely unfounded. I think many of them fear that there will be removed the incentive to belong to the union if you protect the worker otherwise. I do not believe that is so because I believe that whatever limitations the law places you will always have a sufficient area for effort in which the union as the instrument of collective bargaining will be required. The more you raise the condition of the worker, so long as we have inequality in position between a powerful employer and a single individual, the more you will require the union for competitive bargaining in order to produce the desired results. I think that fear which actuates them in coming to this conclusion, is also in large measure attributable to a lack of clearly thinking out the problem, just as the employers have failed to think out correctly their objections. Moreover, deductions are sometimes drawn from instances of very strong unions — the strong union which is able to take care of its own people — but among women we know it will take a long while before women can be strong enough to protect themselves through unions.

Mr. ELKUS: It has also been stated here, Mr. Brandeis, that if New York State should adopt some minimum wage law, while New Jersey was not adopting any, that the employers and manufacturers of this State would be placed in unfair competition with New Jersey; that it would cause manufacturers and others to remove from here across the river to New Jersey and adjoining states.

Mr. BRANDEIS: That is an argument with which we of Massachusetts have been familiarized for a generation. I referred to it

in connection with the law governing hours of labor but we have had it in respect to almost every labor law that dealt with the labor problem and there never has been an instance in which it has been shown that any manufacturers removed.

Mr. ELKUS: Of course, I may say that has been stated to us with reference to all our factory laws. It has always been a threat.

Mr. BRANDEIS: It is a threat which is constantly made and is constantly disproved after the law is in operation. I think one might add that if any other community were willing to accept persons whom the State had to support the general conditions in that State would become such, through increased taxation and through the inefficiency of the community, that very soon they themselves would have to adopt protective measures under less favorable conditions.

Mr. ELKUS: Some of the manufacturers or employers said that if a minimum wage law was adopted it would mean they would of course comply with the law, but that it would mean that the increased cost which they said would ensue would be borne by the purchaser, the consumer; in other words, a minimum wage would mean that it would cost more to the ultimate consumer for each article that he purchased.

Mr. BRANDEIS: The first answer to that is that it would not, and I believe that is a complete answer.

Mr. ELKUS: It isn't so?

Mr. BRANDEIS: It isn't so. If it were so, if it cost more to make or distribute the article then there would be another answer; but that does not take into consideration the increased taxes in the community for the support of dependents. It is perfectly clear that every time conditions arise such as have been described here, and while a large portion of our people are living and are obliged to exist on inadequate food, improperly housed, these improper conditions will increase to a very much greater extent the burden of the dependent classes. Nobody can undertake to study these figures of the increase of appropriations for the dependent classes without a sense that we are carrying on the whole conduct of our community in ways which are dangerous to the continued progress

of the community. The growth of the dependent classes which we are producing by just such conditions as the minimum wage law is endeavoring to remedy will become so great that society cannot bear it. We cannot by any process, by public or private charity, carry the load that we are creating by our industrial conditions.

Mr. ELKUS: In other words, if less wages are paid than are sufficient to properly support those who receive them, or even if they work under conditions which are unsanitary, the burden eventually falls upon the State, and it must be not the original price that would have had to be paid, but two or three-fold.

Mr. BRANDEIS: They do. They will pay that price not only with compound interest but with compound interest at pawnbroker's rates.

Mr. ELKUS: Then as I take it, you think these measures along the line which the Commission has been recommending, which have been passed are to the economic benefit of the State?

Mr. BRANDEIS: Very much. In fact, I cannot see how anyone looking at it purely from the standpoint of the State, as a question of balancing the accounts of debit and credit, can feel other than the gravest apprehension at the increase in the cost of the dependent classes. If you put in the office of the State Comptroller, or in the office that has to make a study of the State budget, any great manufacturer and ask him to study the results of the last twenty years of the dependent classes, the great manufacturer would at once say "there is something radically wrong, let's see what it is." And when he undertook to see what it is and followed it out, I am convinced he would find that we have by our economic laws, by the industrial system which we have been allowing to exist, been creating these increases in taxation.

Commissioner DREIER: Mr. Brown said that if the State established a minimum wage there was no reason why it should not establish a maximum and that that doubtless would follow.

Mr. BRANDEIS: It does not seem to be very probable that it would follow. I see very little reason to suppose that it would follow. I could conceive of such a condition of things if you had a complete monopoly; if some small body of men had a monopoly

of all labor, the great body of consumers in the community might conceivably undertake to break that monopoly; but it does not seem very likely that is going to happen. That has not been the character which labor has played.

Commissioner DREIER: He also stated that the courts would be able to force workers to work for the wages stated.

Mr. BRANDEIS: I think you would have to change the Constitution before that could be done. There is no danger of its coming about, as the courts have uniformly held that under the Constitution there is no power to compel anyone to work — there is not only no contract that can do it but no law that can do it.

Mr. ELKUS: One manufacturer said that if we established a minimum wage law there ought to be established a law fixing a profit for his merchandise, that is the government ought to guarantee him a minimum profit for his merchandise.

Mr. BRANDEIS: The government does not undertake to guarantee any minimum profits. It does not even undertake to guarantee a profit to a public service corporation, and yet it undertakes to limit its charges.

Mr. ELKUS: He thought that if one were granted the other ought to be granted, that they were correlated.

Mr. BRANDEIS: I think that all these arguments are very much like the argument about liberty of contract and law of supply and demand, instances of inexact thinking, the failure to recognize the fundamental reasons for a distinction.

Mr. ELKUS: Do you believe that there should be a minimum wage law affecting only women and minors, or should it affect men as well or other minors?

Mr. BRANDEIS: I think it should be limited at this time certainly to minors and to women. No law limiting the liberty of contract ought to go beyond the necessity. There is no logic that is properly applicable to any of these laws except the logic of facts. We have no ascertained conditions at the present time which call for this limitation upon the freedom of contract of men. In a great many instances the union has been able to take care of that.

We have not found it necessary in a great many employments to fix the hours of labor for men. In some others, we have been obliged to do it. But to-day the need exists only in the case of women and minors.

Mr. ELKUS: What do you think of limiting it to minors?

Mr. BRANDEIS: Oh, I think that would be dealing precisely as England dealt with the subject of the hours of labor. The immense loss of time brought upon them very great evils as the result of waiting about forty years, between the first law limiting the hours of labor for children and the hours of labor for women. The very striking fact is that the last legislation we have practically had on this whole subject of factory labor presents practically nothing more than what an enlightened manufacturer, Robert Owen, knew one hundred and twenty years ago. The striking thing is when you go through these discussions, that we have not learned by experience. All we have been doing is finding out what we ought to have seen, what any man taking the facts, taking experiences as they showed themselves in the factory system before the year 1800, ought to have known was going to happen. Owen did know, and he thought that if he once demonstrated that the horrible conditions then existing in regard to women and children in the factories were not only inhuman, but were unwise from the manufacturer's standpoint, that people would follow his example, and that legislation would not be necessary. He thought that demonstration was enough and he demonstrated, but it did not make any difference. He made his experiment. He was more successful than his competitors. But people did not learn, because education was not sufficiently potent and every forward step that has been taken in England has been taken at a fearful expense of time and of life and of money; it seems to me we have had enough experience after a hundred and twenty years to act.

Commissioner DREIER: From that point of view, it would be desirable to have a law, if a minimum wage law were passed here, with teeth in it for the delinquent employers?

Mr. BRANDEIS: You mean by that the distinction which I understand Mr. Brown drew between a law that would give what he

calls compulsory powers to the State as distinguished from one that is recommendatory.

Commissioner DREIER: Yes.

Mr. BRANDEIS: I should have very little doubt that it was highly desirable in the State of New York to adopt a law with compulsory or prohibitory powers. That fact that we in Massachusetts have adopted a law with recommendatory powers is to be explained rather on local grounds and historically. We in Massachusetts in the past have been a community differing radically from most of the communities of America. Until within a comparatively few years almost any law in Massachusetts that existed was self-enforcing. It was partly due, I think, to the fact that the community was a homogenous community. It was partly due to tradition, partly to the old puritanic sense, and very largely to the fact that the community was small. The law there was in the main an expression of the concensus of opinion of the people, and when once that was expressed, it was adequate. This was the case, and had been true for a very long period. You can see the difference between conditions in Massachusetts and New York or many other states by our experience with the franchise tax. Long before you here — we had a franchise tax upon our public service corporations. You afterwards had that tax. It was much contested in the courts and ultimately, I think, in the Supreme Court of the United States. As I remember the amount of money that was held back by your corporations for that was about twenty millions of dollars. I made a study of this matter and found that the amount which our public service corporations had failed to pay in their franchise tax, at the end of the period within which it was to be paid, was fifteen hundred dollars. In Massachusetts, I think we were the first in this country to introduce a public service commission or railroad commission as they then called it. For a generation our railroad commission had no power except the power of recommendations, because a recommendation that came from that commission was accepted as a rule of action on the one hand by the public service corporations and on the other hand by the people. It was sufficient to have a public declaration of what ought to be. The same thing was true in a very great

measure in regard to our factory laws. We did have some provisions and we had a few inspectors but for a very long period of time, in the earlier period with which I was familiar, the laws enforced themselves. A change has come in Massachusetts. We found it necessary, largely, perhaps, because of the entrance of those accustomed to different conditions into the control of our public service corporations within two years or a year and a half to change our railroad law which had also recommendatory powers and to give powers such as you have here. The people have changed and the people who controlled industry have changed; we have no longer the same conditions. It is partly because of the influence of other communities, and partly because of the great change and growth of population and change in the character of population. Undoubtedly in most respects, and I am inclined to think in this respect also, we find that our old traditions in regard to legislation being suggestive rather than prohibitory or compulsory will not be adequate. But it seems to me perfectly clear that in any state where those peculiar Massachusetts traditions do not exist, I think they do not exist in New York — there must be power to enforce the law, and I see no justification whatever for the distinction which Mr. Brown is drawing in favoring a law like Massachusetts and in opposing a law like Oregon, or what is suggested for New York. Everything is the same up to the point as to whether you are going to have power to enforce your law.

Commissioner SMITH: Is the Oregon law mandatory?

Mr. BRANDEIS: Yes.

Commissioner SMITH: What was the constitutional objection raised?

Mr. BRANDEIS: The objection raised by Mr. Brown is that it was mandatory, that it was a limitation upon the right of contract and upon the liberty of employer to contract to employ the person and the employee to contract to work.

Commissioner SMITH: What particular part of the Oregon constitution did he feel it came in conflict with?

Mr. BRANDEIS: As to the Oregon constitution, the Supreme Court there was against him, so he is foreclosed on that propo-

sition; but there is a similar provision in the Federal constitution guaranteeing liberty of contract. I can see no difference whatever between infringing the liberty of contract with respect to the hours of labor and infringing liberty of contract in respect to a minimum wage.

Commissioner SMITH: Are you familiar with our constitution here?

Mr. BRANDEIS: I have some general knowledge of it.

Commissioner SMITH: Do you believe that a mandatory minimum wage law would be constitutional?

Mr. BRANDEIS: I see no reason why the same rule should not apply here in this respect as is applied in Oregon and Massachusetts. That is, you have no provision other than the general provision, namely, the fundamental right of liberty of contract. Now liberty of contract means such liberty as it is not necessary to curtail in the public interests. Your constitution is not any different in that respect, but is the same as the constitution in all the states practically, and the constitution of the United States. If the Supreme Court holds that the Oregon minimum wage law is valid under the Federal constitution, it certainly ought to be held valid under the constitution of every one of the states also. The proposition is just the same.

Commissioner SMITH: But the greatest number of the actions that are begun to test the constitutionality of regulative laws of this State are brought under the provision that you may not have in a State as young as Oregon, and that is the "due process of law" that has been stretched to mean almost anything.

Mr. BRANDEIS: No, the due process of law clause was raised in the Oregon case but it was abandoned. It was eliminated. The clauses providing due process of law and equal protection of the law were practically abandoned.

Commissioner SMITH: In pretty nearly every case in this State where the Court of Appeals has sustained the right of the State to enforce this kind of regulation they have placed it on the particular ground of the State's exercise of its police power and in the

interest of the public welfare; do you suppose that could be urged as a reason for minimum wages?

Mr. BRANDEIS: I think it is the ground on which the minimum wage stands. I hope it will be found unassailable. It is only in the interests of the public welfare, health, safety, morals, that any restriction upon the liberty of contract can be justified, and what is a justification where it exists. Now Justice Hughes put this very question to Ex-Senator Fulton when he was closing the argument which had been opened by Mr. Brown. He said "How do you distinguish between limiting the hours of labor and limiting the minimum wage at which a woman can be employed," and I think Senator Fulton found it was impossible to draw any distinction.

Commissioner SMITH: You know, Mr. Brandeis, we had to amend the constitution to pass the Workmen's Compensation Act.

Mr. BRANDEIS: It is possible that judges might take a somewhat different view of the situation. In other states and in other courts it might not be found necessary to change the constitution. The lower courts have responded in the most promising way to a better presentation of these social and industrial problems which have arisen within recent years, and they have responded in the only way in which they ought to do so, that is, through an understanding of the facts. I think it will be found perfectly clear that the attitude, the earlier attitude of the Court of Appeals and of the other judges was due to the fact that they theorized on the subject instead of drawing inferences from the existing facts.

Mr. ELKUS: That was expressly stated in the decision case in the night work case by the Appellate Division. They overruled the Court of Appeals in the Williams case.

Mr. BRANDEIS: I think this ought to be understood in regard to the expression you used, Mr. Chairman, i. e., mandatory act. I think it would tend somewhat to clearness of appreciation of the constitutional questions involved if we should call that a prohibitory act. We are perfectly accustomed to a prohibition by law of various things. We prohibit a child under fourteen from working. We prohibit men in many instances — a person who has not

had a certain qualification from attending an elevator, and we prohibit many other things which the public health or safety or morals demand. We prohibit the doing of things without certain requirements. That is what you are doing here. You say to employ women at a wage which is insufficient to sustain them is a danger, and therefore we prohibit that danger just as you prohibit a building without proper safety devices, a building without proper sanitary conditions, or an inexperienced person operating an engine. That is all you are doing here. It is simply prohibition. You are protecting against a danger. Mr. Brown would use the term mandatory or use the term compulsory by saying you are compelling an employer to pay an employee a certain amount of wages. You don't do any such thing. The employer is absolutely free whether he will employ a woman or not, just as he is free in respect to any of the other operations. Take the same provisions in regard to all your building regulations. You don't compel a person to build; you merely prohibit his building unless he will comply with those conditions which the health and safety of the city demands, and if that thought is kept clearly in mind all of the objection to this law as being mandatory it seems to me will disappear.

Mr. ELKUS: I have been requested to ask you this question; would not the limiting of it to women and children drive out women in some lines and have them supplanted by men?

Mr. BRANDEIS: It might in some lines, but if it did we would have to accept it. It would not in many lines, and it would not be a serious proposition. That is exactly the objection we have faced when we have limited the hours of labor for women. Our opponents said that men would be employed instead of women and in some cases they were, but women were employed in many others. You cannot make any change, any improvement without having some readjustment, and the net gain has always been very great in making your readjustment.

Mr. ELKUS: Have you considered and studied the facts, have you any conclusion as to whether or not vice or immorality among women is affected by paying them less than a living wage?

Mr. BRANDEIS: I have no definite knowledge on that. I can merely draw inferences from certain data which has been collected,

but I think it is perfectly clear that the general social standard is very much affected and morality is affected by general social standard. It can't be otherwise.

Commissioner DREIER: I was asked to ask you a question, Mr. Brandeis. You said that the individual employer would profit by the minimum wage but that there would be a time of transition during which the inefficient worker would become efficient; would that be a very heavy burden?

Mr. BRANDEIS: I do not think so. Individual concerns have done this very thing. In Boston a few years ago, Mr. Filene voluntarily determined that they would not have anybody there who was not worth eight dollars. I am not inclined to think they lost any money by it, nor that they lost very many employees, but they saw to it that those who were there, the employers themselves saw to it, that they were worth eight dollars. It is not a matter that is any more significant and is to be treated as a good deal less significant, than many additional burdens that are involved in readjustments from year to year, necessitated through laws or otherwise.

Mr. ELKUS: Thank you very much, Mr. Brandeis.

Professor MATHEW BRAND HAMMOND addressed the Commission:

By Mr. ELKUS:

Q. With what institution are you associated? A. Member of the Industrial Commission of Ohio, and Professor of Economics in Ohio State University.

Q. And you have considered this minimum wage question very carefully? A. I made a study of the operation of the minimum wage laws in Australia and New Zealand.

Q. You have studied the effect of these laws in those countries? A. Yes, sir.

Q. Now, we will be very glad, Professor, to hear you upon what you discovered and any suggestions and views that you may have to give to the Commission? A. Mr. Elkus, I should be very glad if you will help direct the inquiry along the lines that you particularly wish.

Q. What we would like to know is this: it has been claimed that a minimum wage law produces certain results; that inefficient people, women, if the law applied to women and minors also, would be thrown out of employment; they would be discharged; that in many cases men would take the place of the women if the law only applied to women and minors and that the increased cost if the minimum wage law was complied with would be placed upon the consumer, who would get no benefit from it in any way, but it would certainly increase the cost of each article purchased; we would be very glad to have you describe perhaps first what the laws of New England and Australia are with reference to the minimum wage, is there a fixed sum or is there a commission which fixes a wage in each trade? A. There are three methods by which the minimum wage law is established in Australia and New Zealand. To a certain extent it is a statutory minimum wage. That is found in the factories act of New Zealand, and practically all the Australian states, and was intended for one purpose only. It was found that in a number of cases manufacturers in the clothing, millinery, and similar trades, were taking on apprentices, taking on beginners under the guise of teaching them a trade, and were paying them no wages whatever, and the statutes now provide that not less than a certain sum — the sum varies from half a crown, two shillings six pence, in Victoria, five shillings in New Zealand, and I think in one of the Australian states, and in New Zealand in some states it is also provided that that statutory rate shall be increased a certain number of shillings each year until, in New Zealand, the statutory minimum may be as high as a pound a week in the case of a worker twenty years and over.

The second method of minimum wage regulation and this is the method which most people have in mind when we speak of a minimum wage is the sum which is established through wage boards. A wage board is a compulsory conference of manufacturers and employees. Their method is that of the trade union, collective bargaining, the only difference being that a chairman is usually selected, if the parties can agree, by the representatives of the manufacturers and the representatives of the employees, and if they fail the chairman is then elected by the government to

preside over that board, who will cast a vote if it becomes necessary to do so.

The third method is the method of compulsory arbitration and in this case the fixing of a minimum wage is incidental to the establishment of conditions under which an industrial dispute is settled. Now the compulsory arbitration method was introduced in New Zealand in 1894, and the wage board method in Victoria in 1896. Both of these methods have been copied in other states. South Australia adopted it in 1900, New Zealand in 1898, New South Wales adopted the compulsory arbitration method in 1901, and West Australia the same year. However, there has been a tendency towards the approaching of the two methods. In New Zealand now a conciliation council first passes on the questions in dispute and the conciliation council is in its make-up very much like a wages board with the exception that the chairman has no casting vote, but if the two bodies cannot agree the case automatically goes to the arbitration court. In New South Wales in 1908, they engrafted wages boards on their compulsory arbitration law. However, a wages board method is a conciliation method. A compulsory arbitration method is a judicial method, and the wage board method is a compulsory conference of employers and employees. The wage board is also dominated by the arbitration court.

In 1912 when I left that country in both Queensland and South Australia they had introduced compulsory arbitration, still preserving their wage board, and as I say, that is going to change to an extent the character of the legislation. It means that compulsory arbitration will now be the wage feature, so that Victoria and Tasmania are to-day the only states that have the wages board in use.

Q. Will you tell the Commission what has been the effect from your study of the working of the minimum wage in those countries? A. The wages boards were introduced, and the minimum wage law, which is by the way, not a separate law, but part of the factories act, was enacted for the purpose of preventing sweating and limited at first in Victoria to six trades that were found to be highly sweated. The success of the law was such that in 1900, Parliament provided that it might be extended to other trades,

permission having been secured in each instance from one or both houses of Parliament, and the states that have followed Victoria in general were influenced much by the same feeling that there were conditions in certain trades which they desired to remedy — low labor, coupled often times with long hours and frequently with a considerable amount of home work, so that the incentive in all of the wage board states, was you may say, the desire to prevent sweating in the first instance. However, the legislation in all those states has passed beyond that and we now find wages boards in trades where there never was any suspicion of sweating. As to the success of the law in accomplishing its original purpose in preventing sweating I think there can be little doubt that it did accomplish that purpose. Investigators, those that visited Australia in the first years, the first decade of this century, were somewhat doubtful as to ultimate success. They found that in those trades in which the boards had first been introduced the sweating had been greatly decreased but were unable to say that it had actually been checked. I do not think that any investigator going to Australia to-day in the states in which the wage boards have been in existence for any length of time would be able to discover any considerable amount of sweating. There is an organization which was largely responsible for the enactment of this law in Melbourne known as the Anti-Sweating League, and the same gentleman is now secretary and chief guiding official that was the official at the time. He tells me that sweating — Mr. Samuel Major, Jr.— Mr. Major tells me that sweating has disappeared except possibly now and then a few sporadic instances, and that the anti-sweating league remains in existence to ferret out these cases as well as to endeavor to secure effective administration of the law. When the minimum wage law went into effect in Australia it did not cause the discharge of any great number of people from their employment. There was a discharge of individuals in certain trades. To what extent the legislation, the minimum wage, was responsible, and to what extent it was due to other circumstances, it would be difficult to determine. For example, one of the trades in which the wage board was first introduced was the boot and shoe trade. It happened that at the very time the minimum wage was introduced the newer Ameri-

can machinery was being introduced into those trades and a considerable readjustment, of course, came about. There were certain people who lost their positions in that trade.

Q. What became of those people? A. There were not a great many of them. This discharge of operators is of course going on in every industry. We have in many industries what they call the dead line, and when a new piece of legislation is adopted it calls sharp attention to this, and so it is said this discharge was due to the new legislation, whereas had their attention not been called sharply to it, as being due to any particular thing before it would be difficult to say it had anything to do with it. To a certain extent some of them start small shops and others find their place in other trades. However, in all the Australian legislation provision is made for the old and the infirm.

Q. What kind of provision? A. They may secure a permit upon application to the factory inspector to work at a rate less than a minimum, but not less than an amount stated in the permit.

Q. And the Commission fixes a minimum in these particular cases? A. There is no Commission.

Q. Who fixes it? A. The factory inspector. In some cases the wage board is given the power to fix that.

Q. What was the effect on the cost of the article; did it increase the cost to the consumer? A. There is more or less difference of opinion about that. It tended to in some cases. Where there had been very great competition and much home work prices had been forced by the sub-contract method to very low levels and one of the purposes was by forcing employers to pay higher rates to shift the burden of these high rates upon the purchasers of these very low priced articles. I do not know that in most factory industries it could be said or shown that there had been any definite increases in the price. You know, of course during the period that the legislation was in effect we have had the world over a period of rising prices, and how far rising prices have been due to any particular form of legislation or other economic causes no man is able to state. In a few local industries, distinctly local — for example, I was in Melbourne — the restaurants, the cheap restaurants, patronized largely by the working classes, that had been charging six pence a meal raised their rates

to a shilling a meal, just double, and that came a few months after a new minimum wage had been established, and it was said by many of the restaurant proprietors that they were forced to do so by the legislation and it may have been a contributing factor, but inasmuch as the wages had not been anywhere near doubled, some ten per cent. increase or something of that sort, it would be difficult to attribute it to that. The fact of the matter was, that was seized probably as a particular moment to raise the price of meals which ultimately would have come anyway.

Q. Was there any combination among the owners of restaurants, or was this an individual act? A. Of course, the employers are pretty well organized. The legislation has helped in both the organization of employers and employees, and quite likely it was done by a tacit understanding as it was all done on the same day.

By COMMISSIONER DREIER:

Q. I want to ask you as to the effect of this law on trades unions; some of the trade union advocates have said here that it injured the trade unions over there, and that our belief that it has increased organization was untrue? A. Compulsory arbitration has acted as a stimulus to trade union organization. This is the report of the Commonwealth Bureau of Census and Statistics, and here is a table which gives the percentage of male and female unions, the estimated total number of male and female employees twenty years and over in all professions, trades and occupations from 1891 to 1912. In 1891 the total number of unions was 124 with a total membership of 54,888. In 1896, this was the year that the first legislation was enacted, the minimum wage legislation in Australia, in 1896, the number of unions had grown to 134, and the membership to 55,066. You see it is almost stationary during those five years. Between 1896 and 1912 the number of unions had grown from 134 to 621, and the estimated total membership of all unions from 55,066 to 433,224.

Q. About eight hundred per cent.? A. Yes, sir.

By Mr. ELKUS:

Q. Are you able to give us the comparative figures in this country for the trades unions? A. No, I am not.

Q. Now, from your study of the subject in Australia will you tell what you would consider the effect of the minimum wage, first upon the discharge of employees, and second upon the increased cost to the consumer? A. The factory inspectors are unanimous in the belief that there has been no considerable discharge of employees. The manufacturers say they think that there has been more than the factory inspectors say. I am inclined to believe the manufacturers are right, that the number of those who lost their positions by reason of the minimum wage has not been entirely revealed by application of permits to the inspector. There are many, many factories who will not discharge their own workers but who will not take permit workers. The very possession of a permit brands that worker as not having the normal degree of efficiency, and it might not have occurred to them if a man applied for work — I wish to say that in Australia the minimum wage applies to men as well as women — it might not occur to him to give the man a trial, but if they have a permit they hesitate to take them on.

Q. What has become, according to your study, of those people who have been discharged? A. I was not able to find as I said a moment ago that there had been such a considerable number of discharges that it was possible to say what had become of them. Some of them are old and are cared for by their friends. They have old age pensions in all the Australian states to-day and some of them doubtless entered other occupations.

Q. Now, Professor, based upon your study of the conditions in Australia and New Zealand, would you not or would you recommend some minimum legislation for the State of New York? A. I would recommend minimum wage legislation in any state of the Union which has a considerable number of low paid laborers provided it could be done through a wages board, and not through a statutory wage, and not by a general commission, such as is found in Oregon, Washington and some of the other states. In my opinion it is desirable to make this method approach as nearly as possible to the collective bargaining practiced by the trades unions as can be done, and for that reason I think it is a mistake in the states that have adopted minimum wage laws that they have provided for any considerable representation of the public. In

my opinion, the only person outside of the employers and employees who should be on a wage board is the chairman, and he is there from necessity. There would be times that the board would break up and disagree unless he was there to give the casting vote. If he is a tactful chairman he will be able to secure an agreement between employee and employers in a great many cases on most of the points at issue. When the public is represented, public sympathy is pretty likely to run with one side or the other, and in many cases where they haven't actually low rates they would act with the employees and the rates would be raised. Rates should be adjusted to conditions, and for that reason it seems to me it is better for a conciliatory method to be pursued by the employers and employees themselves.

Q. How long were you in Australia? A. About seven months.

Q. And your testimony is given from an actual personal study of the matter? A. I carried on my investigation in the chief factory inspector's offices and by the chief factory inspector I was given permission to interview the people chiefly concerned, either the people interested in the legislation or administration of the law, manufacturers and trades unions.

Mr. ELKUS: Thank you very much.

MR. SOLOMON G. ROSENBAUM addressed the Commission.

Examined by Mr. ELKUS:

Q. You are the president of the National Cloak and Suit Company? A. Yes, sir.

Q. Your business is what? A. Our business is the selling of wearing apparel by mail.

Q. You manufacture it first? A. We manufacture very little. We conduct really a department store by mail or a specialty store, selling everything by means of a catalogue.

Q. And how many people do you employ? A. About three thousand.

Q. And what are they mostly doing? A. A great many clerical workers, making out orders, filing papers, answering correspondence, attending to the various details of work of that kind. A mail order business represents a very large number of small transactions.

Q. Where is your business located? A. Seventh avenue, Twenty-fourth and Twenty-fifth streets, this city.

Q. You also do manufacture some articles? A. In a very small way, women's suits.

Q. Mr. Rosenbaum, have you yourself established a minimum wage in your own establishment? A. Yes, sir, we have a minimum wage of six dollars. We employ no one under seventeen years of age and we pay no wages less than six dollars.

Q. Have you adopted both those rules because you find it tends to produce efficiency? A. That was the primary object. We found that one of the greatest difficulties we had to contend with was the fact that the young women and men who came to us for employment were improperly educated, improperly trained. I have here a statement from Mr. Churchill, president of the Board of Education, in which he tells of some six hundred thousand pupils of the public schools with only about four thousand graduated from the high schools, and it was that condition we met some years ago. We found that the girls and boys came to us and they had not even the rudiments of an education, could not spell properly.

Q. You mean they could not spell? A. Could not spell properly.

Q. Could not add? A. Could not add or subtract.

Q. Were they graduates of the public schools? A. In some cases they were graduates of the public schools, and in some cases had gone through some of the grades of the high schools. This is not a reflection on the public school system. It is a reflection on the people themselves. They were not ambitious.

Q. Have you ever investigated among your employees as to whether or not they were able to live on the wages which were paid them? A. We have done this, Mr. Elkus, in taking on an employee, we ask a certain number of questions, try to find out how many wage earners there are in the family — in fact, we do find out — we find whether the employee is living at home or whether she is boarding. If she is living at home, we find out whether her father is living, or whether she has older brothers and sisters who contribute to the support of the family, and try to conduct ourselves accordingly. It is very difficult to say what is

a living wage. Six dollars might be a living wage for a girl who is one of four or five wage earners. Ten or twelve dollars may not be a living wage for a girl who may be the main support of the family.

Q. Have you ever ascertained whether six dollars was a living wage for one who lived alone and did not contribute to the support of somebody else? A. I should say six dollars was hardly sufficient to live alone in New York city, that is for a girl to live alone, I should have said that in the beginning, less than ten per cent. get the six dollars a week.

Q. And ninety per cent. get — A. Ninety per cent. get more than six dollars, possibly ninety-five per cent. get more than six dollars.

Q. How old would you say the oldest girl was that received six dollars a week? A. The thing is not regulated by the matter of age. It is regulated altogether by her ability, by what she can do.

Q. How about length of service in your employ? A. Length of service has very little to do with it unless the girl or boy can show that he or she has ability to advance. We do go over our list of employees every year. We feel that if any employee has not advanced once a year it is either our fault or their fault. If it is their fault we want to put them in a position where they can advance.

Q. What have you done, if anything, in your own business, Mr. Rosenbaum, to train your people, to educate them. A. We have established a school in which we have a principal and twelve teachers. Two of these teachers are supplied by the Board of Education of New York city. The other ten and the principal are paid by the company. This school occupies about seven thousand five hundred square feet of space, an entire floor in one of our buildings, and in the school we endeavor to train the people to do our work properly and to be in a position to advance and to earn more money. I might tell you if you have the time to hear it just how we go about that. When we are in need of new people we try to take on only people for the lower positions, for the six dollar positions. If we have an opening for a ten, twelve or fourteen dollar girl, sixteen or eighteen dollar girl, we try to get those girls from our own ranks. A girl coming in for six dollars

a week might do filing work. She is sent to the school first, but before that she is selected by the employment superintendent from all the applicants that answer the advertisement. If he considers that she is capable of taking a position he sends her then to the school and then she has to undergo an examination. Would you care to hear just about what that examination consists of?

Q. Yes? A. I brought with me here a few examination papers selected at random. First she is asked to copy a few sample sentences, the idea being to see first of all if she is accurate, and second to get an idea of her penmanship. The sentences are very simple. I will give you one of them: "On one side of the door is the sign push; on the other side pull. There are some people who are always on the pull side waiting for pull to take them up their ladder of success. Those with push go ahead, and so forth." That is designed to get an idea of her penmanship, and secondly to see if she is accurate in copying. She is then given a list of twenty words, some of which are misspelled, and she is asked to indicate which of them are misspelled, and show the proper way of spelling them, such words as shipping, believe, disappoint, proper. She is then given a few examples in simple arithmetic. She has to add a column of six or eight lines of figures, subtract, and do a little multiplication work. Then she has to do a few questions in geography. We consider geography very important. Being a mail order house we would like an employee to know whether the climate of Florida at this time of the year is different from that of North Dakota. What is the capital of Pennsylvania? Name four of the largest states in the United States? Name five states that border on the Atlantic Ocean. Those are sample questions in geography. Fifty per cent. of the people who stand that test pass. Twenty per cent. are partial failures. Thirty per cent. are total failures and are not taken on.

Q. These are all supposed to be public school graduates? A. All supposed to be public school graduates and some of them have been through the high school. Now this particular girl says the capital of Pennsylvania is Pittsburgh. She named four of the largest cities in the United States as New York, Boston, Philadelphia and Paterson. She was unable to name five states that border on the Atlantic ocean. I could give you any number of

things of that kind to show the difficulty that an employer in this city has to contend with. Here is one girl who named the four largest cities in the United States as New York city, Pennsylvania, Chicago, St. Louis and California.

Q. Was this girl a graduate of the public school? A. I will look at her record. Her name is Miss F. Age at last birthday, seventeen. Attended public school No. 37. Did you graduate? Yes, and also attended the evening high school.

Q. Did she say how long she was in the evening high school? A. No, but she graduated from the public school. She had had three other positions before coming to us.

Q. How long had she been working? A. Apparently she took her first position in March, 1912.

Q. When was the examination? A. On January 20th.

Q. Of this year? A. 1915.

Q. That is two days ago? A. Yes, sir.

Q. And did she pass the examination? A. I think I can tell you that. She got nineteen on penmanship, twenty-eight and a half on spelling—

Q. Nineteen and a half out of a hundred? A. No, they are graded in this way: Penmanship they are rated twenty per cent., spelling twenty, arithmetic thirty, geography twenty. This girl's penmanship was very good. She got nineteen, spelling twenty-eight and a half out of thirty. Arithmetic twenty-four out of thirty, but on geography she got only fourteen.

Q. Did you investigate to find out why she was so poor in geography? A. I don't know.

Q. Would you mind letting me have those papers? A. Yes, sir. Now, I have another one here, you probably would be interested in. This girl graduated from public school 63, Miss U. She was fairly good on penmanship. Her spelling was very poor. She was excellent on arithmetic, but on geography she was very poor.

Q. Now, after they pass this examination and are employed, what do you do with them? A. They remain in the school.

Q. In your school? A. In our school from one week to three months. They don't spend all the time in the school. They are probably given from one to two hours per day in the school, and the balance of the time—

Q. That is at your expense? A. At our expense entirely.

Q. Nothing is deducted from their pay? A. Nothing whatever. The balance of the time they spend in the department learning the practical part of the work. They get the theory in the school.

Q. Then they begin this work at six dollars a week? A. Yes, sir.

Q. While they are being taught? A. Yes, sir. The school works in another way. I will explain just how a girl will go through the school and how she will make progress in the business. She might go into the school, study and become a file clerk getting six dollars a week. If she was ambitious she would have an opportunity to learn order writing, which would pay her eight dollars a week.

Q. How long would it take to get from the six to the eight dollar class? A. If she really wanted to she might get into the eight dollars class as soon as there was a vacancy, as soon as she could equip herself.

Q. In a few weeks? A. In a few months, if there were an opening in the audit department, she could go to school to fit herself to apply for a position in the audit department. She is told to equip herself for the vacancy, so that she will be ready to go on.

Q. Do you allow her to do that? A. Yes, sir, but with a certain amount of judgment and discretion. She could not do that during the very busiest times. That is regulated.

Q. Now, Mr. Rosenbaum, I suppose you do these things because you find it to be a paying proposition? A. We find it to pay. We need efficient people.

Q. It is not done from philanthropic motives but from efficiency motives? A. Altogether.

Q. Now, the Commission has been hearing a good deal of discussion on this question, pro and con, as to whether or not there should be some legislation fixing minimum wages or providing for a board which would fix wages in certain trades for women and minors; now as a business man, what is your opinion on this subject; should the State interfere at all? A. We are not opposed to a minimum wage. The best evidence of that is we have established our own minimum wage, but it must be handled with

great judgment and discretion. I think Professor Hammond answered that question in the best possible way.

Q. You agree with his views? A. I agree with that part of his views in which he said he believed in the establishing of a wages board.

Q. Would you be in favor of a wage board with power to fix the wage in different trades where women and minors were employed — of course after investigation — this board having upon it representatives of both employers and employees and outsiders?

A. I agree with Professor Hammond. I do not see the necessity of outsiders. I think there should be a board of employers and employees with a chairman. We have a very complicated situation in New York. The situation is vastly different from what it is in Oregon, and the thing would have to be handled with a great deal of judgment. I am not prepared to say that it would do unalloyed good. It might work hardship.

Q. In what way would it be good, and in what way would it work hardship? A. Well, from the standpoint of the employee, I believe that a great many of them would lose their positions. Of course, it would depend somewhat on where the minimum was fixed. When we advanced our minimum — we have not had this minimum of six dollars all the time — twenty years ago we paid probably as low as four dollars, but it has been a gradual advance, and when we advanced the minimum to six dollars, it did not mean that we took five dollar people and gave them six dollars unless they were capable of earning six dollars.

By COMMISSIONER DREIER:

Q. What are your tests? A. We have tests, we have opportunities of finding out just how they are fitted for filling any particular position.

Q. I would like to ask you in connection with your business what the opportunity for advancement is; you say a girl can become a filing clerk, and then can become an order writer; how far up the scale can she go? A. She can become a correspondent and earn as much as eighteen dollars a week. After that if she has a liking for merchandise and can become a buyer or assistant buyer, or selector of merchandise she could go as high as forty or fifty dollars a week.

Q. How many of your employees have gone as high as eighteen dollars? A. I can't answer that exactly. I don't know how many correspondents we have, but there are other positions, other than correspondents that would pay that salary.

By Mr. ELKUS:

Q. Mr. Rosenbaum, among one of the papers you were kind enough to hand me, Miss B., I note the following: She says position applied for, anything. Salary desired six dollars per week. Age last birthday, seventeen. Attended public school 159. Night school, Harlem, two years. Are you married, no. How many in your family, seven. How many are entirely dependent on you for support? Seven. How many besides you are earning wages? No one. Do you live with your family, or relatives, or board? Family. Did that girl receive employment — did she pass the examination? A. No, sir. You will notice here she was totally unable to spell.

Q. What percentage did she get for spelling? A. Thirty we allow for spelling, and she got nineteen and a half. She gave the capital of Pennsylvania as Philadelphia. She was very poor in arithmetic. She did not get a position.

Q. She had never worked before? A. Apparently not.

Q. Did you ever inquire how she was going to support this family of seven on six dollars a week? A. No; we didn't employ her.

Q. You would not employ a girl that was in that position? A. No.

Q. We would be very glad to hear anything further that you have to tell us, Mr. Rosenbaum, anything about your system, what you do, what you think would be of benefit to the Commission? A. We find our employees are ambitious in a sense. They are anxious to earn more money, but we find very few that care to make the sacrifice in order to improve themselves. They will not study, as a rule, and we have to make their attendance at our school compulsory in a very large sense.

Q. You cannot give us any idea of how many new girls you dismiss during the year out of your three thousand — you have to take on new employees every year, do you not? A. Yes.

Q. You don't know how many women have remained with you a long time? A. We endeavor to dismiss only the inefficient ones. After an employee has been with us three or four months we can get an idea of her ability, probably a better idea than these tests will give you. If they are efficient, we endeavor to keep them permanently. If they are not efficient, we let them go.

Q. You don't know what proportion? A. Not a very large percentage, although I should say it may be as high as fifteen per cent.

Q. Whom you keep? A. Oh, no; discharge; we keep eighty-five per cent.

Q. When you advertise for girls to begin, do you advertise for high school graduates? A. Frequently. It would depend somewhat on the position. Sometimes we may need girls to fold circulars. We would not necessarily want a high school girl for that, although we never take a girl into the place with the idea she is going to remain in that position. A girl coming in to fold circulars would have to take that educational test, because if she is only ambitious to fold circulars we don't want her.

Q. Mr. Rosenbaum, do you find your employees give you better service if they receive a wage which enables them to live decently? A. Yes, sir.

Q. In other words it is a paying proposition from the employer's standpoint to pay living wages? A. It is with us. We find it so.

Q. As I understand, your business is very profitable? A. We find it to be a good business. The matter of education. I saw a very good example of it some time ago, and it touches upon what Mr. Brandeis said about the Filene store, department store, one of the best in the country. I went in there a short time ago and a young man waited on me. He was the best glove salesman I met anywhere. He knew gloves from the beginning to end. I went in to buy a pair of gloves at a dollar and a quarter and he sold me a two dollar pair of gloves. He rendered a triple service, a service to the firm because he made the larger sale, to me because he sold a better article, and he rendered a service to himself.

Mr. BLOOMINGDALE: Was he a ten dollar man or a six dollar man getting ten dollars?

Mr. ROSENBAUM: He was more than that. He was probably an eighteen dollar man.

Q. When Senator Wagner is here he always asks this question: Does an increase in wages mean an increase in efficiency? A. That doesn't always follow. When we raised our minimum to six dollars we did not find it possible to keep all these people. We had to drop some. We kept those capable of being developed.

Q. What becomes of those who are dropped? A. We don't know.

Q. You never follow up the girls whom you refuse to give employment to? A. No, sir. It is impossible to do that. You cannot make an employee efficient by raising the wages from six dollars to ten dollars unless the fundamentals are there.

By Commissioner DREIER:

Q. You think the public school could perform its functions much better? A. There should be some point of contact between the public schools and the business activity.

By Mr. ELKUS:

Q. I understand that the public schools are asking employers if they will permit graduates of public schools to go into their establishments to be there taught the business with the co-operation of the Department of Education. I understand that is going on with the view of finding out what can be done? A. They are doing something of that sort. I think I mentioned the Board of Education had two teachers in our schools.

Q. Now, isn't it a fact, Mr. Rosenbaum, that these employees of yours should not have to be taught these things which you are teaching them in your schools? A. They certainly should not have to be taught these elementary things. We expect to teach them our own work. The school is largely for the purpose of teaching them our own work. This other work is incidental, and it is forced on us because the applicant herself has not increased her opportunity.

Q. Why couldn't they teach filing in the public schools? That is one of the things you teach them to do? A. Yes; but speaking of filing in cabinets there are comparatively few who can afford

to employ filers only. If they could come to us and write a good business letter, that would be the greatest thing.

Q. You mean if they could read and write English? A. Yes, sir.

Q. And if they knew arithmetic and geography? A. Yes, sir.

Q. Generally, what they used to call the three R's? A. Yes, sir.

Q. How many of those girls have you at the present time in the school? A. Five hundred and seventy.

Q. How many are new employees? A. Probably one hundred and fifty or two hundred have entered our employ in the past two months.

Q. And the others are studying to be advanced from one grade to another? A. Yes, sir.

By Commissioner DREIER:

Q. How often do these employees get the schooling? A. Every day. Some employees get an hour a day and some two hours a day. They work only eight hours.

Q. That is included in the eight hour time? A. That is included in the eight hour time. It is all done in our time and at our expense.

By Mr. ELKUS:

Q. I am asked to ask you why it is necessary for you to employ two or three hundred employees in one month; where do the others go; is it because you have increased your business? A. Yes, our business is a growing business. We have recently added some new buildings, but, Mr. Elkus, it is always necessary at the end of the season to drop out some people. You can put them through all the tests and all the schools you want to and some will prove inefficient.

Q. In other words, in every business there are some who are discharged during the course of the year? A. Yes, sir.

Q. For one reason or another that seems proper to the employer? A. Yes, sir. The school does this for us, also — frequently a girl may be working in the cashier's office. She may have no taste for that kind of work, and from the standpoint of the head of that

department she is a failure, but she might be very good as an adjuster in the audit department. She might work out very well as a stenographer, and she is given that opportunity. The school is supposed to find that fact out and give her an opportunity.

Q. Who finds that out? A. Well, she ought to help somewhat. She would know that she is not doing very well in the cashier's department. The head of that department would naturally know it. He should say, Now, Miss A —, you are not doing very well here; isn't there something else in this business you could do better? We have had cases of that kind. We can always place them. The school has a tendency to do that.

Q. Before you discharge them you try to place them in a department where they will be efficient? A. Yes, sir.

Q. And usually you give them two or three trials? A. Yes, sir.

By Commissioner McGUIRE:

Q. When did you increase the minimum to six dollars, Mr. Rosenbaum? A. I think it was about two years ago, two or two and a half years.

Q. What was it prior to that time? A. Five. It has been five for a great many years.

Q. You think there would be very great difficulties in establishing a State-wide minimum? A. I certainly do. Do you mean by that an arbitrary minimum?

Q. Through legislation, say, rather than by the wage board? A. I certainly do. A girl working in Olean, New York, can certainly afford to work for less than one working in New York city, or if you put it the other way, it costs the girl there less to live than it does the girl in New York city.

Q. You have three thousand employees? A. Yes, sir.

Q. If there should be a minimum fixed in New York city of ten dollars, how would that be reflected in your pay roll? A. Do you mean by that how much it would add to our pay roll?

Q. Yes. A. I couldn't tell you that; that would need quite some calculation.

Q. It would not add sufficient to justify you changing your location? A. No, sir; not in our case. We are tied down by having a pretty large plant.

Q. In your opinion, would it in smaller plants? A. I think it would. I think any such minimum wage as ten dollars would drive a tremendous volume of business away from the State.

Q. Then it is your practical opinion, from practical experience, that if a ten dollar minimum were established here in New York, and there were no minimum in New Jersey, for instance, it would drive many people out? A. I think so, yes; but there might be a way of establishing a minimum wage that would not drive away business. If you made the minimum ten dollars I should think it would.

Mr. ELKUS: An arbitrary minimum?

Mr. ROSENBAUM: Yes.

Q. But you think six dollars for the class of work you describe is a fair minimum? A. Yes, we think it is fair. We do not pay people that wage longer than we can help.

Commissioner DREIER: You consider them apprentices?

Mr. ROSENBAUM: Yes; somewhat. I mentioned that less than 10 per cent. of our people got that rate.

Mr. ELKUS: You said 5 per cent.

Mr. ROSENBAUM: I said five and possibly ten, but not more than ten. Ten is the outside.

Commissioner McGUIRE: Do you think a minimum wage law is desirable for New York State?

Mr. ROSENBAUM: If you are to have a law, I think the kind Professor Hammond indicated would be the best method.

By Mr. ELKUS:

Q. These girls who receive six dollars a week are all young girls, sixteen or seventeen years of age? A. We have none under seventeen.

Q. Would you say they are practically all under eighteen? A. No; I wouldn't say that. There might be a case where a young woman of nineteen or twenty would come in and want to start working.

Q. The majority are? A. The majority I think are those who have recently left school.

Q. I am asked to ask you this: How do you protect yourself against employees availing themselves of the opportunity to study at your expense while in your employ and then leaving to go into some other employ? A. The only way we protect ourselves is by having such conditions and such surroundings that they would rather work for us than for someone else.

Q. You offer more advantages in the way of promotion? A. Yes, and in other ways. We try to offer them attractive places to work, and if our competitors offer them more is no reason why they should not get them.

Q. You do a great deal of welfare work? A. Yes, sir.

Q. You have recreation rooms? A. Recreation rooms, lunch rooms, rest rooms, a welfare secretary,— we try to look after them as well as we can.

Q. Do you amuse them? A. In a limited way. During lunch hour they have a pianola, talking machines and dances.

Q. Would you object to your employees being organized? A. A part of our employees are organized. In our manufacturing department we deal with the tailors' union.

Q. Do you find it to your advantage or desirable? A. We do not particularly find it either to our advantage or disadvantage. We never had any difficulties with our employees, even with the tailors. During an experience of twenty-six and one-half years we have had only two strikes with our tailors. You know tailors in most places go out on strikes twice a year and the two strikes that we have had, that was when there was a general strike in the trade. Otherwise we have not had any trouble with them.

MANFRED W. EHRICH, Esq., addressed the Commission:

By Mr. ELKUS:

Q. What is your profession? A. I am a lawyer.

Q. And you have studied some phases of this wage question?
A. Yes, sir.

Q. We would be very glad to hear you, Mr. Ehrich? A. There is only one point I care to make, and that is the argument is frequently made — I have heard it made at these hearings, and I

have heard it made elsewhere — that the State, by compelling the employer to pay a living wage, compels the employer to give the employee the difference between the living wage and what the employee earns — that is, he is practically making a present to the employee of the difference between the minimum wage and the value of the work he produces — apparently on the assumption that the wages that are paid at the present time are the measure of what the work is actually worth, what the value of the work that he does is worth. I think that that assumption is altogether incorrect. There is no way of determining what is the value of the work involved in making a button-hole or in sewing a seam on a garment, or in pasting a label on a box or a can, or perhaps in merely carrying a box of materials from one end of the factory floor to the other. You cannot arrive at the value of the labor by considering the selling price of the finished articles because the selling price of the finished article depends very much upon the labor cost and that is merely a circle. You cannot determine the value of labor by the law of supply and demand, which is what fixes prices at the present time, because the law of supply and demand only fixes prices — it never fixes values. I think that is true not only for labor but for everything else. If you will conceive of a market which can absorb say nine carloads of a particular article, or a perishable article, and if ten carloads should happen to go into that particular market when it can only consume nine, the law of supply and demand, which means the sellers bidding against each other, would very likely drive the prices down, so that the price of ten carloads would actually be less than the price of nine — that is disregarding the fact that one carload would go to waste altogether. The law of supply and demand would fix the price of ten carloads at less than nine. The same condition exists in the labor market. If you can conceive of a community which is employing whatever labor there is there, where there is a fairly balanced demand for the amount of labor, and there is no excess of labor, and at the same time there is enough labor to go around and they are all employed at a fair price, an increase of ten per cent.— that is, I mean the unskilled labor — in the class where they are bidding against each other, a slight increase means that those that are un-

able to get employment at the prevailing rate of wages will go about offering their services for less, and they will displace other employees, who, in turn, will offer their labor for less, and displace still others, until it will get down to the point where we are now, the point where in a great many cases the wage that is paid is just a little above the starvation line, if it is there. Now, the product of that labor is worth just as much as it was when the higher wage was paid. That is, if we disregard the fact that the labor will be less efficient when it is underpaid — of course if it is going to be admitted that the difference in the cost of labor, the difference in the price of labor represents the difference in efficiency, then there is nothing further to be said in support of the living wage. The case is established. But if you disregard that fact, if we assume that the labor is just as efficient as it was before, the employees that are employed are producing exactly as much as they were before but they are being paid a great deal less and the law of supply and demand has cut prices, it has not cut values.

Now, the point I wish to make is merely that when the opponents of minimum wage legislation maintain that the establishment of a minimum wage will compel the State to pay a living wage regardless of what the employee may actually earn, regardless of what may be the value of what the employee produces, the answer is that the present conditions tend to establish a starvation wage regardless of the fact that the employee may actually earn a great deal more.

Adjourned to Saturday, January 23rd, at 10.30 A. M., for the purpose of holding an executive session, at the office of counsel, 170 Broadway.

Adjourned to January 23rd, at 10.30 A. M.

