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Colorado.
Bureau of
Labor Statistics.

Second Biennial
Report.

1889-1890

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University of Colorado at Boulder



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Wm. Macdonald
April 25, 1891.
SECOND BIENNIAL REPORT

DUPLICATE
SOLD
Bureau ^{OF} Labor Statistics

OF THE
STATE OF COLORADO.

1889-1890.

JAMES RICE, SECRETARY OF STATE,
COMMISSIONER EX-OFFICIO.

JOHN W. LOCKIN,
DEPUTY COMMISSIONER.



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Letter of Transmittal.

STATE OF COLORADO,
BUREAU OF LABOR STATISTICS,
DENVER, Dec. 30, 1890. }

TO HON. JAMES RICE,
Secretary of State,
Commissioner ex-officio:

SIR—I have the honor to submit to the General Assembly, through you, the Second Biennial Report of the Bureau of Labor Statistics.

JNO. W. LOCKIN,
Deputy Commissioner.

Introductory.

The subject of railroad casualties, particularly those happening to the employés of our railroad corporations, is discussed in the present report, and is worthy of the earnest attention not only of those who control the lines of transportation, but of our law makers, as well as the traveling public in general.

Great difficulty has been experienced in obtaining figures, as nearly all of the railroad managers in Colorado refused to give any figures relative to the killed and wounded on their respective lines. There were, however, means at hand through which reliable figures were obtained, and the figures are, therefore, approximately correct. No one can read them without a shudder creeping over him at the appalling list of casualties annually occurring.

A subject in which every workingman in Colorado is interested, is the passage of a law that will place the responsibility of casualties on the employer, through whose negligence an employé is injured. In seventeen States the responsibility of employers has been more or less extended by legislation, and the tendency of the remaining States seems to be in that direction. In England, where an employer's liability act was passed in 1880, it was claimed at the time by corporations that it would greatly increase the expenses in the running of their works or roads. The experience, under the law, however, has been beneficial to both employer and employé, as it has induced greater care in the selection of employés, using better machinery and a general betterment of the surroundings of the employés. Would not the effect be the same in Colorado?

Only such subjects are discussed in this report as bear directly upon the immediate necessities of the laboring men of Colorado. Tables of wages are omitted, because they are used by "boomers" to induce eastern mechanics and laborers to come to Colorado, whether there is employment for them or not, to the detriment of our wage earners.

This department should be allowed to issue bulletins as soon as any one subject is inquired into, that those interested may know the results as quickly as possible. Many subjects on which, perhaps, weeks of time have been spent, are of no practical value to the public one or two years after the investigation has been made.

Careful investigation into the immediate need of laws for the betterment of the laboring people of Colorado, leads this department to respectfully submit, for the consideration of the members of the Eighth General Assembly, the following recommendations:

- An employers' liability law.
- Ballot reform.
- Shorter hours for employes in railroad train service.
- Safety appliances for railroad cars.
- An anti-Pinkerton bill.
- Placing employment offices under the control of the State.
- A lien law.

Employers' Liability.

Under the common law, an employé should have little or no trouble with his employer in adjusting claims for personal injuries sustained through any cause connected with his occupation. But the law on the Statute books of Colorado, as interpreted by the Supreme Court, preclude the possibility of an employé recovering damages for injuries sustained through the negligence of the employer or the carelessness of a co-employé. Damages have been frequently awarded by juries in the lower courts to injured employes, but the Supreme Courts in this and other States have reversed the verdicts, and there seems to be no reason for hope that the Supreme Court of Colorado will place any other construction upon the law, until the legislature of the State changes the present iniquitous and unjust law. The present law reads as follows:

"Whenever any person shall die from any injury resulting from, or occasioned by, the negligence, unskillfulness or criminal intent of any officer, agent, servant or employé, whilst running, conducting or managing any locomotive, car, or train of cars, or of any driver of any coach, or other public conveyance, whilst in charge of the same as a driver, and when any passenger shall die from any injury resulting from, or occasioned by, any defect or insufficiency in any railroad, or any part thereof, or in any locomotive, or car, or in any stage coach, or other public conveyance, the corporation, individual or individuals in whose employ any such officer, agent, servant, employé, master, pilot, engineer or driver shall be at the time such injury is committed, or who owns any such railroad, locomotive, car, stage coach, or other public conveyance at the time any such injury is received, and resulting from or occasioned by defect or insufficiency above described, shall forfeit and pay for every person and passenger so injured the sum of

not exceeding five thousand [5,000] dollars, and not less than three thousand [3,000] dollars, which may be sued for and recovered."

Under this law the Supreme Court holds that the words "any person," do not include servants of the same master injured by the negligence of a fellow-servant while acting in the common employment.

In the Seventh General Assembly, Senator Fred. Betts introduced the following bill, which passed the Senate, but was "killed" in the lower house:

"Every corporation, company or individual, which may employ agents, servants or other employés, shall be liable for injuries sustained by co-employés or co-servants, to the same extent, and the same manner, as such corporation, company or individual now is, or may be, liable to a non-employé for like injuries."

The bill should have become a law, as it would have fixed the liability of employers for injuries and damages sustained by their employés, and would have, at least, prevented a good deal of suffering that has since been occasioned, for the want of a just law, which would have partially provided food and clothing for those who have been bereft of the "bread winner," while doing his duty.

Employers need have but little fear as to the workings of a just liability law. It may seem to an employer that a law that will remunerate an injured employé, will cause them financial embarrassment, need not necessarily occur. Every employer should, in making up his expense account, allow a certain per cent. to be set aside for any casualties that may occur during the year, and he will, in estimating on new business, add this per cent. to his estimates, for the same reason. With a just law, he need not fear competition from his competitors, for such a law would be just to all.

Railroad corporations, on whom the greater damages would fall, as they have a greater number of casualties

than all other occupations combined in the State, would simply increase their tariffs, and they would continue to pay their usual dividends, and would also pay for the gross negligence of their officers and employés that are crippling hundreds of men annually. They would also quit employing cheap labor; equip their cars with the best automatic appliances; improve their road beds; and use none but the best of machinery. The result of a just liability law would be the betterment of all kinds of machinery; the employing of skilled labor to operate this machinery, that now, in many instances is in the hands of men who know no more about machinery than a Sioux Indian. Many employers are to-day employing men that are causing innumerable accidents, but the matter is "hushed up," and the public learn little or nothing of the actual facts—that cheap labor causes the accidents.

To illustrate this more forcibly, we quote an extract from the *Railway Telegrapher*, although it is not an isolated case by any means, for just such accidents as this are occurring daily in the United States:

"The wreck at Warrentown, on the Wabash, was the result of cheap labor in a telegraph office in employing a boy to do work that should have been done by a man. The loss of eight lives, besides the killing and crippling of twenty-five valuable horses, and a damage of \$300,000 to railway property, was caused by the boy, who was allowed to receive train orders, writing 'fifty minutes,' where he should have written 'five minutes.'"

That employers recognize the justice of paying their employés something in cases of accidents, may be seen from the rapidly growing insurance features adopted by some companies whereby they agree to insure the employés to the employer in sums from \$1,500 to \$5,000; and for one accident to several employés up to \$10,000. Several corporations in Colorado are carrying accident insurance for their employés on this plan, as it practically does away with any probable litigation, gives the

insured, in case of accident, quite a sum of money, and costs the employer but little money to carry these policies.

While there are a few employers that will do this, there are hundreds that will not. And it is also a fact that these insurance companies will not write policies for some of the railroad corporations on account of the great number of casualties.

Two of the leading accident insurance company's agents in Colorado refuse switchmen's applications for insurance, and do not solicit business from brakemen, and then only write a policy not to exceed \$700. Several other companies have adopted the same plan, thus preventing employes in these two branches of the railway service from securing insurance, either accident or life, except in the brotherhoods to which they may belong.

Thus it will be seen that many employes are actually prevented from securing accident insurance because of the great danger in the discharge of their duties. No stronger argument, it would seem, could be produced why Colorado should not have a law that will give all employes damages in case of casualties, caused either by the negligence of the employer or of a co-employé. Careful study of the Employers' Liability laws in the different States of the Union, and the various countries of Europe, show conclusively that the United States is very backward relative to making provision for the disabled employes, as compared with what France, Germany, England and other countries are doing for their unfortunates. But the justice of the law is being gradually recognized, and quite a goodly number of our States have fairly good laws, that so far as can be ascertained, are proving satisfactory to both employer and employé.

Cases have been decided in favor of employes in the States of Maine, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Delaware, New Jersey, Maryland, Ohio, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas and California, and the decisions rendered by the courts were in substance as follows:

"That the *employer is liable* for injuries to the employé, incurred through the direct negligence of the employer, or that of his manager, to whom he has committed the work. If there is special risks not apparent, he must fully notify the employé thereof, or be responsible for any injury."

"That is the duty of the employer to provide safe buildings and machinery, to make himself familiar with all defects in them, of which a good business man in his line should be cognizant, and to guard against and prevent any defects from which increased and unnecessary danger may occur, and if he fail to do this, or give his employes full notice of the danger, he is liable for any injury resulting therefrom to them.

"That an employé assumes such risks only as are incident to the work from causes open and obvious, and which he had an opportunity to ascertain, but it is otherwise when the causes are concealed and unknown to him. And even when he may know of defects, if he did not know they were dangerous, he may recover damages. In such case, if the employer fail to give him suitable notice of the danger, he is liable for any injury resulting therefrom.

"That the employer is liable for damages to an employé for an injury resulting from the negligence of a fellow employé, unless he can show that he had used due care, by inquiry and otherwise, before employing the negligent employé, and that he had no notice of his unfitness until the injury complained of had occurred.

"That when children are employed, the employer must see that they are not exposed to danger, even though such danger would be open and obvious to a workman of ordinary intelligence. Notice of danger to a child is not enough. He must be sufficiently instructed to enable him to avoid it. The same principle

applies to employes whose grade of intelligence is not such as to enable them to detect danger, with which the employer is, or ought to be familiar."

For the want of liability laws in the different States of the Union, the railroad employes have organized benevolent associations among the various branches of the service.

In twenty-two years the Brotherhood of Locomotive Engineers have paid to the disabled members of the brotherhood more than \$3,000,000 out of their earnings. More than 95 per cent. of this large sum was paid to injured employes who was not at fault because of the injuries. The fault was either that of the employer or of co-employes. But on account of the faulty laws these injured engineers or their families could not recover from their employers. At the present time this brotherhood has a membership of 27,715.

The Order of Railway Conductors in ten years have paid in beneficiaries over \$1,700,000; they have a membership of about 15,000.

The Brotherhood of Railroad Trainmen, with present membership of about 15,000, have paid in six years to the totally disabled and deceased members of the order over \$800,000.

The Brotherhood of Locomotive Firemen in seventeen years have paid out, in round figures, \$1,500,000. This order numbers 19,000 members.

The Switchmen's Mutual Aid Association, with 6,000 members, paid last year \$76,000 to its killed and crippled members.

In addition to these sums for self-protection in cases of accidents, most railroad companies exact a monthly hospital fee, which probably averages fully \$6 a year. There are 82,000 members in the above orders whose annual earnings are \$56,000,000. They pay out for hospital fees, lodge dues and brotherhood insurance,

fully \$3,000,000 annually, or 5 per cent. of their earnings.

Thus it will be seen that railroad employes are compelled to protect themselves with their own money, against the negligence of their employers, that those depending upon them may not be left destitute should they meet with an accident.

What applies to railroad employes is also applicable to several other vocations in Colorado, where employes are subject to gross injustice through the present law.

Every laboring man should receive protection, where the negligence of his employer, or of a co-employe, causes him to be injured.

No more humane or just law can ever be enacted, than one which will give to the employe, or his family, a reasonable compensation for injuries sustained, where the fault was not clearly his own. The workingmen of Colorado ask for no unreasonable or unjust law, but will ask, at the hands of the Eighth General Assembly, a modification of the present law, and, in its place, the enactment of a law that will be just to the employer, as well as to the injured employe, who has sacrificed life or limb for the benefit of his employer. It is extremely gratifying to this department to know that 75,000 employes in Colorado, are thoroughly aroused on the importance of the passage of a law that will place the responsibility of casualties where they rightly belong; and this department earnestly recommends to the Eighth General Assembly, the enactment of an employers' liability law, at its earliest convenience.

In Connecticut there is a law that "every railroad company operating any railroad partially or wholly in this State, shall cause every freight car that shall be built or purchased for use on such railroad, to be provided with couplers, so arranged as to render the presence of any person between the ends of the cars unnec-

essary for the purpose of coupling the same." Ten thousand railroad brakemen have signed a petition asking the Inter State Commerce Commission to urge upon Congress the necessity of national legislation in this matter. The Michigan Commissioner says that "once the Automatic couplers and power-brakes are established throughout the country, the risk and danger to which brakemen and yardmen are now more exposed than their fellow-employés, will largely disappear."

In 1884, Massachusetts passed the following law:

"SECTION 1. Every railroad company operating a railroad, or any portion of a railroad, wholly or partly within the State, shall place upon every freight car hereafter constructed or purchased by such corporation, and upon every freight car owned by such corporation, of which the coupler or drawbar is repaired by it, with intent to use such car, such forms, or form, of automatic or other safety coupler at each end thereof as the Board of Railroad Commissioners may prescribe after examination and test of the same, and the Railroad Commissioner may annul any recommendation by them.

"SEC. 2. The provisions of this act may be enforced by the Supreme Judicial Court on application of the Attorney General."

Nearly ever State in the Union is discussing this fearful slaughter among railroad employés, and it is a question of only a few years when satisfactory laws will be enacted that will prevent to a large degree the awful sacrifice of human lives now going on.

In the report of the Grand Secretary of the Brotherhood of Railroad Trainmen for 1890, he says:

"During the past year we paid two hundred and seventy-four thousand, twenty-seven dollars and twenty-five cents (\$274,027.25) on claims, and collected no more than twenty dollars (\$20) on assessments from any one member, and as shown by the annual reports received, the lodges generally, are, at the present time, in better condition financially and otherwise, than ever before; and there is no doubt that if the entire membership

would set aside all personal feeling and strive for the improvement of the Brotherhood, instead of retarding the progress of it by endeavors to attain glory for themselves, we would be able to bring about the adoption of safety appliances, and thereby reduce the number of deaths and disabilities to such an extent that instead of having "double headers" every month, there would not be more than a single assessment nine times a year. You will see, that of the two hundred and seventy-five (275) claims paid, two hundred and ten (210) of them were caused by railroad accidents; about one hundred and thirty (130) of that number were killed or injured, coupling with the style of couplers now in use, and most of the remaining eighty were knocked off the top of trains or thrown off by brake-staff breaking, or their death or disability would not have occurred had they not been required to go on top to apply the brakes. The death and disabilities from natural causes would cost only about sixty-four thousand dollars (\$64,000), or a levy on each member of about four dollars and seventy-five cents (\$4.75). The deaths and disabilities resulting from other causes, aside from coupling and going on top of trains to apply brakes, would not more than equal those from natural causes, and that would make our assessments about nine dollars and fifty cents (\$9.50) a year."

So far as the local railroads of Colorado are concerned all cars are equipped with automatic air brakes, but necessarily many trains are made up with foreign cars without automatic brakes, and the result is that many more casualties occur than would, should the Colorado roads refuse to receive them. As stated elsewhere in this chapter, the greatest number of casualties occur from the coupling and uncoupling of cars, and but few if any of the freight cars are equipped with patent couplers. No doubt before legislation in regard to safety appliances could be effective, it would have to be general, but if one State waits for some other State to set the example, there is little hope that any legislation will ever be secured to prevent the killing and crippling of so many men. The third annual report of the Inter State Commerce Commission shows that 22,218 railroad

employés were killed and crippled for that year in the United States, with a mileage of about 92 per cent. of the total mileage. If the rate was the same on the roads not reporting, the total number killed and injured would be about 24,000! And one-third of these casualties are caused by the coupling and uncoupling of cars. Colorado railroads furnishes 15 per cent. of all the killed and injured in the United States.

That Colorado railroad employés need protection through safety appliances is apparent, and needs no further argument at the hands of this Bureau. The figures given are the strongest arguments that can be produced, and are approximately correct. The matter now rests with the legislature of Colorado whether they will frame wise laws that will stop this killing and crippling of hundreds of the strongest and most active young men of our State, or whether we shall have in a few years more an army of cripples equal to the total number of men employed in the railroad business. Twelve thousand railroad employés are anxiously waiting to see whether the great State of Colorado will correct this monstrous wrong upon an intelligent class of her industrial population.

Car-Coupler Accidents.

Chief among the accidents to railroad employés, the greatest number occur from coupling and uncoupling of cars. Owing to the red-tape rules adopted by some of the railroad officials in Colorado, correct figures could not be obtained, but enough have been collected to give a general idea of the difficulties and risks attending the duties of railroad trainmen. From the figures obtained we are able to arrive at the following conclusions relative to the casualties among trainmen, and especially to brakemen:

Total number of employés in the railroad service in Colorado, 12,000.

Total number of casualties to employés for the year ending June 30, 1890, 1,630. Total number killed, 45.

Number injured coupling and uncoupling cars, 634; or 36 per cent. of all brakemen and switchmen employed.

Number injured from falling off trains, 158; or 9 per cent. of the total number of brakemen and switchmen employed.

Train accidents, getting on and off trains, tunnels, snow sheds and bridges, cause 22 per cent. of the accidents.

The miscellaneous causes include accidents from frogs, unnecessary presence on the track, etc., which amounts to 33 per cent.

About 3,100 employés are engaged in the train service in Colorado, embracing engineers, firemen, conductors, brakemen and switchmen.

The percentage of employés injured and killed to total number in train service is 42 per cent. annually,

or 3.5 per cent. per month. In two years and eight months every employé in the train service in Colorado meets with an accident, many of which are fatal.

In eight years every employé in the railroad service of the State will, on the average, be injured once. The percentage of killed and injured to total number employed is 13.5 per cent. annually.

These figures plainly show that for the want of cars properly equipped with patent car-couplers, the casualties among railroad employés is the greatest among the men who handle the freight trains—the brakemen and switchmen.

In New York State the "casualties to employés *not due to nor in any way connected with the hauling of trains*, is 7 per cent., including all classes of accidents from shop machinery and from handling rails, ties, derricks, timber, car wheels and other heavy articles."

From these figures it seems that car-coupling accidents are about four times greater than from any other one cause.

The brakemen constitute less than ten per cent. of all the employés in the railroad service, while the switchmen number only five per cent. But of the killed and injured, 48 per cent. are from the ranks of these two divisions of the service; the brakemen furnish 39 per cent. and the switchmen 9 per cent.

Owing to the mountainous country through which more than one-half of the mileage of the railroads of the State run, the number of accidents are necessarily much greater than in the Eastern States where the country is smoother. But even in Michigan, the percentage of casualties are very great, exceeding Colorado in car-coupling accidents. This is attributed largely to better equipment in the car service of the Colorado railroads.

Investigation among railroad trainmen relative to patent car couplers brings out the fact that should there be a uniform system of car couplers adopted by all the railroads throughout the United States, the number of casualties to brakemen and switchmen would be reduced more than 75 per cent., and in our own State this reduction would probably reduce the number of accidents from 800 to 200. No stronger argument for the equipment of trains by automatic couplers can be made than that furnished by the statistics of the killed and crippled in our own State by the railroads. That the legislature should enact a law that will cause all cars to be equipped with automatic couplings seems plain. In fact, it is a question in which the public is vitally concerned. This army of cripples raised up each year, many of whom are totally disabled, may become dependents upon the counties in which they reside, and consequently increase the taxes of the people.

That this question of casualties among railroad trainmen is alarming is best illustrated in the great discussions going on among the leading men of the nation and several States. President Harrison in his message to Congress said:

"It may still be possible for the Congress to inaugurate, by suitable legislation, a movement looking to uniformity and increased safety in the use of couplers and brakes upon freight trains engaged in interstate commerce. The chief difficulty in the way is to secure agreement as to best appliances, simplicity, effectiveness and cost being considered. This difficulty will only yield to legislation, which should be based upon full inquiry and impartial tests. The purpose should be to secure the co-operation of all well-disposed managers and owners, but the fearful fact that every year's delay involves the sacrifice of 2,000 lives and the maiming of 20,000 young men, should plead both with Congress and managers against any needless delay."

In Massachusetts, about one-third of the injuries to employés occur in coupling and uncoupling cars. When

it is remembered that the record throughout the United States is similar to that in Massachusetts, the great standing army of cripples, and the widows and orphaned children of the dead railroad employes, demands that decisive action be taken by Congress, as well as State legislatures, to remedy this evil. The railroad business of the country is rapidly increasing, consequently the number of casualties is keeping pace with the development of the business.

The railroad commissioners of New York urge the general adoption of the automatic coupler "Janney Type," which, they believe, "will, before long, materially diminish this serious cause of death and injury."

HOURS OF TRAIN SERVICE.

"What sleep is no one knows. The prevailing theory as to its nature is that of the physiologist, Preyer, who holds that refuse matter accumulates in the nervous centers in such quantities as to bring about insensibility, which continues until the brain has been relieved of the waste matter by its absorption into the circulation.

"Whatever feats of endurance men may accomplish, they can not live long without sleeping. Under every condition of bodily and mental suffering men sleep. Those condemned to die, although they fear their fate, generally sleep the night before execution. Soldiers have been known to sleep when on a long and wearisome march while walking in the ranks, or lying on a bed of stones, or in the mud and water.

"The question is often asked, 'How long can a man live without sleep?' The victim of the Chinese 'waking torture' seldom survives more than ten days. Those condemned to die by the waking torture are given all they wish to eat and drink, but sleep is denied them.

"Whenever the poor victim closes his eyes he is jabbed with spears and sharp sticks until he is awake. There is no torture more horrible."

The high rate of mortality among railroad employes, and the army of cripples annually turned out, is just

cause for inquiry, as there must be some cause why these accidents occur. After careful inquiry we believe that one of the principal causes is from a want of sufficient sleep, due to overwork.

Such facts, supported as they are by the most impartial evidence, are deplorable in this age of progress, especially so when we consider that the majority of railroad trainmen are young men, and are cut off in the very flower of life, and that the production of the wealth of which they are most capable, is irretrievably lost to the State; and instead of a nation of stalwart, hardy, robust men, we are raising an army of cripples, thousands of whom are thrown upon the world to become dependents. And yet, notwithstanding that more than twenty thousand able-bodied men are annually sacrificed upon the railroad altar, but few States have dared to even attempt to correct this inhuman and monstrous wrong.

Twenty thousand men—an army nearly equal to the entire standing army of the United States, annually shed their blood and lives that the tireless American citizen may travel and ship his products.

There is no occupation in Colorado in which the public is really as much interested as in our railroads, and while we do not propose to raise an issue with them, still in justice to the traveling public, and the railroad trainmen and their families, we urge upon the Eighth General Assembly to enact such laws that not only protects the public and railroad employes, but will also give the companies protection against sleeping employes.

There can be no dodging the question that many serious accidents occur, caused by trainmen sleeping while on duty. There are any number of cases where this has proven true. And oftentimes both company and employes are at fault, the company in reducing its forces, and the employes by being over-ambitious to earn an extra dollar or two. In both cases, unfortu-

nately, both are losers, while those who travel are oftentimes the victims, and the company foots the bills in damaged property, accidents or loss of life of the passenger, and whatever they chose to pay their employes. With shorter hours, regulated by law, there would be fewer accidents, less damages to pay, and a great saving in the wrecking of trains. In some States the hours of railroad service is regulated by law. In Ohio, the following law was enacted during 1890:

AN ACT

TO PROVIDE AGAINST ACCIDENTS ON RAILROADS AND LIMIT THE HOURS OF SERVICE.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That no company operating a railroad over thirty miles in length, in whole or in part, within this State, shall permit or require any conductor, engineer, fireman or brakeman or any trainman who has worked in his respective capacity for twenty-four consecutive hours, except in case of casualty, to again go on duty or perform any work until he has had at least eight hours rest. Ten hours' labor shall constitute a day's work, and for every hour in excess of said ten hours' work that any conductor, engineer, fireman, brakeman or any trainman of a company, who works under directions of a superior, or at the request of the company, shall be required or permitted to work, he shall be paid for said extra services in addition to his *per diem*.

SEC. 2. Any company which violates or permits to be violated any of the provisions of the preceding section, or any officer, agent or employe who violates or permits to be violated any of the provisions of the preceding section, shall be fined not less than one hundred dollars, nor more than one hundred and fifty dollars.

SEC. 3. This act shall take effect upon its passage.
Passed March 26, 1890.

In Minnesota, it is provided that "on all lines of railroad in the State, the time of labor of locomotive engineers and firemen shall not, at any time, exceed

eighteen hours a day, unless in case of accident or other unavoidable delay."

This, it will be seen, applies only to engineers and firemen, while it should apply to conductors, brakemen, and railroad telegraph operators and dispatchers.

The Congressional committee, appointed in February, 1888, to investigate the Reading railroad strike, came to the following conclusions, as to the cause of accidents:

"In addition to the abuses of the gradation system, overwork of the men is another very prolific cause of strikes and accidents on railroads. Probably there is more overwork, and less extra pay for it, in railroading, than in any other occupation. In many of the States, during busy seasons, and often in inclement weather, night, day, and Sunday too, sometimes witnesses the toiling of railroad crews, without rest or sleep, and as long as human endurance can bear it.

"In most employments, eight, ten or twelve hours a day, constitute a day's work, but in railroading, a day's labor sometimes means twenty-four hours—whatever additional time the corporation requires. No matter if it be night or Sunday, no more pay is given, and if the tired employe stops to sleep, before he is permitted to do so, he is docked a day's wages. A conductor, too, often has to perform the double duty of his position proper, and that of baggage-master likewise. In this way, accidents and terrible smash-ups are frequently brought about, as fatigue and enforced insomnia blunt the perceptive faculties, and impair the memory so, that trains are run mechanically, without regard to orders or passing points.

"Engineers or conductors, or both, have been known to be asleep from exhaustion when fatal collisions have occurred. Of all laborers, a locomotive engineer should be the least over-worked, because his mind and senses are ever on a strain when upon duty.

"Who that has stood near a railroad when a train dashed by or stopped, has not been deeply impressed with two things: First, the irresistible and tireless

power of steam; and second, the blackened, earnest, solemn face of the engineer, gleaming with intelligence, courage and silent consciousness of his awful responsibility, in which the anxious conductor always shares.

"Human life is too precious for a passenger train to be lightly intrusted either to an incompetent, overworked, under-paid, dissatisfied or dissipated engineer or conductor; and a day's labor in the occupation of a locomotive engineer or conductor ought to be limited by law to a certain number of hours, if a day's work in any calling should be limited. Hence, if a railroad shall not be permitted to plead a strike of its men as a justification for suspending its trains, it will be compelled, in order to prevent them from striking, to work its engineers, conductors and other employes only reasonable hours, to pay them fair wages, grant them just promotion, and not to discharge them without a hearing; so that such a law would tend to prevent accidents on railroads by which thousands of lives are lost each year.

"This would be better for the railroad itself, as well as for its employes and the public, because the damage of a single accident caused by inexpert, poorly-paid, overworked employes would often cover the additional expense for a whole year of engaging enough men, and first-class men, to have prevented the accident. A well-paid, experienced, fairly-treated and not over-worked man is always conservative. He is ever on the alert and never loses his head. His practical ear or trained eye can detect the slightest disorder in a train or approach of danger."

The committee might have also added the importance of railroads securing competent crews for their freight trains, for more accidents arise from freight trains than from any department in railroading. It is just as important that freight train crews are not overworked as for passenger train crews, as in nearly every run in Colorado the freight trains are on the road more hours, by double the time, than are passenger trains, and it is a well established custom that passenger trains have the right of way and that freight trains must side-track

and wait for the belated passenger train. It is also a fact that some roads will compel freight crews to make a run of one hundred and twenty to one hundred and fifty miles and double back with no rest or sleep, requiring at least twenty-two to thirty hours to make the round trip. And cases have been cited to this department where, during a busy season, crews have had to be on the road from forty to sixty hours without rest or sleep, except such as could be secured while trains were in motion.

Nine out of every ten trainmen that have been on duty for three years, have kidney or liver trouble, caused by the constant shaking up or jarring of their system and to the loss of sleep.

There are more gray-haired young men in the railroad business than all other occupations in the State combined. The cause of this is attributed to the loss of sleep, and from being exposed to all kinds of weather.

Inquiry has also brought out the fact that overwork among trainmen develops an appetite for liquor. The reason given by a number of trainmen, is to the effect that being compelled to be on the road from twenty to sixty hours, the first thing they do when they arrive at their destination (and frequently at way stations), is to take a big drink of liquor to "brace them up," as they are "unstrung" from the constant shaking they receive while the cars are in motion. It is claimed by railroad employes that with reasonable hours, drinking would be reduced more than fifty per cent., and, therefore, they could carry more life insurance, better provide for those depending upon their earnings for support, dress better, and in many other ways elevate their present social and financial condition, and render to their employers and the public better service in every way.

A few railroads in Colorado allow extra pay for service after twelve hours, but the hours may be indefinitely

extended, or until the employé calls for rest, or some accident results from overwork, when the overworked employé either gets his discharge or a "lay off" for ten, twenty, thirty, or perhaps sixty days, without pay. This frequently happens, and there are hundreds of cases that can be cited where employés have been compelled to work an unreasonable number of hours, and when completely exhausted they have forgotten some order they get a "lay off," and oftentimes a permanent one. The treatment of employés on some railroads relative to the hours of labor by some of the officials, is inhuman and should be classed as a crime. Not a day passes that you do not read of some terrible railroad accident, and in a majority of cases the poor employés are charged with the responsibility of it. But the world never learns that more than likely the accident was the result of overworked trainmen, who, in order to retain their positions, dare not tell the truth—that they were asleep. Such, however, is too often the case, and if still skeptical, go among the trainmen and make inquiry. Perhaps a few examples from the many hundreds that have been obtained will explain more pointedly the danger to which the traveling public, as well as trainmen, are exposed through overworked train crews. These statements are from men in all departments of railroad service, and are every-day common occurrences; in fact, statements have been made which seem almost incredible, and for fear that they are a trifle exaggerated we refrain from citing them. We could fill hundreds of pages with examples of overworked employés, but a few taken indiscriminately, without mentioning either names or systems of railway, will suffice:

One engineer recently received pay for 56 days' work in one month. And he seemed to feel as though he had done a very great thing. He did succeed in preventing another engineer from earning a good month's salary; he also took desperate chances in causing an accident,

through his ambitious desire to earn double wages, by overworking and neglecting to strictly obey orders. And often a very slight change in not obeying orders will cause an appalling accident, killing and maiming innocent people. It is apparent that many employés are very selfish, and will go so far in their greedy desire for money that they will jeopardize their own and their fellowmen's lives.

Another engineer stated that he was called to take his engine at 7 a. m., on Saturday morning, and was on duty continuously until the following Tuesday at 7 a. m., when he refused to obey orders to continue on at work, as he was completely exhausted, and had fallen asleep many times while running. He required the greater part of a week to recuperate from the 72 hour run he had been compelled to make. The month previous he drew pay for 45 days' work.

A brakeman stated to this department that many times he had been compelled to work from forty-eight to eighty hours, and had fallen asleep while walking over the tops of cars; and on one occasion fell off the train, sustaining injuries that kept him in the hospital for two weeks.

A railroad telegraph operator made the statement that he had been required to sit at the key-board for thirty-six hours without relief; that on several occasions he had fallen asleep and could not prevent it. Fortunately nothing happened that caused an accident from wording a message wrong, although he thought that had an accident occurred he should not have been held responsible for any mistakes that he might have made.

A conductor says that he has frequently been compelled to take his train out and make an eighteen-hour run, and then ordered to make the same trip again without rest. And on more than one occasion he has been compelled to refuse to go out upon the third call. He

also says that invariably he was forced to lay off for ten days in each month to "catch up" on sleep from overwork, and even then he always had more than a month's pay due him every pay day. And that many times the entire train crew have fallen asleep and passed stations where they had orders to sidetrack, simply because the men were worn out and could not keep awake any great length of time.

Thus it will be seen, that public safety demands legislation that will regulate the hours of railroad train service; and the general expression among trainmen is, that twelve hours is as long as any employé should be compelled to work, without rest, during the twenty-four, except in cases of accidents or unavoidable delays. And as many States are taking action on this important question, it would seem that the people and railroad employés in Colorado, should be protected against danger, by shortening the hours of train service, so that the men who have trains in charge, receive sleep and rest enough to prevent them from neglecting their duty to the public, and the company in whose service they are employed. No doubt there will be objections raised against making a law regulating the hours of train service, but, in the interest of common humanity, there is urgent need of such a law. The tendency of the times is to better the condition of all employés, and the passage of such a law would be hailed with joy by seven hundred thousand railroad men in the United States, and by millions of people who travel on the railroads.

Massachusetts has passed a nine hour law, that goes into effect January 1, 1891, which is as follows:

"SECTION 1. Nine hours shall constitute a day's work, for all laborers, workmen and mechanics, now employed, or who may be employed by, or on behalf of, the Commonwealth of Massachusetts, or any city or town therein; and all acts and parts of acts inconsistent with this act are hereby repealed."

The Detective System.

There are strong objections among the workingmen of Colorado to the presence of detectives whenever there are any differences between employer and employés. A great injustice has been done to employés in almost every instance where detectives have been employed, not only in Colorado, but in every other State. So obnoxious have the Pinkerton detectives become in New Jersey that the legislature of that State in June, 1890, passed the following law:

First—Be it enacted by the Senate and General Assembly of the State of New Jersey, that no sheriff of a county, mayor of a city, or other person authorized by law to appoint special deputy sheriffs, special constables, marshals, policemen or other peace officers in this State, to preserve the public peace and prevent or quell public disturbance, shall hereafter appoint as such special deputy, special constable, marshal, policeman or other peace officer, any person who shall not be a citizen of the State of New Jersey, and no person shall assume or exercise the functions, powers, duties and privileges incident and belonging to the office of special deputy sheriff, special constable, marshal or policeman or other peace officer, without first having received his appointment in writing from the lawfully constituted authorities of the State.

Second—And be it enacted, that any person or persons who shall in this State, without due authority, exercise, or attempt to exercise the functions of, or hold himself or themselves out to any one as a deputy sheriff, marshal, policeman, constable or police officer, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable, at the discretion of the court, to imprisonment at hard labor not to exceed one year, or a fine not to exceed five hundred dollars, or both; provided this act shall not apply in times of riot or unusual disturbance.

Third—And be it enacted, that this act shall take effect immediately.

Approved June 13, 1890.

The result of the passage of this law was that during a strike on the N. J. Central railroad, there were no wrecking of trains, shooting of innocent persons, or riots of any description, as was the case in the C. B. & Q. and New York Central strikes. Every railroad employés' magazine throughout the country, as well as the leading newspapers, are bitterly opposed to the system adopted by many corporations in employing Pinkerton detectives to "guard their property." In Colorado the Pinkerton Agency is the only one that has complied with the law, and, strange as it may appear, a railroad manager signed the Pinkerton petition for a license.

Alleged Pinkerton detectives were employed when the switchmen were locked out of the Union Pacific yards in Denver in September, 1890, under the guise of Deputy Sheriffs. It is not disputed that a majority of these alleged detectives were what is considered to be the "hardest cases" outside the Penitentiary walls. They were armed with the latest improved Winchester rifles and a belt full of cartridges, and were overbearing and insolent, not only to the locked-out switchmen, but to citizens whenever they came in contact with them. They did not hesitate to pick a quarrel with anyone, and several persons were pummeled, "just to keep their hand in," as they termed it. They were handled much as a company of soldiers are, having a "Deputy Sheriff" for their captain. Many of these Pinkerton men are known to have come from the slums of Chicago and Kansas City, and would rather have had a fight with the switchmen than not.

The presence of these hired assassins was one of the most disgraceful scenes that has occurred in many years in Colorado. There was no occasion for their presence,

for the switchmen were orderly, and intended to remain so. The railroad company had recourse, if they thought their property was in danger, by calling upon the mayor of Denver for police, the sheriff of Arapahoe county for a posse, or upon the Governor for the militia.

This detective business has become so intolerable that every workingman in Colorado demands a law that will prevent the presence of this class of individuals from operating in the State in the future.

A deep-seated prejudice is rapidly developing all over the Union against Pinkerton detectives, as a few extracts from leading newspapers show. We reprint a few in order to show the tenor of public sentiment in the different States.

From the *Evening Wisconsin*:

"In engaging a force of Pinkerton detectives the New York Central Railroad took upon itself the responsibility of applying armed force—a responsibility which belongs to the Governor of the State. * * Whatever the result of the shooting of strikers may be, the New York Central Railroad will not escape condemnation by the entire American public for calling into its service an armed force of Pinkerton detectives."

The New York *Standard* says:

"The whole conduct of the New York Central in this business has been in defiance of its public obligations, disingenuous, insolent and lawless, and the presence of these hired ruffians in this State, through its procurement, is the worst of its many offenses. It is time that a stop was put to this thing by a law that cannot be misunderstood, and which does not depend for interpretation on corporation judges."

From *Pomeroy's Advance Thought*:

"As a citizen of New York, we protest against the importation of several assassins and murderers organized as Pinkerton's detectives, for the purpose of doing armed police duty in the State of New York. Any man who, for pay, will join a gang to go into another

State than his own, to shoot and kill men at the command of any boss or underling of a corporation, is at heart a murderer. If the State of New York is not sufficiently powerful and intelligent to make and administer her own laws for the protection of her own State dignity and the lives and properties of all her citizens, then let her surrender her State Charter and come into the Union as an idiotic, weak-minded ward. The New York Central Railroad Company in ordering a force of Pinkerton's detectives here from the West, before or after there was a strike on its line, insults the entire population of the State, and shows disregard of its managers for human rights or public decency."

From the *Omaha Bee*:

"Since the strike on the New York Central begun the lines of that road have been patrolled by these mercenaries, the larger majority of whom are selected from the idle, ruffianly and reckless classes, and all of whom are armed with deadly weapons. They are instructed to use these weapons if they believe their lives to be in danger, and there are instances enough since the practice of employing these Hessians came into vogue to show how ready and willing they are to follow instructions upon the slightest pretext, or even without any pretext. Numerous murders, as cold-blooded as any ever committed, are recorded against Pinkerton detectives employed in the service of the corporations to overawe the people. The truth is, that the employment of these Pinkerton so-called detectives by the corporations means something more than the protection of property. Their service is more generally that of spies and informers than guardians, and in the former capacity their opportunities for wrong and outrage are greatly enlarged. It is time that public sentiment were aroused to demand legislation, National and State, for the suppression of this system. Its toleration encourages the growth of an evil which is pregnant with danger to the rights, liberties and welfare of the people, and the longer it is permitted to remain the more difficult it will be to remove it."

From *The Railroad Trainmen's Journal*:

"It is remarkably strange what abuses people will tolerate, and how long it takes to arouse them to deci-

sive action. The employment of Pinkerton men by corporations to assist them in intimidating citizens is as flagrant a violation of law as the history of the Republic records and is an example of insolent defiance of the legal authorities of the State that cannot be seen in any of the monarchies of the world. The employment of Pinkerton's mercenaries is, in reality, nothing less than calling out a small standing army, not to preserve order, but for the purpose of conquest.

The Pinkerton men who hold themselves ready to club and shoot in the furtherance of their employers' interests, have but one parallel in history. During the feudal age when men held their possessions by force of arms, when a proprietor's sword was his patent, when the barons held their vassals by deviding the plunder secured by bloody raids and derived their power wholly from men who knew no nation and no law but the voice of the robber chief—when this state of affairs existed Pinkertonism had a parallel."

From the *Denver News*:

"That private persons should be permitted to organize and control an army of men, equipped with the latest improved breech-loading guns, to be sent by hundreds, or thousands if necessary, to great cities for the ostensible purpose of protecting property, but in reality to over-awe striking workmen and to shoot them down upon the provocation such creatures always create, is an insult to every State government, and a menace to every free institution. * * * Those who command them bear no official relations to the government; the whole scheme is a private one—entered into by the Pinkertons, because the men and guns will more willingly serve the purpose of those who hire them. No such body of men could exist under any other civilized government in the world. No other government would, even by inaction, permit a private citizen to equip an army with the equipments of war within its borders, to be held in readiness to move with celerity, for private hire, from one section of the country to another, whether to over-awe bodies of its workingmen out on a strike, or for any other purpose. * * * Their existence in the United States is a confession that this Republic is unable, through its police, its sheriffs, its militia, its army and

its laws, to protect its citizens and preserve their property."

From the *Switchmen's Journal*:

"The situation upon the New York Central is but a repetition of that upon the C., B. & Q. Ry. during the strike of '88. In many respects the peculiar methods in causing wrecks and destruction of property are identical and bear the ear-marks of the same master hand. It is well understood by the labor organizations that the Pinkerton hirelings are used for a purpose other than that of protection of property. This is also known to many railway managers, but there seems to be no way opened as yet to meet this factor, which is dangerous alike to corporation and organization. When a strike occurs, the company sets about the hiring of men to take the places of the strikers, and it is an utter impossibility for it to guard against the employment of Pinkerton criminals who enter the service as employes for the express purpose of wrecking and destroying property, either clandestinely or through assumed ignorance and stupidity, thereby enabling the 'protective' branch of this infamous service to fatten at the expense of both corporation and former employes. At the very commencement of the strike upon the 'Q.,' Bowles, the Pinkerton employe who afterward hatched and executed the dynamite conspiracy, went to Aurora and entered into the service of the company as an engineer. It was undoubtedly the design of this scoundrel to wreck and destroy property, and to do it in such a manner that it would be taken for the work of the striking employes, and, too, he had the necessary 'talent' and experience to accomplish his purpose. However, accident changed his plans, and the Burlington road was saved the cost of his wrecks. After working thirteen days, Bowles met a brother whom he had not seen for some years, and who was one of the striking engineers. Here was an opportunity for him to get into the councils of the strikers—Providence, as it were—and this Pinkerton villain played his brother and Providence for all they were worth. He left the service of the company and joined the strikers, being taken into the brotherhood division at Aurora. It was he who conceived the dynamite plot, it was he who made the trips into the stump fields of

Indiana to make the purchases, and it was he who distributed it along the road. He carried the stuff to the striker's hall and to some of their houses, always under the espionage of detectives, in order to weave the net around Boureisen and others, and in the only attempt ever made to use it he was the principal in the act. These people are to-day in the employ of the New York Central. The company may not be a party to these plots and may not know that they are there, but there is no doubt in the minds of those who have closely watched the developments of the past few years."

The Pinkerton Detective Agency is the largest private agency in the world. They have 5,000 men, and have thoroughly equipped arsenals at Chicago and New York, stocked with the best and latest approved rifles, and munitions sufficient for half a dozen regiments. Their men are thoroughly drilled, and understand military tactics as well as a West Pointer. The Pinkertons have an estimated income of \$200,000 a year from their business. There are many other detective agencies throughout the country, but none so much detested as the Pinkertons.

With public sentiment against the Pinkertons, or any other detectives, the Eighth General Assembly of Colorado should pass a law that will prevent their presence in the State. Such a law would give satisfaction to every law-abiding citizen.

DECEIVING WORKINGMEN.

A pernicious practice is indulged in by some newspapers and real estate "boomers" in Colorado, in making statements to the public that men are in great demand, for this or that vocation. During the spring and summer of 1889, posters were issued by some enterprising (?) citizen of Pueblo, announcing that "1,000 carpenters were wanted at once in Pueblo, at good wages." These circulars were sent east, and, as a result, hundreds of carpenters rushed to Pueblo, only to find that the circulars were misleading, and only circulated for the purpose of selling real estate. Naturally, a great many more men were induced to follow the rush of carpenters, who also found that there were plenty of men for all the work there was to be had. Some of the men returned to the east, while others drifted to the mines, or went further west.

Here is another sample of what has been telegraphed east, taken from the *Philadelphia Telegraph*, in August, 1890:

"A telegraphic dispatch from Denver states that great difficulty is experienced in Colorado in obtaining a sufficient number of laborers to construct with sufficient rapidity new railway lines now being built, and to perform analogous services for companies which are broad-gauging their lines, or for irrigating or ditch-digging companies. It is said that the progressing railway work alone is sufficient to furnish employment to from 5,000 to 8,000 men at \$2 per day."

The following article was given publicity by a number of papers throughout the State, during August and September of 1890:

"There is work in this State to-day for every man who wants a job. There are large demands for men by

the railroad companies. There are also many other enterprises under way whose progress is being retarded by a lack of help. The trouble is that there are hundreds of men who do not want to work, and an evidence of the fact is that * * (one company) * * has sent 10,000 men to their grade this summer, and are still short of laborers."

At this time an item was going the rounds of the press to the effect that "tramps are overrunning most of the leading towns of western Colorado, and a howl of protest is coming up from their newspapers at the petty thefts and annoyance caused by this class of beings."

If 10,000 men were sent to the grade of one company, when not more than 1,000 to 1,500 men could possibly secure work, there can be but one solution to the question why 10,000 men were sent out, and that is that some one was making a "fee" off of the men sent out. The men are given work for a few days, and then, for some reason best known to the foreman, are discharged, and more men are wanted to take the places of the discharged men.

Then again, there are other reasons why men are wanted. A Lake City paper, in August, 1890, said that "men for the mines are in great demand and work is suspended at some of the mines while the operators are looking in vain for miners. There is work for several hundred men at good wages."

An investigation into the question at Lake City brought forth the following answer from one of the best known miners in that part of the State:

"The item is a wilful falsehood; of the old hands and old timers, a good many are idle at present. The idea is to flood the country with workingmen in order to get their labor for little or nothing. It may be that lots of work will be done this fall, but can't tell. If men should be needed, it is time enough to get them to come when wanted. I wish we were able to work

10,000 men instead of 100 men. There are about 100 men working for wages in Hinsdale county at present."

These newspaper items have gone to all parts of the country, and as a result thousands of men have come to Colorado believing that they would find plenty of work at good wages, only to find, alas, that there was a man here for every job, and in some trades several hundreds are out of employment. Too much care can not be taken on the part of the press in suppressing "boom" items, especially when these items will work an injury to a large class of workingmen who have no means of knowing the actual condition of affairs relative to labor in our State.

It is to be hoped that the labor organizations throughout the State will give all newspaper items, relative to importing men into the State, a careful investigation and act accordingly.

Newspapers in general desire to be fair with labor, and if their attention is called to "fake" advertisements they will usually correct the same.

Increase of Crime.

That crime is steadily increasing in Colorado can not be disputed. Either our laws are wrong, justice more lax, or our people are growing more hardened. Crime is also increasing in nearly every State in the Union. That there is a cause for this no one can deny; but just what the cause is, is one of the great problems of the day. Many maintain that it is alcoholism; others that there is not enough work for all; and idleness breeds crime. The learned men of America and Europe are searching for a remedy, that crime may be checked. The conclusions arrived at so far are that alcoholism is the direct cause of more crimes than all

other agencies combined. In England, among 910,000 poor people, 800,000 are drunkards.

There is in England,	one	tavern	for	145	inhabitants.
There is in France,	one	do	100	do	
There is in Holland,	one	do	88	do	
There is in Belgium,	one	do	44	do	

In Colorado it is estimated that there is one saloon for 300 inhabitants.

To maintain these saloons cost those who patronize them fully \$5,000,000 annually.

And what are the results?

Colorado jail reports for the year ending June 30, 1890, received at this department, shows the following figures:

Prisoners received, 43 counties reporting, 3,164.

Prisoners in jail, 43 counties reporting, 430.

Average cost *per capita* per month to county, \$30.

Eighteen counties reported 1,380 idle men. This does not include Arapahoe and Pueblo counties.

From the above figures it appears that the counties in Colorado are paying about \$100,000 a month to maintain their prisoners.

This does not include those received at the State Penitentiary, where more than 500 are confined. Including these prisoners, the total number in the county jails and State Penitentiary, June 30, 1890, was about 1,000. One person in 400 was in prison on that date.

In addition to the county jail statistics, there were (estimating cities not reporting on same basis as those reporting), more than 17,000 arrests made in the cities in Colorado, making 20,000, in round figures, for the cities and counties in the State. This indicates that for every twenty people one is placed in either the county or city jails of the State once during the year.

In 1887, 22 counties reporting, the number of prisoners was on an average 41 per county in the county jails. This average has increased from 40 to 74 per county, 43 counties reporting; or 287 per cent. increase in total number of persons placed in county jails in 1887 and 1890.

That crime is increasing at an alarming rate in Colorado needs no further proof.

Among other things developed in the returns is, that about 10 per cent. of the total arrests in the counties were for vagrancy. While in cities the records show about 22 per cent. of the total arrests made were for vagrancy, and 30 per cent. for drunkenness. Of these arrests 22 per cent. of them were for persons with no occupations, and 33 per cent. were laborers.

The question is asked, "Do they drink because they are in poverty, to stupify themselves, to forget their troubles, as some affirm? Or are they in poverty because they drink?"

Statistics show that alcoholism thrives best among workingmen. What is the cure for this? In all classes of society the opinion is, that in order to stamp out alcoholism, the workingmen must be given intellectual pleasures, shorten their hours of labor, pay sufficient wages, encourage economy and the taste to become property-owners, and, above all, reduce the number of saloons. Crime and poverty are in direct ratio to the multiplication of saloons. The labor organizations throughout the State, might, with profit, investigate this subject, and see if there is not a solution for the betterment of the condition of those, who, unfortunately, are helping to swell the number of those who annually go to jail charged with drunkenness, or, perhaps, with greater crimes, caused by drink. Should not the taxpayers of Colorado take an active interest in matters that compel them to pay out so much money to maintain our jails and poor houses?

Foreign Immigration.

The greatest danger to the prosperity of American labor is the stream of foreign immigration that is flowing steadily in upon us. More than half a million of people have landed on our shores annually for the past ten years, a majority of them penniless. With fifty millions of people ten years ago, we have increased during that time twelve millions, and almost one-half of this increase has been through immigration.

Congress has attempted to check immigration by passing a contract labor law, but it practically amounts to nothing, as there seems to be many ways of avoiding the law. The *New York Times*, in discussing the law, says:

"It is pretty clear that the scheme of a London agency for the promotion of emigration to this country is a device for evading the restriction of the Contract Labor law. The agency does not send emigrants over here under any specific contract for labor already agreed upon, but it keeps an agent on this side to find employment for those it sends over, and the emigrant is bound by written agreement to accept the first employment offered by such agent. The result is that the agent here is enabled to agree to furnish workmen for those wanting them, and the agency in London can supply them in fulfillment of the agreement. The effect is practically that which the law was intended to prevent, and there is the further objection that it is a direct promotion of immigration to this country, and we have reached the point where we do not desire promoted immigration or imported labor."

No doubt these agents grossly misrepresent the condition of affairs in this country that they may secure a "fee" from every emigrant that lands. Every emigrant that comes here expects to find employment, and

he usually succeeds, but in doing so some one must step aside.

Last April, Grand Master Workman Powderly was a witness before the Congressional Sub-committee on Immigration, and said that it was his opinion that foreign labor was on the increase in this country. These foreigners work in the mines and on the railroads at starvation wages and live like animals in wooden sheds. The general tendency of such immigration was to degrade labor and morals. Scarcely any of them speak English. Unsuccessful attempts have been made to organize them. "It is an ordinary occurrence," said Mr. Powderly, "for one woman to live with forty men. We are sending missionaries to Africa, and yet import heathen by thousands."

This question is receiving considerable attention through the columns of the press, and especially by labor papers. That American labor is greatly injured by immigration is a fact—no longer a supposition. What is the remedy? Legislation through Congress.

That organized labor is greatly interested in the checking of this ceaseless flow of humanity to this country, as may be seen by the following article from the *Railroad Trainmen's Journal*:

"The United States should welcome intelligent foreigners, who possess the natural qualities that make good citizenship. But the free importation of multitudes of men, whose life has been spent drudging for a pittance, and who expect to continue it, while they are perfectly willing to be kicked and cuffed around beside, is a positive menace to our welfare. These men are, as a rule, willing to work for a price that would starve an American. The lowest classes of them are already crowding the Pennsylvania miners out of employment. What is to prevent another class destroying the railroad occupations, in time?

"It is all very well to say that America is an asylum for the oppressed, and that to oppose foreign immigra-

tion is selfish. Perhaps it is. Selfishness is sometimes a good thing. There is no sense in dividing the prosperity of a country until nobody has living wages. Good wages means comfortable houses, wholesome food, a little leisure for mental improvement, and a higher civilization. A multitude of idle workmen means poverty for everybody."

The following table, compiled from official sources, classified as it is, may show more clearly the danger there is to organized labor if immigration continues many years more:

YEAR.	Skilled Labor.	Miscellaneous.	Professional.	No Occupation.	Total Immigrants.
1880	49,929	188,109	1,773	217,446	457,257
1881	66,457	244,492	2,812	355,670	669,431
1882	72,664	310,501	2,992	402,835	788,992
1883	62,505	216,049	2,450	322,318	603,322
1884	55,061	184,195	2,284	277,052	518,592
1885	39,817	141,702	2,097	211,730	395,346
1886	36,522	137,651	2,078	157,952	334,203
1887	52,403	210,751	2,882	224,073	490,109
1888	59,985	239,644	3,360	243,900	546,889
1889	42,220	177,770	2,222	222,213	444,427
Totals	537,563	2,050,864	24,950	2,635,189	5,248,568

During ten years, 1880 to 1890, there landed in this country an average for each year of 53,756 skilled mechanics! And 205,086 immigrants with miscellaneous occupations, and 263,518 people with no occupations, making an average of 524,856 human beings for each year for ten years, who landed in this country to fight the battle of life, crowding out, perhaps, thousands who were just beginning to see a brighter future.

Enough immigrants came to this country between 1880 and 1890 to populate thirteen States with about the same population as Colorado.

The trouble is that, with this tremendous influx of immigration, the United States is not developing fast enough to furnish a place for all these people. And, as a result, more than a million of people are out of employment in the United States.

Is it not possible that this immigration question may not be a partial solution for the increase in crime?

Many men, who, through lack of employment, caused by immigration, are giving way to drink, and, as a result, sooner or later find themselves in jail.

No doubt Congress could remedy this growing evil—one that menaces the places and wages of our American workingmen—if they have the courage to strike at the root of the evil. They should be urged to try and correct the present system, at least.

Employment Offices.

In the first bi-ennial report of this Bureau, Hon. C. J. Driscoll called attention to the abuses of the employment offices in Colorado, and urged that "one of two things the legislature can do for the protection of strangers and others seeking situations, is to either assume control of the intelligence offices and regulate them by stringent laws, or supplant them by the establishment of bureaus operated under State regulation."

As a result of Mr. Driscoll's investigations, the legislature of 1889 did pass the following law:

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. From and after the passage of this act, it shall be unlawful for any person or persons to keep open, or establish, in any city in this State, any intelligence or employment office for the purpose of procuring or obtaining, for money or other valuable consideration,

either directly or indirectly, any work, employment or occupation for persons seeking the same, or to otherwise engage in the business, or in any way to act as broker between employers and persons seeking work, without first having obtained a license so to do from the city wherein such intelligence or employment office is to be opened, or such business is to be carried on. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be subject to a fine not exceeding one hundred (\$100.00) dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court.

SEC. 2. Every city in this State shall, by ordinance, provide for the issuing of licenses, as contemplated by this act, and shall establish such rules and regulations as are not herein provided, for the carrying on of the business or occupation for which such licenses may be issued.

SEC. 3. Every person applying for a license under the provisions of this act, shall pay to the city treasurer an annual license fee, to be designated by ordinance, of not less than one hundred (\$100.00) dollars, and shall deposit with said city treasurer a bond in the sum of two thousand (\$2,000.00) dollars, with good and sufficient sureties, to be approved by the officers designated by ordinance. Such bond shall be made payable to the city, and shall be conditioned that the person or persons applying for the license will comply with all the city ordinances, and will pay all damage occasioned by any person by reason of any misstatement, or misrepresentation or fraud, or deceit of any person or persons, their agents or employes, in carrying on the business for which they are licensed. If at any time the sureties, or any of them, shall become irresponsible, the person or persons holding such license shall, upon notice from the city treasurer, give a new bond, to be approved in the manner provided by ordinance. Failure to give a new bond within three days after such notice shall operate as revocation of such license.

SEC. 4. If any person or persons, or his, her or their agent or employe, engaged in the business of an employment or intelligence agent or broker, duly licensed,

as provided by this act, shall give any false information, or shall make any misstatements, or make any false promises, concerning any work or employment or occupation, to any one obtaining his or her services, for procuring such work or employment or occupation, or shall charge a greater sum for his or her service than are provided for in the city ordinances, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be subject to a fine not exceeding two hundred (\$200.00) dollars, or imprisonment not exceeding sixty days, or both, at the discretion of the court.

SEC. 5. And the person or persons so injured by false representation, may sue for, and recover, upon the bond deposited with the city treasurer, provided in section four, the same as in other claims for damages in civil suits.

SEC. 6. Nothing herein shall be construed so as to require any religious or charitable association, which may assist in procuring situations or employment for persons seeking the same, to obtain a license so to do, under the provisions of this act.

SEC. 7. All acts, whether the same be general or special acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Approved April 17, 1889.

It was hoped that with the passage of this law, further trouble with employment offices would cease, but other avenues remained open and they were not slow in taking advantage of the situation. A number of employment offices in Denver have made a test case of the ordinance as passed by the city, and the case is now in the Supreme Court, which for the time being makes the law inoperative.

The Ladies' Relief Society of Denver has had endless number of complaints from laboring men who were the victims of employment offices and contractors. The following statement made by a member of the Ladies' Relief Society, after the above law was in operation nearly a year, co-incides with the reports made to this Bureau :

"This thing has grown to be a perfect outrage, and it is very discouraging to us. These men, first of all, came to us in destitute circumstances pleading for work, and we do all we can for them. Of course, we have many influential members who know the builders, and by recommending the men we can generally get them a job. But the trouble arises when the contractor refers the applicant for work to one of his foremen. The latter class we find are unscrupulous, and instead of employing the aspirant for work direct, sends him off to an employment bureau where a job cannot be secured except through payment of a \$2 fee.

"In most cases the men can raise that amount, and they are given work. In two or three days, however, they find to their sorrow that the foreman does not require them any longer, and they are discharged. Then the foreman and the employment agent, who divide the fee, start in with a new supply of men, thus making quite an income at the expense of honest laborers. Something should certainly be done in the matter."

The law, evidently, cannot reach these men who deliberately "hold-up" the workingmen for the sake of a \$2 fee, and it is apparent that the Eighth General Assembly will be obliged to amend the present law so that all employment offices in Colorado will come under the control of the State.

There are a number of persons engaged in operating employment offices that are perfectly honorable, but they are oftentimes imposed upon by laborers who grossly misrepresent their ability to do what they claim for themselves. The result is that they can not hold the situations secured for them, then they demand the fee back, and if refused, bring suit against the employment agent. These the contractors reported for duty, notwithstanding that transportation was furnished to all who accepted work. One contractor reports a loss of \$5,000 in railroad fares paid out for labor that never reported.

Several employment agents are greatly in favor of the State controlling employment offices. It is not expected that the State should have direct charge of these offices, only that reports shall be made to the State by those duly authorized to engage in this business.

A change in the present law and mode of conducting employment offices is demanded by a large class of people throughout the State, and probably the best thing for unemployed labor, as well as for those employing labor, will be the enactment of a law that will place the employment agencies under the control of the State. It will, however, be largely an experiment so far as the State is concerned, but may prove the best solution of the present difficulties.

The Chinese of Colorado.

The investigation of the Chinese question in Colorado has developed some decidedly complicated social features, through the peculiar business relations between landlords and the patrons of the Chinese. It is extremely doubtful if one-half of the darkest side of the Chinese question will ever be published, for it is so thoroughly disgusting and bad, and might implicate not a few would-be leaders in society, that the social world of Colorado would be dumfounded. There are those in every community where the Chinese are to be found who persist in upholding them and their customs.

From the investigations made, we have no hesitancy in saying that the Chinese are, directly and indirectly, the cause of more suffering and crime than any other class of people in our State. There is not one good reason why they should be in this State, so far as the State or society is benefited. They are the leeches that are

gradually sucking the financial life blood from the arteries of commerce and polluting and destroying society. Strange scenes are witnessed daily in the large cities of Colorado, but more especially in Denver, where more than one-half of the Chinese population of the State may be found.

White women and white men, and even young girls and boys, are found in the Chinese opium dens. And, oftentimes, women who claim to be very respectable go in closed carriages to these dens late at night and indulge in smoking opium. How much misery is caused to many households in Denver will probably never be known, but one only has to read the daily papers and watch the police reports to get some idea of the rapid growth of crime, and it can be largely accounted for through the hundreds of Chinese opium dens, in which the poison is being disseminated throughout the city. Probably no class of people in the world can so skillfully hide their devilry as do the Chinese. It is a matter of comment from the Atlantic to the Pacific, among the newspapers and officers of the law, and often baffles the keenest of detectives to ferret out a crime among these people. What, then, must be the result where they go unrestrained, as they do in Colorado? Will not crime increase, and will not more of our boys and girls be ensnared into their dens, to say nothing of those who have become discouraged and seek relief in smoking opium? Will the great State of Colorado permit these Chinamen to continue breeding crime and spreading disease?

A Chinese doctor makes the astounding statement that "the Chinese who come to this country are from the very lowest classes in China; that they are all more or less diseased; and that but a few of the females are lawfully married."

That Colorado cities, and especially Denver, is fast reaching that point on the question, "what to do with

the Chinese," cannot much longer be doubted. New York City is having a strange experience with the Chinese, and the wise heads of California and Oregon and other Western States are racking their brains how to dispose of them. In Denver, in the district known as "Chinatown," the Chinese employ, and pay for, the services of a policeman, who is licensed by the city, and no one can molest the Chinese or their victims. The Chinaman's customs and habits are the same, be he in San Francisco, New York or Denver. And there can be no doubt that if the officers were to make a raid on the dens in Denver, the results would be similar to a raid made in New York city on the twentieth of October, 1890. We make an extract, in order that the citizens of Colorado may faintly realize what the Chinese question is leading to in this State:

NEW YORK, Oct. 21.—A concerted raid was made by the police on opium dens last night. The officers were posted at the front and rear and at the ends of the street, and Chinatown was at once in a ferment. The first place attacked was 6 Doyer street. The white women who live with the Chinamen, and whose antics have caused complaints from the poor, respectable tenants of the neighborhood, were frightened by the appearance of the detectives, and ran out into the streets like rats from a house on fire, and in attempting to get away from the police in the houses they ran into the police at the intersections of the streets and were arrested. Chinatown has seen many raids, but none like this. The women were all young, the most of them only half-dressed, and some evidently had retired for the night. The Chinamen scampered out of the rooms unheeded by the detectives, but the women were anxious to hide. They crawled under the bunks and slammed closet doors in policemen's faces. They were shoved out and while some ran into the street others attempted to escape by way of the rope. Some of the girls wept, and some laughed and seemed to think it a good joke. The most of them were half-stupid with opium. The girls who ran into the street at first did not stop to dress, but the Chinamen brought out wraps to them, with which they

covered their half-naked bodies. Several women were caught on the roof as they were trying to pass over to the adjoining roofs.

The next house, west of No. 6, was also full of girls. They had been warned, however, by the fate of the others, and, instead of running into the street, they locked and barred the doors, and put out the lights, and all attempts to force the doors were unavailing. The police had no warrants, anyway, and the girls refused to open upon the orders of the police. A watch was kept upon the front and rear entrances to the houses, and the police passed on to No. 10. The girls found here were driven out into the street. During the chase, several girls were seen running to the roof, but were not seen afterward, so it was concluded they had escaped over the roofs.

Nos. 13, 17 and 18, all notorious houses, were ransacked, and many evidences of feminine occupancy were found, but only a few girls were caught. They all swore they lived there alone, but Chinamen's clothes, Chinese ornaments on the walls, Chinese opium pots, pipes and lamps, all disproved it.

At the corner of Doyer and Pell streets, a dozen girls were found in a private room, in a saloon on the ground floor. They had locked the door, but opened it after repeated orders from the police. Some escaped, however, through the rear entrance, and were found later in rooms in other houses. In a two-room apartment, upstairs, a girl was found all alone, crouching under the bed. She was only half dressed. The room was very prettily furnished, with lots of Chinese bric-a-brack, and some nice china dishes were on the table. The girl insisted that she lived alone, and was let go, with a warning.

On the opposite corner, a lot more of the girls were found. The streets now were filled with excited Chinamen, who gathered in groups and jabbered.

Fifty-seven women, all white, with the exception of two negroes and one of Chinese-American parentage, were escorted by twenty policemen. Their intimate relations with the Chinese seemed not only to cause them

to lose all their own self-respect, but also to take on in part the nature of the Celestials. The two colored girls tried to laugh in a shamed-faced sort of way. The horde was marched in before the bar, some were laughing and a very few were crying, the most looked defiant. They brought with them out of the pen the distinct odor of opium. One-third of the entire lot wore hats, while four-fifths showed the effects of opium smoking. About two-thirds were sent to jail, they ate opium pills while waiting for the van.

The Chinese are a nation of gamblers, at least those who live in Colorado are. They have their gambling dens in the larger cities where they have secured a foothold, and gambling is indulged in daily. The gambling dens and opium joints are usually separated, but in the same buildings. They are shrewd enough not to let many white people learn their games, but keep their money among themselves. They also have lotteries, and drawings occur daily in some localities and among certain factions. How much money changes hands on the gambling tables and in the lotteries it is impossible to find out. It is estimated by a number of Chinamen that fully three hundred Chinese are gamblers in the City of Denver alone.

But there are other reasons why the Chinese are a menace to our State. They are slowly but surely driving all the white people out of the laundry business. In all the towns and villages in Colorado, with a few exceptions, they have a foothold. The amount of money the Chinese laundrymen earn monthly in Colorado is quite a large sum, and will probably surprise those kind-hearted people who are raising money for the missionaries to christianize the "heathen Chinese." It is, seemingly, impossible to get the correct number of Chinamen in Colorado, and we believe they purposely underestimate the number in the State. But the information obtained leads us to believe that there are fully fifteen hundred Chinese in Colorado. There are fully

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eight hundred in Denver, and probably more. One Chinaman admitted that there were one thousand in Denver, and we believe this statement to be much nearer the correct number.

The amount of money earned by the Chinese laundrymen in Colorado, 1,000 being engaged in the laundry business who earn \$40 per month, would be \$480,000 a year.

Total amount paid in rents, including all other Chinese, such as gardeners, merchants, gamblers, etc., \$75,000.

The revenues from the remaining Chinese will increase their total receipts to \$600,000 annually. Of this amount \$15,000 is the average sum sent to China monthly to relatives, or \$180,000 annually.

They buy everything that they wear and eat that can be purchased in China, and spend but little money in this country. They also pay \$6 each per year to some of the Chinese companies in San Francisco. It is also claimed that they are under the control of the Emperor of China and are compelled to send all of their surplus earnings back to the Flowery Kingdom. If other States make such a showing as does Colorado the Emperor has a handsome revenue from his American-Chinese subjects. Some of the Chinese deny that they send money to the government of China, and there is probably no way of getting at the truth. But all admit that they send money to their friends and relations in China.

On January 18, 1890, Mr. T. J. Duncan, a well-known Californian, visited Denver, and he gave the *News* the following, relative to the Chinese in San Francisco:

"They come to this country as slaves," said Mr. Duncan, as his eyes flashed. "Their passage is paid by four wealthy Chinese companies at San Francisco who deal in this human traffic and mark each Chinaman's back with a piece of chalk when they arrive. They are

then assigned to dens. These dens are 10x20. Fifty are in a den, presided over by a boss Chinaman. They work for fifty cents a day. They work day and night. While twenty-five are at work on overalls or cigars or whatever their detail is, the other twenty-five sleep in the same room on shelves.

"Their diet consists mainly of rice. Their wearing apparel, especially shoes, is all imported from China, consequently they do not make citizens who spend their money for home industries. They live cheap, and drive white labor to the walls of starvation. They are compelled to work out the cost of their passage and expenses to the Chinese companies. These companies or syndicates have hired highbinders, regularly paid assassins, who kill all Chinamen who prove treacherous or seek to escape. Many murders are committed that never come to light. It is known that they have their own court in San Francisco, and ignore our laws. They smuggle Chinese women slaves here. The Chinaman who buys them virtually rents their virtue and bargains in immoral traffic. A net-work of underground passages defy the police.

"I do not know whether you know it or not, but Denver is now being boomed among the Chinese as a good place to emigrate to. The people seem to sympathize with them here. It is because they do not know the leprosy-ridden, wage-killing heathen. Senator Mitchell is fighting them in the senate. Unless something is done Denver will soon have thousands of Chinamen in its midst that will drive white labor to the wall. This, together with health-seeking applicants for clerical labor, will make wages in this city below living prices."

And the *News* added:

"Mr. Duncan's prominence adds weight to his remarks. The recent Chinese scandal illustrates that the Mongolians are getting a foothold in Denver. They have two colonies now, steadily increasing in population. It will soon be in order for a revival of the old war cry, 'The Chinese must go.'"

For the purpose of showing to what extent the Chinese are interfering with those who are earning a livelihood at washing, we cite several cases. It is ap-

parent that they intend ultimately to control the laundry business in the larger cities in Colorado. One of their plans for driving out white competition is to locate as near as possible to the poor white woman who is trying to earn enough to support herself and family, and then cut the price of washing down so that she must live as they do or go into some other business.

Should the Chinaman find that he is not succeeding quite as fast as he desires in bringing the woman to begging, through his cut in prices, he will get another Chinaman to come into the neighborhood and the war is continued night and day, and it is only a question of a very short time when the poor woman is compelled to look for some other occupation.

We have had several such cases brought to our attention, but know of no way to correct the evil, except for all Trades' Organizations to combine against them and bring all the combinations of organized labor to bear against the Chinese.

No less than 1,200 more white persons would find employment at washing in the city of Denver were there no Chinamen here. One Chinaman does as much as any two men or women because he will work day and night and also Sunday. They take no rest except to gamble or smoke opium.

The following personal statements explain the situation of the laundry business and the Chinese:

Proprietor of a White Laundry—"I have forty men and women working for me. Have had Chinamen and paid them \$2 per day; they do more work than white workmen. But I think they ought not to be allowed to do business in this country, as they are no benefit to the country. When I want a Chinaman I must hire them from the Chinese company, but I pay them individually. The Chinese do the cheaper class of the laundry business, but they have driven many a poor woman out of business who could have earned a comfortable living at home doing ordinary washing."

Another Employer—"We employ fifty odd men and women. The Chinese hurt the family trade, although we do mostly family work. One Chinaman will do more work than two men or women, and live on little or nothing. Think there are fully 600 Chinese in the city of Denver engaged in the laundry business, and they displace 1,200 white men and women. They are of no especial benefit to the State as they will spend none of their money here except for such things as they must have and cannot get from the bosses in San Francisco and China. Think that all laundry business should be licensed and then the city should refuse to grant the Chinese laundrymen licenses."

"I try to make a living by washing. Have done work for some of the first families in Denver, and they claim that my work is equal to that done by the Chinamen. But I can't get enough work to do to earn \$1.00 a day, and some days can not make more than twenty-five cents. The Chinamen get the work and I have hard work to make enough money to buy my provisions."

"Have five children to support. Two girls are large enough to help a little. Do not make more than \$4 a week doing washing. At the prices I get I could make \$10 a week if I could get the work to do. But the Chinese manage somehow to secure about all the washing there is to do, and many a poor woman is compelled to live on a mere pittance."

In the city of Denver there are, as near as can be ascertained, one hundred and fifty Chinamen in the laundry business, who employ an average of three men each. The Chinese employers admit that they earn \$1,000 annually. The monthly wages paid average \$40 per man. The following, therefore, is the amount of money paid out annually to the Chinese laundrymen in Denver:

150 Chinese bosses at \$1,000	\$150,000
450 employes at \$40 per month.	180,000
Total paid to Chinese	\$330,000

The following table is furnished by a Chinaman, relative to the number of Chinese in Denver and their oc-

cupations. But careful inquiry develops the fact that the figures are much too low relative to the population and also as to the number engaged in laundry work, and we believe that the figures given above are approximately correct:

Number Chinese in Denver	599
Number Chinese laundrymen	300
Number Chinese farmers	20
Number Chinese doctors	10
Number Chinese merchants	50
Number Chinese cooks, porters and waiters	50
Number Chinese barbers	10
Number Chinese women	17
Number Chinese gamblers	142

There seems to be no law that will regulate the Chinese question, but this Bureau recommends that the labor organizations throughout the State devote their attention to the question, and take such steps that will eventually compel the Chinese to leave Colorado. Unless steps are taken to prevent the Chinese from coming into the State, Colorado will soon have thousands where only hundreds are now to be seen. It is, or should be, a question in which every good citizen ought to be interested. The Chinese are not and never will be citizens, therefore they are undesirable from every standpoint.

Laws Regulating Labor.

The following laws relating to labor were enacted by the Seventh General Assembly of the State of Colorado, in 1889:

CONSPIRACY—LAW RELATING TO.

(H. B. 176.)

AN ACT

TO MODIFY THE LAW RELATING TO CONSPIRACY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. It shall not be unlawful for any two or more persons to unite or combine, or agree in any manner, to advise or encourage, by peaceable means, any person or persons to enter into any combination in relation to entering into or remaining in the employment of any person, persons or corporation, or in relation to the amount of wages or compensation to be paid for labor, or for the purpose of regulating the hours of labor, or for the procuring of fair and just treatment from employers, or for the purpose of aiding and protecting their welfare and interests in any other manner not in violation of the Constitution of this State or the laws made in pursuance thereof; *Provided*, That this act shall not be so construed as to permit two or more persons, by threats of either bodily or financial injury, or by any display of force, to prevent or intimidate any other person from continuing in such employment as he may see fit, or to boycott or intimidate any employer of labor.

Approved April 19, 1889.

EMPLOYMENT OFFICES.

(S. B. 286.)

AN ACT

TO REGULATE AND LICENSE THE BUSINESS OF INTELLIGENCE OR EMPLOYMENT OFFICES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. From and after the passage of this act, it shall be unlawful for any person or persons to keep open or establish, in any city in this State, any intelligence or employment office for the purpose of procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work, employment or occupation for persons seeking the same, or to otherwise engage in the business, or in any way to act as broker between employers and persons seeking work, without first having obtained a license so to do from the city wherein such intelligence or employment office is to be opened, or such business is to be carried on. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be subject to a fine not exceeding one hundred (\$100.00) dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court.

SEC. 2. Every city in this State, shall, by ordinance, provide for the issuing of licenses, as contemplated by this act, and shall establish such rules and regulations as are not herein provided, for the carrying on of the business or occupation for which such licenses may be issued.

SEC. 3. Every person applying for a license under the provisions of this act, shall pay to the city treasurer an annual license fee, to be designated by ordinance, of not less than one hundred (\$100.00) dollars, and shall deposit with said city treasurer a bond in the sum of two thousand (\$2,000) dollars, with good and sufficient sureties, to be approved by the officers designated by ordinance. Such bond shall be made payable to the

city, and shall be conditioned that the person or persons applying for the license will comply with all the city ordinances, and will pay all damage occasioned to any person by reason of any misstatement, or misrepresentation, or fraud, or deceit of any person or persons, their agents or employes, in carrying on the business for which they are licensed. If at any time the sureties, or any of them shall become irresponsible, the person or persons holding such license shall, upon notice from the city treasurer, give a new bond, to be approved in the manner provided by ordinance. Failure to give a new bond within three days after such notice shall operate as revocation of such license.

SEC. 4. If any person or persons, or his, her or their agent or employe, engaged in the business of an employment or intelligence agent or broker, duly licensed as provided by this act, shall give any false information, or shall make any misstatements, or make any false promises concerning any work or employment or occupation, to any one obtaining his or her services for procuring such work or employment or occupation, or shall charge a greater sum for his or her service than are provided for in the city ordinances, shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a fine not exceeding two hundred (\$200.00) dollars, or imprisonment not exceeding sixty days, or both, at the discretion of the court.

SEC. 5. And the person or persons so injured by false representation, may sue for and recover upon the bond deposited with the city treasurer, provided in section four, the same as in other claims for damages in civil suits.

SEC. 6. Nothing herein shall be construed so as to require any religious or charitable association, which may assist in procuring situations or employment for persons seeking the same, to obtain a license so to do under the provisions of this act.

SEC. 7. All acts, whether the same be general or special acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Approved April 17, 1889.

EXEMPTION OF WAGES.

(H. B. 3.)

AN ACT

TO AMEND SECTION ONE (1) OF AN ACT ENTITLED "AN ACT TO EXEMPT CERTAIN WAGES AND EARNINGS OF DEBTORS FROM LEVY AND ATTACHMENT FOR DEBT," APPROVED MARCH 28, 1885.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section one (1) of an act entitled "An act to exempt certain wages and earnings of debtors from levy and attachment for debt," approved March 28, 1885, be amended so as to read as follows, to wit: SEC. 1. There shall be exempt from levy under execution or attachment or garnishment fifty per cent. of the wages or earnings of any debtor earned during the thirty days next preceding such levy under execution, attachment or garnishment of the same; *Provided*, That in no case shall the amount so exempted be less than thirty dollars; *Provided, further*, Such debtor shall at the time of such levy under execution, attachment or garnishment be the head of a family or the wife of the head of a family, and such family is dependent in whole or in part upon such wages or earnings for support; *Provided, further*, That no debts incurred prior to March 28, 1885, shall be affected thereby.

Approved March 19, 1889.

LIENS—MECHANICS AND OTHERS.

The following is the Mechanics' Lien Law of this State, as amended by the Legislature of 1889. The amendments were approved April 18, 1889, and went into effect July 17, 1889.

AN ACT

TO SECURE LIENS TO MECHANICS AND OTHERS, AND TO REPEAL ALL OTHER ACTS IN RELATION THERETO.

Be it enacted by the General Assembly of the State of Colorado:

2131. SECTION 1. Whosoever shall do any work or furnish any material by contract, expressed or implied, with the owner of any land, his agent or trustee, for the construction, enlargement, alteration or repair of any building or other structure upon such land, or in making any other improvements, or in doing any other work upon such land, as stated in the following sections, shall have a lien upon such land, building, structure or other improvement for the amount and value of the work so done or material so furnished, to the extent of the interest or claim of such owner thereto at the time of the commencement to do such work or to furnish such material; said lien shall likewise attach to another or greater interest in any of such property acquired by such owner at any time subsequent to such commencement to do work or to furnish materials, and before the establishment of said lien by process of law. For the purpose of this act the term "work" shall be deemed to include labor of every kind, whether skilled or unskilled, and for said purposes, except when otherwise indicated, any person having an assignable, transferable or conveyable interest or claim in or to any land, building, structure or other property mentioned in this act, shall be deemed an owner. Any person rendering personal services for wages or otherwise, or by use of machinery, teams or otherwise, shall be deemed a contractor or sub-contractor of either degree, as the case may be, as well as any person doing work by the job or piece.

2132. SEC. 2. Whoever shall do work or furnish materials by contract, expressed or implied, with the principal contractor mentioned in the preceding section, to any amount, for any of the purposes mentioned in the preceding section, shall be deemed a sub-contractor in the first degree, and shall have a lien upon any and all such property in like manner as said contractor.

2133. SEC. 3. Whoever shall do work or furnish materials by contract, expressed or implied, with a sub-contractor in the first degree, to any amount for any of the purposes mentioned in section one of this act, shall be deemed a sub-contractor in the second degree, and shall have a lien upon any or all such property in like manner as said principal contractor.

2134. SEC. 4. The provisions of the three preceding sections shall be limited in their application to the kinds of property indicated in the following sections of this act, and any party claiming a lien, to secure the benefits of this act, must comply with the provisions thereof.

2135. SEC. 5. The provisions of this act shall apply to all persons who shall do work or furnish materials for the construction, enlargement, alteration or repair of any building or other structure upon any building lot or lots in any city or incorporated town, or for any other improvement of such lot or lots as such, and to all persons who shall do work or furnish materials, as aforesaid, for the construction, enlargement, alteration or repair of any building upon land not within such city or town.

2136. SEC. 6. The provisions of this act shall apply to all persons who shall do work or furnish materials for the construction, extension, enlargement, alteration or repair of any railroad, tramway, wagon road, toll road, canal, bridge, wharf, water ditch, flume, aqueduct or reservoir.

2137. SEC. 7. The provisions of this act shall apply to all persons who shall do work or furnish materials for the working, preservation or development of any mine, lode, mining claim or deposit yielding metals or minerals of any kind, or for the working, preservation or development of any such mine, lode or deposit in search of such metals or minerals; and to all persons

who shall do work or furnish materials upon any shaft, tunnel, incline, adit, drift or other excavation designed or used for the purpose of draining or working any such mine, lode or deposit, said lien shall attach in every case to such mine, lode and deposit, and to such shaft, tunnel, incline, adit, drift or other excavation, though such shaft, tunnel, incline, adit, drift or other excavation be not within the limits of such mine, lode or deposit; *Provided*, That when two or more such mines, lodes or deposits, owned or claimed by the same person or persons, shall be worked through a common shaft, tunnel, incline, adit, drift or other excavation, then all the mines, lodes or deposits so worked shall, for the purpose of this act, be deemed one mine. When any mine is worked by a lessee or lessees, or by any person holding the same under an option to purchase such mine or mining claim from the owner thereof, such lien shall attach the same as in other cases, unless the owner of such mining property shall cause to be filed for record in the recorder's office of the county wherein such mine is situated, and before the commencement of work under the lease or option, a notice that the said mine or mining property is being worked under lease or agreement to purchase; *Provided, however*, That it shall be competent, upon the trial for the enforcement of any such lien, for the owner to show that the person working in such leased mine, or upon leased mining property, had actual notice that said mine or mining property was being so worked; *Provided, further*, A like notice to contain the name or names of the lessees or persons holding option, the name of the mine and the time the lease or option has to run, shall be signed and sworn to by the lessee of the property, and it shall be the duty of the lessee or option holder of any mine to keep such notice posted in a conspicuous place at the mine; any lessee or option holder failing to conform to this section shall be fined in a sum not less than fifty nor more than one hundred dollars, to be recovered in any court of competent jurisdiction.

2138. SEC. 8. The provisions of this act shall apply to surveyors, civil and mining engineers doing any work of surveying or platting of any mines, mining claims, lodes, or mineral deposits, and they shall have like lien and claim as other persons under the provisions of this act.

2139. SEC. 9. Said lien shall likewise attach to rights of water and rights of way that may in any manner pertain to any kind of property hereinbefore specified and to which such lien attaches. In case of corporations said lien shall attach to all the franchise and charter privileges that may in any manner pertain to said specified property.

2140. SEC. 10. Any person wishing to avail himself of the provisions of this act, shall file for record, in the office of the county recorder of the county wherein the property to be affected by the lien is situated, a statement containing:

First—The name or names of the owner or owners of such property, or, in case the owner or owners be not known to him, a statement to that effect.

Second—The name of the person claiming the lien; the name of the person who furnished the material or performed the labor for which the lien is claimed, and the name of the contractor, when the lien is claimed by a sub-contractor, or by the assignee of a sub-contractor, or, in case the name of the contractor is not known to him, a statement to that effect.

Third—A description of the property to be charged with the lien, sufficient to identify the same.

Fourth—A statement showing the total amount of the indebtedness, the credits thereon, if any, and the balance due such claimant. Such statement shall be signed and sworn to by the party claiming such lien, or by some person by him authorized, to the best knowledge and belief of the affiant. In case two or more persons claim an interest in the same lien, it shall be sufficient for one of such persons, or some other person in their behalf, to verify such statement, and the signature of any such affiant to any such verification shall be a sufficient signing of the statement. In order to preserve a lien for work performed or materials furnished by a sub-contractor, there must be served upon the owner of the property, his agent or trustee, at or before the time of filing with the county clerk and recorder the statement above provided for, a copy of such statement. If neither the owner nor any agent of the owner can be found in the county where the property is situated, an

affidavit to that effect shall be filed with the aforesaid statement.

2141. SEC. 11. In case of the principal contractor or any assignee thereof, said statement shall be filed within sixty days after the time when the last work shall have been done, or the last materials shall have been furnished by such contractor. In case of a sub-contractor of either degree, or of any assignee thereof, said statement shall be filed within forty days after the time when the last work shall have been done, or the last materials shall have been furnished by such sub-contractor.

2142. SEC. 12. A failure or omission to file the statement referred to in section ten hereof by the contractor or sub-contractor, in either degree, within the periods prescribed by section eleven, shall not defeat the lien, except against purchasers or incumbrances in good faith, without notice, whose rights accrued after the forty (40) or sixty (60) days allowed the contractors or sub-contractors, respectively, and before any claim for lien was filed; and in the case of a sub-contractor, except also against any owner who shall have fully paid the contractor, after the time for filing such sub-contractor's lien statement has expired.

2143. SEC. 13. It shall be the duty of county clerks and recorders to file all statements and affidavits hereinbefore provided for, when the same are presented for filing, in a book to be called Mechanics' Liens Record. From the date of the filing of any such statement all persons shall be deemed to have notice thereof, except that the owner or owners of the property shall not be charged with notice of the lien statement of a sub-contractor or his assignee unless a copy thereof was served upon such owner or his agent, or an affidavit is recorded to the effect that neither such owner or his agent can be found in the county where the property to be charged with the lien is situated.

2144. SEC. 14. Such statements by contractors or sub-contractors, in either degree, shall be addressed to the owner, or when the name of the owner is not known they shall be addressed thus: "To all whom it may concern." Any informality in any such statement that shall not tend to mislead shall not affect the validity

thereof. No incorrect estimate in any such statement of the amount due or to become due, or of any probable value, shall affect the validity of any such statement, unless such incorrect estimate be made in bad faith.

2145. SEC. 15. In case such lien is claimed by a sub-contractor, or assignee of a sub-contractor, it shall attach and extend to the full amount due the contractor as provided by the original contract, and by any subsequent contracts relating to the same structure or improvement; and any payments made by the owner to the contractor, either before or after making such contract, or during the erection of such building or the making of such improvements, and during the time provided to sub-contractors in which to file their liens, shall be at the risk of the owner, and no such payment shall be set-off against the claim of any sub-contractor, or assignee of a sub-contractor, who shall file his statement for lien and serve a copy thereof, as herein provided.

2146. SEC. 16. Any such claim of any sub-contractor that shall be established under this act by the judgment or decree of court shall, to the full amount thereof, be a valid set-off in favor of such owner and against the contractor, but in no event shall claims of subcontractors, adjudged to be due as aforesaid, and costs of adjudication, be a lien upon the property to any greater extent than the contract price for the building or other improvement, or total indebtedness of the owner to the contractor for the whole work.

2147. SEC. 17. In case the act of doing such work or furnishing such materials shall be continuous, said lien shall attach as in other cases, even though such work shall have been done, or materials shall have been furnished, under two or more contracts between the same parties.

2148. SEC. 18. In the case of lands occupied by any such building, structure, building lot or lots, railroad, tramway, wagon road, toll road, canal, bridge, wharf, water ditch, flume, aqueduct or reservoir, mine, mining claim, lode or deposit, shaft, tunnel, incline, adit, drift or other excavation, so much of said lands as may be necessary for the convenient use and occupation of any such building, structure or any other improvement or thing hereinbefore enumerated in this act, shall

be subject to the liens hereinbefore provided for. In case of a mine, mining claim or lode, except as otherwise provided, said lien shall attach to the whole thereof or to so much thereof as said owner shall have an interest. In case any such building shall occupy two or more lots or other subdivision of land, such several lots or other subdivisions of land shall be deemed one lot for the purpose of this act, and the same rule shall hold in cases of any other such improvements that shall be practically indivisible. Said lien shall attach to all machinery and other fixtures used in connection with any such lands, buildings or structures. When the lien is for work done or material furnish for an entire structure, erection or improvement, such lien shall attach to the building, erection or improvement for or upon which such work was done or materials furnished, in preference to any prior lien or incumbrance, or mortgage upon the land upon which the same is erected or put, and any person enforcing such lien may have such building, erection or improvement sold under execution, and the purchaser at such sale may remove the same within thirty days after such sale.

2149. SEC. 19. All such liens shall relate back to the time of the commencement to do work or to furnish materials, and shall have priority over any and every lien or encumbrance subsequently intervening, or which may have been created prior thereto, but which was not then recorded, and of which the lienor under this act had no notice. Nothing herein contained shall be construed as impairing any valid encumbrance upon any such land duly made and recorded, before such work was commenced, or the first of such materials were furnished. No attachment, garnishment or levy under execution upon any money due a contractor from the owner of any such property, subject to any such lien, shall be valid as against such lien of a subcontractor, and no such attachment, garnishment or levy upon any money due a subcontractor of the first degree from the contractor, shall be valid as against any such lien of a subcontractor in the second degree.

2150. SEC. 20. In every case in which the different liens are claimed against any property, the rank of each lien or class of liens, as between the contractor and sub-

contractors, shall be declared in the decree or judgment in the following order named :

First—Subcontractors below the first degree, who were laborers or mechanics working by the piece or day.

Second—All other subcontractors below the first degree.

Third—Subcontractors in the first degree.

Fourth—The original contractors.

2151. SEC. 21. No lien claimed by virtue of this act shall hold the property longer than six months after filing the statement firstly described in section ten, unless an action be commenced within that time to enforce the same.

2152. SEC. 22. Any number of persons claiming liens and not contesting the claims of each other, may join as plaintiffs in the same action, and when separate actions are commenced the court may consolidate them upon motion of any party or parties in interest, or upon its own motion. Upon such procedure for consolidation, one case shall be selected with which the other cases shall be incorporated, and all the parties to such other cases shall be made parties defendant in said case so selected. All persons having claims for liens, the statements of which shall have been filed as aforesaid, shall be made parties to the action. Those claiming liens or [who] fail or refuse to become parties plaintiff, or for any reason shall not have been made such parties, shall be made parties defendant. Any party claiming a lien not made a party to such action, may, at any time before the trial of the action or before the final hearing of the case by the court, be allowed to intervene by motion, upon cause shown, and may be made a party defendant on the order of the court. The court shall fix the time for such intervenor to plead or otherwise proceed. The pleadings or other proceedings of such intervenor thus made a party shall be the same as though he had been an original party. Any such defendant, by way of answer, shall set forth by cross-complaint his claim and lien. Likewise such defendant may set forth in said answer defensive matter to any claim or lien. Any such defendant may, by his answer,

set up that there are other persons who claim liens upon the property described, naming them, and asking that they be summoned to appear and maintain the same. Thereupon an amended summons shall be issued in like form as the original, but so modified as to make parties defendant of the persons so named in the answer in addition to the other defendants. Said last named summons shall be served upon such new defendants as in other cases. The owner of the property to which such lien shall have attached, shall be made party to the action.

2153. SEC. 23. It shall be sufficient to allege in the complaint in relation to any party claiming a lien, whom it is desired to make a defendant, that such a party claims a lien under this act upon the property described.

2154. SEC. 24. In the case of the intervention of parties, or of the making of new parties, or of the consolidation of actions so that the issues are in any manner changed or increased, any party to the action shall be allowed to amend his pleadings or file new pleadings, as the nature of the case may require.

2155. SEC. 25. The court may proceed to hear and determine said liens and claims, or may refer the same to a referee to ascertain and report upon said liens and claims, and the amounts justly due thereon. Judgments shall be rendered according to the rights of the parties. The various rights of all the lien claimants, and other parties in any such action, shall be determined and incorporated in one judgment or decree. Each party who shall establish his claim under this act shall have a judgment against the party personally liable to him for the full amount of his claim so established, and shall have a lien established and determined in said decree upon the property to which his lien shall have attached to the extent hereinbefore stated.

2156. SEC. 26. The court shall cause said property to be sold in satisfaction of said lien and costs of suit, as in the case of foreclosure of mortgages, and any party in whose favor a judgment for a lien may have been rendered may cause the property to be sold within the time and in the manner provided for sales on executions issued out of any court of record, and the owners and creditors shall have a right of redemption as is provided in the case of sales on execution. And if the proceeds

of such sale, after the payment of costs, shall not be sufficient to satisfy the whole amount of such liens included in the decree of sale, then such proceeds shall be apportioned according to the rights of the several parties. In case the proceeds of sale amount to more than the sum of said liens and all costs, then the remainder shall be paid over to the owner of said property, and each party whose claim is not satisfied in the manner hereinbefore provided, shall have execution for the balance unsatisfied against the party personally liable, as aforesaid, to said party so obtaining executions. In the first instance without a previous sale of said property to which such liens shall have attached, an execution may issue in behalf of any such lien claimed for the full amount of his claim against the party personally liable. A transcript of the docket of said judgment and decree may be filed with the recorder of the county where such property is situated; said judgment and decree shall become a lien upon the real property of each party so personally liable in favor of any such lien claimant holding any such judgment against any such party so personally liable.

2157. SEC. 27. The court shall divide the costs between the parties liable therefor according to the justice of the case, but in no case shall any costs be taxed against the owner of any property against which a lien is filed, except to the extent of the amount due the original contractor, as provided by section sixteen of this act. The costs of filing and recording said statement shall be taxed as a part of the costs in any action brought to enforce a lien under the provisions of this act.

2158. SEC. 28. Any party claiming a lien may assign in writing his claim or lien to any other claimant, or other person, who shall thereupon have all the rights and remedies of the assignor; the purpose of the enforcement of any such lien by action under this act shall be a sufficient consideration as to all other parties for the purpose of such action. Such assignment may be made before or after the filing of the statement mentioned in said section ten. Any such claimant, whether an assignee or otherwise, may include all of said liens he may possess in any such statement, and when more than one such claim shall be included in one such statement,

one verification thereto shall be sufficient. Any person may file a separate statement of two or more claims of the same class. If, on trial of a cause under the provisions of this act, the proceedings will not support a lien, the plaintiff or plaintiffs may proceed to judgment as in an action on contract, and execution may issue as in such cases provided, and said judgment shall have all the rights of a judgment in a personal action.

2159. SEC. 29. No payment made by any such owner to any such contractor for the purpose of avoiding any anticipated lien of any subcontractor, shall be valid; and if any person shall file either of said statements for a lien for a larger sum than is due, or to become due, in fact, or in probability, as the case may be, with intent to cheat or defraud any other person, and that fact shall appear in any proceeding under this act, such person shall forfeit all rights to such lien under this act.

2160. SEC. 30. The claimant of any such lien or liens, the statement or statements of which have been filed as aforesaid, on the payment of the amount thereof, together with the costs of filing and recording such lien or liens and the acknowledgment of satisfaction, shall, at the request of any person interested in the property charged therewith, enter or cause to be entered an acknowledgment of satisfaction of the same of record, and if he shall neglect or refuse to do so within ten days' time after request of person so interested, he shall forfeit and pay to said person the sum of ten dollars for every day of such neglect or refusal, to be recovered in the same manner as other debts. A valid tender of such payment, refused by such claimant, shall be equivalent to a payment, for the purpose of this section. Any such statement may be canceled of record in the same manner as mortgages.

2161. SEC. 31. No remedy given in this act shall be construed as preventing any person from enforcing any other remedy which he otherwise would have had, except as otherwise herein provided. The practice under this act shall be in accordance with the code of civil procedure of the State of Colorado. In case of two or more owners, contractors or subcontractors interested in

the same contract, the rule of procedure shall be the same as in the case of one such.

2162. SEC. 32. All other acts or parts of acts in conflict with this act are hereby repealed; *Provided*, That the repeal of said acts and parts of acts, or any of them, shall not be construed to affect any right, either as to remedy or otherwise, nor to abate any suit, action or proceeding instituted or pending under the laws hereby repealed.

