

# CANNOT PINNISH EMPLOYER FOR ANTI-UNIONISM

## He Can Require an Employee to Quit a Union, Says Supreme Court.

### KANSAS LABOR LAW UPSET BY DECISION

WASHINGTON, Jan. 25.—A decision affecting the status of labor organizations, which is regarded by many lawyers as second in importance only to that in the Danbury haters' case, was announced by the United States Supreme Court today.

The opinion holds that statutes in many States—in particular the State of Kansas—which make it a misdemeanor for an employer to require an employee to sign an agreement not to join a labor union during the term of his employment, are unconstitutional because repugnant to the Fourteenth Amendment to the Federal Constitution, as depriving a person of his liberty without due process of law.

The court reached this conclusion after a divided vote. The opinion of the court was read by Justice Pitney. Justice Day and Justice Hughes concurred in one dissenting opinion and Justice Holmes read another.

The case was that of T. B. Coppage, plaintiff in error, vs. the State of Kansas, and was appealed from the Kansas Supreme Court, which held the statute to be valid. The majority opinion of the Supreme Court holds that the statute is void, because an employer under the law would be deprived of his liberty without due process of law.

In the present case the employee, a man of full age and understanding, was merely required freely to choose whether he would give up his position of employment or would agree to refrain from association with a union if employed.

### Free From Coercion.

The court held that the case was free from any element of coercion or undue influence and that the employer, in selecting his employees, had merely exercised the privilege of selecting the fittest of the employees for the service by inquiring into his associations, which he had a right to do in the exercise of liberty of contract.

The majority opinion of the court followed a previous decision handed down by Justice Harlan in another labor case where it held that the constitutional right of an employer to dispense with the services of an employee because of his membership in a labor union, for the same reason as that of the State of Kansas, such statutes have been held to be unconstitutional.

In the majority opinion the Supreme Court carefully disclaimed any decision that a State has no constitutional right to prevent employers from coercing employees or vice versa.

As in the Danbury haters' case, the court simply holds that the law was made for all classes alike, rich and poor, employer and employee, and that a conspiracy in restraint of trade, under the Sherman law was no less a conspiracy if practiced by the employer and his employees.

In this case it holds that an employer does not violate the law by refusing to employ a union member, but that an employer who seeks employment with him to agree not to join a union, any more than an employee violates the law when he quits his employer because of the latter's refusal to run an open shop or insist that his workmen shall not join the union.

### The Kansas Statute.

The Kansas statute made the alleged offense a misdemeanor, with fine and imprisonment as the penalty. The word "coercion" was used, but the court holds that an act may be "coercion" simply because a body of legislators chooses to designate it as such in a written statute.

Whether the act denounced by coercion is to be determined by the circumstances of the case, the court holds that the act cannot declare things to be criminal which are in truth essentially normal, constituting nothing more than an innocent exercise of personal liberty.

The court holds that under the Fourteenth Amendment a State may not strike down personal liberty or property rights or restrict them in any way except as far as may be incidentally necessary for the accomplishment of some paramount object in promoting the public welfare.

The mere restriction of liberty or property rights cannot be practised by a legislature under the guise of promoting the public welfare and claimed as the legitimate exercise of the police power, and thus escape the constitutional amendment. The court entered upon a discussion of labor unions and holds that there is nothing in its constitution inconsistent with the recognition of the right of individuals to join the unions. It expressly disclaims any intention to question the legitimacy of these organizations so long as they conform to the law of the land, as others are required to do.

There cannot be one rule of liberty for the labor organization or its members and a different and more restrictive rule for the employers, says the majority of the court. "Freedom of contract in the very nature of a thing can be enjoyed only by being exercised."

### HEBREW CHARITIES TO GROW.

To-day will be devoted to increasing membership. Today has been designated as United Hebrew Charities day by that organization in an effort to increase its membership. Each member has been asked to secure another member in order to help the society meet the increased demands now being made upon it. This effort, on the fortieth anniversary of the society, takes the place of the usual anniversary banquet.

The society reports that in December 214 families applied for aid who had never before been known to the organization. This number is an increase of 117 per cent. over 1912.

Leisner Aids the Camino. HALIFAX, N. S., Jan. 25.—The Government cruiser Canada and the Dominion Coal Company's steamer Coban left port this evening to assist in the task of saving the Belgian relief ship Camino, which was drifting helplessly off this port, but is now anchored off the mouth of the harbor.

# MRS. BRECK'S BODY FOUND IN POND NEAR HER HOME

## Park Employees Locate Long Missing Wife After World Search Fails.

### DEATH CALLED SUICIDE

ORANGE, N. J., Jan. 25.—The body of Mrs. Walter W. Breck, who disappeared from her home, 292 Park avenue, this city, on December 4 last, was found this afternoon floating in the shallow pond, which in summer time is a wading pool for Orange children who play in Orange Park. The discovery was made by Richard Christian, caretaker, and an assistant, Michael Lazalla, and the wedding ring was found by means of a diving ring given by Breck to his wife.

Although a little more than half a mile from the Breck residence, and the only body of water in the city, the pool concealed the fate of the missing woman, although it was dragged by park police, while thousands of searchers carefully examined every inch of ground and the lakes in the mountains near Orange. An international search for Mrs. Breck also was prosecuted by the Burns Detective Agency and the police in cities of the United States and Europe.

The lake in which Mrs. Breck's body was found is about 100 feet in length and immediately adjoins the playground near the southern extremity of the park. The body was discovered at a point about twenty-five feet from the south shore, and was found by a crowd of people walking separating it from the playground.

Christian and his assistant noticed what they took to be a man's coat in the lake. They succeeded in reaching it with boat hooks, and when they had succeeded in freeing it from the thin coating of ice found it was a woman's body.

After the body had been taken to the morgue of Gustave Kunz, the wedding ring made identification an easy matter. The initials, W. W. B. to H. C. M., with



Mrs. Helen M. Breck.

the date of the marriage, October 11, 1911, were easily discerned. The woman's face was also in an excellent condition. Police Chief John Drabell sent word to William Christian in New York, and he broke the news to his friend and associate, Mr. Breck, in the office of the American Telephone and Telegraph Company, 15 Bay Street, where both are employed. Both came at once to Orange.

No signs of violence marked the body and the police accepted the theory that in a fit of melancholia Mrs. Breck, after bidding her husband good-by by the morning of her disappearance at the Lackawanna depot in Cone street, walked to the lake and threw herself into the water. A reward of \$250 for the recovery of her body will be paid to the finders.

Dr. M. Herbert Simmons, deputy county physician, pronounced Mrs. Breck a suicide. Mr. and Mrs. Breck had no children.

# GRISCOM SAYS BRYAN FAVORS THE GERMANS

## Senator Stone Is Told Secretary's Acts Are All Against Allies.

Clement A. Griscom, head of the Griscom-Spencer Company and son of the late head of the International Mercantile Marine, has sent a letter to Senator William J. Stone, recipient of Secretary Bryan's letter of explanation of the Administration's neutrality, in which Mr. Griscom says that Secretary Bryan out of his own mouth stands convicted of having favored Germany in almost every action that has been taken.

Mr. Griscom writes: "The clever work of the German publicity campaign could not be better illustrated than by Mr. Bryan's letter defending the attitude of the Administration from charges that it had favored the Allies to the detriment of Germany and Austria, for the latter conclusively proves that probably owing to the error of German sentiment in this country almost every action that has been taken by the Administration has been in favor of Germany and against the Allies."

Mr. Griscom specifies Mr. Bryan's statement that the President will prevent sales of ammunition to any of the nations engaged in the war and says that as Germany is the only nation which has been permitted to purchase munitions from the United States "such arbitrary and illegal interference" would be distinctly partisan and against the Allies and against the Government's protest against the presence of war vessels outside New York harbor and Honolulu is distinctly unfriendly, as only the Allies are able to place war vessels there.

He says that Mr. Bryan's exerted such influence upon Mr. Schwab that the latter was forced to cancel a contract for building submarines for Great Britain. As it would be impossible for Germany to get delivery of her submarines, says Mr. Griscom, Mr. Bryan's action is distinctly partisan and tended to nullify the advantage which England's years of sacrifice have given her. Mr. Griscom continues, "By point by point Mr. Bryan's letter can be analyzed and wherever we find that he has taken action we find that that action was against the interests of the Allies and consequently in favor of Germany."

"A neutrality, no matter how passive and impartial it may seem to be, which has the active effect of always favoring the efforts of Germany by inhibiting the activities of the Allies in matters where Germany cannot be active is in effect no true neutrality and the vast majority of the people in this country, that is to say, Americans as distinguished from Germans or German Americans, are gradually realizing this and there are many signs of growing impatience with the influence which the German publicity work is having in Washington.

"The Administration of these United States has been the cat's paw of German manipulation long enough. It is time that the people of this country realize the intensity of anti-American feeling which has been aroused in Canada. In the last four or five months, bitter animosity is almost everywhere being kindled against us by the Canadian press, and the Canadian people are being cowardly for permitting Germany to violate the Belgian neutrality, which was reaffirmed at The Hague when the United States was clearly in the convention. Canadian accusations of sordidness and commercialism, he says.

### TO NUMBER JOBLESS ARMY.

U. S. to Investigate Amount of Employment, Too. WASHINGTON, Jan. 25.—The Bureau of Labor Statistics, it was announced today, is going to "gather information from all available sources as to the approximate number of unemployed in Greater New York."

The Department of Labor has been collecting information in New York on the subject for some time, but it is not and will not take a regular "census" of the unemployed, Secretary Wilson said tonight that the Department has instructed the Bureau of Labor Statistics to gather information from all available sources as to the approximate number of unemployed in Greater New York.

### COLLEGE NOT A HOTHOUSE.

"Yale News" Says It Doesn't "Prance" Rich Students. NEW HAVEN, Conn., Jan. 25.—The Yale News, discussing Henry Ford's reported comment that "most manufacturing plants controlled by absentee manufacturing plants usually honeycombed with rich men's sons who have been spoiled with money and college," says:

"Ford is right—in some cases. Surely the American college is not a hothouse in which the rich man's son is carefully pruned of his good qualities, self-reliance, ambition, energy, and nurtured into a full-blown—to mix a metaphor—jackass. A more specific indictment of the wealthy college graduate would be tremendously helpful and enlightening."

# BIG CARGO OF FLOUR TO BE SENT TO BELGIUM

## Ship Will Carry 70,780 Barrels, Given by Millers of This Country.

The South Point, one of the ships chartered by the Commission for Relief in Belgium, arrived yesterday in Philadelphia to take on a cargo of 70,780 barrels of flour, which have been given to the Belgians by the millers of the United States. The value of the cargo is \$500,000.

The ship will go from Philadelphia to Rotterdam, whence the flour will be distributed through Belgium. The distribution will be directed by William C. Edgar, editor of the *Northeastern Miller*, who represents the Millers' Belgium Relief Movement. The largest contribution to this cargo came from Minnesota, which gave 28,248 barrels.

The women's section of the Commission for Relief in Belgium yesterday received by wire from Pasadena, Cal., \$1,000 to be used for the purchase of condensed milk, making the contributions from California for condensed milk within the last ten days \$5,200.

The Committee of Mercy reported yesterday the gift of \$1,877, which makes the total receipts to date \$107,588. The Belgian Relief Fund received \$1,358 yesterday, bringing its total up to \$871,116.

The Secours National Fund for the women and children of France added \$54 to its fund yesterday, making in all \$54,954.

The Fabre Line announced yesterday that the dawn and evening cabaret and dance will take place on board the ship the *Patria* on Saturday, February 6, the proceeds of which will be given to the committee for the relief of the Belgians. The line has established and is caring for 82 St. Bernards, France. The *Patria* is at her dock at the foot of Thirty-third street, Brooklyn, and may be reached by way of the Thirty-ninth street boats from South Ferry.

Landon W. Bates, vice-chairman of the Commission for Relief in Belgium, announced yesterday that the commission had engaged H. C. Davis, formerly of the Lehigh Valley Railroad, as general traffic manager for the United States headquarters of the commission, to handle the growing freight traffic of the commission.

The British American War Relief Fund announced yesterday the receipt of \$399.50.

### DEFENDS LONG ISLAND OUTLAY.

## Ralph Peters Answers Criticisms of Evans R. Dick.

Ralph Peters, president of the Long Island Railroad, answered last night the criticisms of Evans R. Dick that the Pennsylvania Railroad had profited at the expense of the Long Island in its control of the latter line. "I am proud to say that the \$50,000,000 outlay on the Long Island was necessary to rehabilitate the road, eliminate grade crossings and electrify, after the Pennsylvania took it in 1901, and that much of it had been obligatory by State or city legislation or Public Service Commission order. It had been accomplished largely through the cooperation of Pennsylvania and by the use of the Pennsylvania's credit, which assisted from the other stockholders.

### MRS. BRYAN, POLITICIAN, LOSES.

Wilson Names Vollmer's Man for Job Instead of Her Choice. WASHINGTON, Jan. 25.—Representative Vollmer of Iowa was returned a victor in a patronage fight with Mrs. Bryan, wife of the Secretary of State, today when President Wilson nominated Max Mayer to be Postmaster at Iowa City, Ia. Mrs. Bryan wrote recently a highly complimentary endorsement for Stephen Swisher, an old friend who aspires to the place. In her letter she said that Mr. Vollmer was overfriendly to the liquor interests and that as Iowa City was a university town it should be a bad thing for the students to be in his control for the post office. However, the president of the university, several professors and other officials indorsed the Vollmer candidate, who was named.

### HAEFFNERS PLEAD GUILTY.

George P. Haefner and his wife, Jeanette, against whom there were two indictments for abandoning their two children, Richard and James, pleaded guilty before Judge Honzik in General Sessions yesterday and were remanded for a week to allow probation officers to make a report concerning them. Henry M. Hirsch was assigned to defend the pair, and after a short talk with them advised the plea of guilty.

# HIS TRAIL (S'S) SHOWS GETS NO SALARY

## SAYS JOHN D., JR.

### Continued from First Page

year in and year out. My personal opinion is that a man ought to have one day a week off, if not every week, then so often as conditions make it possible, and while he could not influence I should try to bring that about. Even if a man could work seven days a week he ought not to."

"I believe fully in democracy and in freedom, where that freedom does not infringe upon the rights of others."

### Is Going to Colorado.

As for the conditions which are said to obtain in the mining camps of Colorado, Mr. Rockefeller told the commission that he had no personal knowledge of the conditions there, but that he would take personal charge of the matter and would see to it that they were remedied. He said that he had been planning since the strike to go to Colorado and make a personal inspection and would be there now but for the fact that he had been held here by the sessions of the commission.

Mr. Rockefeller said he was a director in only three corporations, the Manhattan Railway Company, the Merchants Fire Association and the Colorado Fuel and Iron Company. He attended the meetings of the directors of the Colorado company, which were formerly held in this city, he said, but has not attended meetings since they have been held in Denver. The Western directors communicate information to the directors here and matters of minor financial importance, as well as other matters, are left largely for these Western directors to administer.

He then described the personal staff of his father as composed of Starr J. Murphy, E. J. Condon, and his brother, Mr. J. D. Rockefeller, Jr. He said that he had recently taken the place of Jerome D. Green. These men have representative stock in the Colorado Fuel and Iron Company and are directors. As members of the executive committee, Mr. Murphy and Mr. Lee receive a salary. John D. Rockefeller, Jr., does not.

On January 1, 1914, when he became a member of your father's personal staff and a director," said Chairman Walsh, "did Mr. Lee receive a salary for any position with the Colorado Fuel and Iron Company?"

"We felt that the public was not getting the facts in regard to the situation in Colorado," replied Mr. Rockefeller. "We in common with other large corporations, had been criticized for our policy of not taking the general public into our confidence. A general feeling has been expressed that the public is entitled to know about what is going on, whether it be a public or private matter, and we came to the conclusion that we should adopt a policy of publicity."

"There was a situation developed in Colorado we felt it our duty to get the facts before the public. After looking about for a suitable person I learned of Mr. Lee and asked him to take the place of Mr. Murphy."

"Did you give him any instructions?" "I engaged Mr. Lee to attend to the publication of the facts about the strike situation. How he did it was a matter for him to decide. He was free to do what he considered proper. He suggested the issuance of bulletins."

"How much did you pay him?" "It was decided by my father's personal staff that the three operators representing the owners of the mines should defray the expenses of publication and that my father should pay Mr. Lee, leaving it to the three operators to decide whether or not they would be satisfied with the results."

"Can you tell us how much your father paid Mr. Murphy?" "Yes, if you think it proper to say in such a public manner."

"We paid him \$1,000 a month."

### Father's Personal Account.

Mr. Rockefeller then went on to say that this salary was charged to his father's personal account and that he supposed it was listed as office expenses of the Rockefeller family. He said that the name of the clerk who had charge of the particular book in which this expense would appear, but promised to bring the book for the commission.

In reply to the question as to why he did not go to Colorado to see the conditions of the Colorado company Mr. Rockefeller said that while it might be true that the actual value of the property had increased \$19,000,000 since 1880, that increase had not been reflected in the stockholders' hands because they had not received the dividends. The potential value of the property does not increase the dividends, he said.

At the opening of the afternoon session Mr. Rockefeller said: "I find that my father's total cash investment in the stocks and bonds of the Colorado Fuel and Iron Company has been to date \$24,818,000 and that this investment at the present market value of the stocks and bonds is worth \$19,200,718. In other words, my father would be \$4,609,629 poorer if he sold his investment in the savings bank, so far as they securities are concerned."

"What is the extent of your father's holdings?" "I believe it is 40 per cent. in stocks and bonds."

"Does that give you absolute control?" "Not stock control. It is not absolute control. Absolute control would be 75 per cent. What the potential control may be you may judge. I presume if the stockholders and directors were convinced of the wisdom of the policy, the fact that we favored it would not make it more difficult to get it adopted."

# ROCKEFELLER STATEMENT REVEALS STRIKE METHODS

## Oil Financier's Son Asserts Stockholders' Responsibility Is Practically Limited to Election of Directors—Steps Toward Colorado Cooperation.

John D. Rockefeller, Jr., read into the record of the United States Commission on Industrial Relations at its hearing at City Hall yesterday a defense of his position in the Colorado coal strike. The statement in part follows:

The commission has asked my views as to what extent the stockholders and directors of a corporation are responsible for the labor conditions which exist in it and for the social conditions which are produced; how generally and in what manner such responsibility are assumed by stockholders and directors; and in actual practice how, and upon what general basis, the labor policies of large corporations are determined.

The responsibility of stockholders is practically limited to the election of directors. They have no power to elect officers, to employ labor, to make contracts or to interfere directly with the management of the business. A large stockholder, however, is able to exercise considerable moral influence over the directors and officers and is responsible for creating that influence properly.

The directors are responsible for the general conduct of the business. These responsibilities are in general divided in such a way that the directors attend principally to the financial affairs of the corporation, leaving the actual conduct of operations to the officers.

Labor conditions, so far as they are within the control of a corporation, are matters for which the officers of the corporation are primarily responsible, and with which they, by reason of their experience and their first hand acquaintance with the facts, are best qualified to deal.

Labor policies are initiated and determined by the officers, whose efficiency is largely measured by the harmony and good will which they are able to maintain between the company and its employees. It is not customary to submit labor policies to a board of directors for action. Conference regarding them is often had with the directors or executive committee at the instance of the officers and suggestions are made to the latter by both these bodies. A business to be successful must not only provide for labor proper working conditions, but it must also render a useful service to the community and earn a fair return on the money invested.

The adoption of any policy toward labor, however favorable it may seem, which results in the bankruptcy of the corporation and the discontinuance of its work leaves the community worse off than it was before. The services of the enterprise, and to the stockholders whose capital is impaired.

### His Stand on Unions.

Any one who has followed the controversy which has arisen out of the Colorado situation will have observed that no effort has been spared to make it appear that I have attempted to exercise a kind of absolutism over the coal industry in Colorado and particularly that I have sought to dictate a policy of non-recognizing labor unions. An attitude toward industry and toward labor such as is here implied is abhorrent to me personally and contrary to the spirit of my whole purpose and training.

What are the facts? First, with reference to my attitude toward labor unions: I believe it to be just as proper and advantageous for labor to associate itself into organized groups for the advancement of its legitimate interests as for capital to combine for the same object. Such associations of labor manifest themselves in negotiating collective bargaining, in an effort to secure better working and living conditions, in providing machinery whereby grievances may be raised and without prejudice to the individual be taken up with the management. Sometimes they seek to increase wages, but whatever their specific purposes, their object is to promote the well-being of the employees, having always due regard for the just interests of the employer and the public.

It is my hope and belief that from this will develop some permanent machinery which will insure to the employees of the company, through representatives of their own selection, quick and easy access to the officers with reference to any grievances, real or assumed, of which reference to wages or other conditions of employment.

Capital can defer its returns temporarily in the expectation of future profits, but labor cannot. If, therefore, fair wages and reasonable living conditions cannot otherwise be provided, dividends must be deferred until the industry has been allowed. I believe that a corporation should be deemed to consist of its stockholders, directors, officers and employees; that the mutual interests of all are one, and that neither labor nor capital can permanently prosper unless the just rights of both are conserved.

### Representation of Employees.

Thus it will be seen that the company has already taken steps to initiate a plan of representation of its employees. It is my hope and belief that from this will develop some permanent machinery which will insure to the employees of the company, through representatives of their own selection, quick and easy access to the officers with reference to any grievances, real or assumed, of which reference to wages or other conditions of employment.

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capital, however rightly managed or broadly benefited, are thereby brought under suspicion. Likewise it sometimes happens that combinations of labor are conducted without just regard for the rights of the employer or the public.

### \$92,000,000 Paid in Wages.

Since we first acquired an interest in the Colorado Fuel and Iron Company in 1902 the company has paid out in wages to its employees over \$92,000,000. During the same period we have received dividends amounting to \$371,000 on our investment in the company's capital stock. Therefore our stock interest in the Colorado Fuel and Iron Company has yielded a return of about two-thirds of 1 per cent. per annum on an actual cash investment of about \$6,000,000. It should be stated that we hold, in addition to the stocks above mentioned, a block of bonds, but that our entire investment in the stocks and bonds of the Colorado Fuel and Iron Company has yielded during a period of twelve years not more than 3 1/2 per cent. per annum. Yet during that time, instead of exploiting the industry, as has been frequently stated, we have supported a policy of development by devoting surplus earnings to improvements, thereby increasing employment, and generally extending the business, rather than by paying dividends.

As to the strike itself, its many depressing features have given me the deepest concern. I frankly confess that I felt there was something fundamentally wrong in a condition of affairs which endangered the health and happiness of human beings, engendered hatred and bitterness and brought suffering and privation upon thousands of human beings. Without seeking to apportion blame I determined that in so far as lay within my power I would seek means of avoiding the possibility of similar conditions arising elsewhere or in the same industry in the future. It was in this way that I came to recommend to my colleagues in the Rockefeller Foundation the instituting of a series of studies into the fundamental problems arising out of industrial relations, which resulted in securing the services of Macdonald King, former Minister of Labor of Canada, to direct the studies.

The strike was called off December 10, 1914. On December 16 Mr. David Griffith, formerly state coal mine inspector of Colorado, was appointed an intermediary between the company and its employees respecting matters of mutual interest.

On January 5 a notice was posted at all the company's mines inviting the employees at each of the mines to assemble in mass meeting to select by ballot one representative to every 250 employees in such camp to represent the men at a joint meeting of themselves and the executive officers of the company in Denver for the purpose of discussing matters of mutual concern and of considering means for more effective cooperation in maintaining fair and friendly relations.

In the published notice of these meetings it was stipulated that in order that the men might feel the greatest freedom in making their selection they should choose their own chairman and neither superintendents nor pit bosses should attend.

I have received from the president of the company a telegram informing me that a joint conference was held in Denver on the 19th inst., that the meeting developed most satisfactory to all concerned and that its spirit had convinced the management that it would lead to more active cooperation between the company and its employees in the future.

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A day or so ago I had occasion to take a small dog of the cockerspaniel variety, to my little niece who lives on St. Nicholas Avenue.

Not feeling quite able in these rather stringent times to afford the luxury of a taxi-cab, I was at a loss as to the best means of getting the little beast to its mistress. Then it occurred to me that perhaps on the bus, which I find so altogether a delightful means of transportation, and which runs by her house, that I might be able to take the little dog.

On approaching one of their conductors on the subject I found that the Fifth Avenue Coach Company is glad to have its patrons carry small dogs, provided they hold them on their laps.

Sam'l Buxtry

the opportunities given me I am able to contribute toward promoting the well-being of my fellow men through the lessening of injustice and the alleviation of human suffering. I shall feel that it has been possible to realize the highest purpose of my life.

