



This Paper not to be taken from the Library.

LABOR AND THE LAW

Joint Committee Meeting to Consider the Assembly Bill.

EMPLOYMENT AGENTS TO BE REGULATED.

Senator Morehouse Questions the Representatives of All Concerned.

INJUSTICES TO BOTH SIDES INQUIRED INTO.

Statements That Show "The Call" to Be the Champion of the Working People.

SACRAMENTO, CAL., Jan. 18.—The Committee on Labor of the Senate and the Assembly held a session last night after midnight in hearing the arguments for and against Assembly bill 150, regulating employment agents.

Section 1 of the act provides that the employment office fee must be immediately returned to the applicant upon his failure to secure employment or upon his being proved to be incompetent, unfitted or unsuited for said employment.

It shall be unlawful for any employment agent to insert an advertisement in any newspaper, or in any other manner advertise for help of any kind, unless the said advertising is done in pursuance of actual bona fide orders for help which shall have been received by the said agent.

A communication was read, signed by 8000 laboring men and 2300 laboring women, asking the Legislature to pass the bill.

A protest was read from Los Angeles, setting forth that a free employment bureau would be a benefit to the people, and stating that a free employment bureau in Los Angeles had proved to be a failure.

Mr. Morgenstern and George A. Wentworth appeared on behalf of the protesters and Labor Commissioner Fitzgerald and his assistant (Mr. Dan), and Mr. Arthur appeared for the bill.

The chairman of the committee decided that the negative proposition or the opponents of the bill should open the discussion. Mr. Morgenstern began by arguing that middlemen were necessary in business where there was a demand on one side and a supply on the other.

Senator Morehouse asked Mr. Morgenstern his grounds for declaring the first section unconstitutional, and Mr. Morgenstern replied that in a case where a man engaged a lawyer and paid him \$200 to win a case for him there could be no law to compel the lawyer to refund to the client the fee.

What would you say of a man going to an employment agent and representing himself to be competent for a certain position, while, at the same time he was lying to the agent. Then when that man goes to work he is found to be totally incompetent and is discharged on the second day, do you think that the agent should not be paid for his trouble, when it was no fault of his that the applicant was found to be incompetent?

Assemblyman Mahoney of the committee asked whether the agent could not send a man to an employer on trial for two or three days, and Mr. Morgenstern replied that that could be done, but that supposing that the agent should have to send five men one after another to the same place in vain the agent would have done five times the amount of work for nothing.

The speaker added that there was not a reputable employment agent in the State opposed to section five which prohibited fake advertising. They would do all in their power to have that section made a law, because it would protect all reputable agents in their business.

property returned to applicants who have failed to obtain employment; and every employment agent, upon the first day of each month furnish to the Commissioner of the Department of Labor a written statement from said book or set of books plainly setting forth said facts upon a blank form to be furnished by the Commissioner.

"This act would allow the Labor Commissioner to walk into any employment office and post up a notice asking for 500 men for certain work which they could have by applying to him," added the speaker.

The speaker called attention to the power and influence that would be wielded by the Labor Commissioner if employment agents were driven out of business by the law.

Senator Morehouse said that the bill had been framed for the purpose of doing away with a serious evil like that which happened a short time ago, when 500 men, in answer to an advertisement, went to Fresno, and that they had been duped.

The speaker called attention to a bill prepared by employment agents and already read in the Assembly requiring of all agents a penal bond in the sum of \$5000.

Mr. McArthur followed for the Labor Commissioner and the workmen and repudiated the idea that there was any organization behind the bill except the organized workmen of the State.

The speaker read from the Revised Statutes of the United States the law prohibiting any one except a shipping commissioner from receiving or demanding a fee from a seaman for obtaining employment for him.

The Federal Government has a right to legislate against the seamen making a contract, why should not the State have a right to legislate on behalf of the workmen, he asked.

There is only one clause in the bill, continued Mr. McArthur, "that the employment agents object to and that is the 5 per cent clause, but 5 per cent is a pretty good fee. It is a matter of notoriety that employment agents as a class are swindlers, that they trace upon the necessities of the poor; in many instances they take money and don't give any return for it, and when they do give a return in most instances it is inadequate.

Mr. McArthur closed by saying that the problem of the day was to put men and women to work.

R. M. Fitzgerald, brother of the Labor Commissioner, followed on behalf of the bill. He recalled the time when, two years ago, an effort was made in the Legislature to abolish the Labor Bureau, and he had had considerable difficulty in convincing the legislators that if the bureau was properly conducted it would be of much good to workmen and women.

Mr. Fitzgerald read the deposition of Robert H. Murray, stating that while acting as employment agent he had paid to Hogan & Burns, contractors, to B. Gallagher, foreman of the stone quarry at Navato, and to Mr. Carey of Harbor View 50 cents for each person furnished them by Murray.

Mr. Fitzgerald read several instances in which Charles Miller's ranch at Livermore figured in the advertisement, and to which poor men had been sent by unscrupulous agents only to find that they had been duped out of the fees paid by them to the agents.

California was not the first or the only State to legislate against dishonest employment agents or to establish free public employment offices.

In answer to a question by Senator Morehouse, Mr. Fitzgerald said that it was the practice of dishonest agents to conspire with employers to discharge men for incompetency, when in fact the men were competent.

Senator Morehouse asked would not an injustice be done an honest agent where an applicant had made false statements as to his competency and where the employer had discharged him for incompetency.

WHO IS LABOR'S FRIEND?

The organized Labor of this City and the unorganized as well learned with surprise yesterday morning that THE CALL had been denounced at a public meeting as their foe. The denunciation appeared in the Examiner, in what purported to be a report of the action of some workmen and women not connected with the Labor Council, who met in a hall on Turk street.

How this uncalled for and unwarranted denunciation of THE CALL by people who must have been deceived is regarded by those who must know the facts is shown by the following record of a meeting held by THE CALL Chapel last night.

CHARLES M. SHORTRIDGE, Editor and Proprietor SAN FRANCISCO CALL:

At a meeting of The Call Chapel, held on the evening of Monday, January 18, 1897, the following preamble, resolution and statement of facts were unanimously adopted:

Whereas, There has been made what we consider an unjustifiable attack upon the paper by which we are employed, and an attempt has been made to place it in the position of an enemy to labor; and

Whereas, Any such attempt to mislead the public may convey the impression that we are working for an unfair paper, we deem it our duty, as employees of said paper, to lay the true facts before the reading public that it may judge for itself who is the real friend of labor; therefore, by the San Francisco Call Chapel, in meeting assembled, it is

Resolved, That we have perfect confidence in the SAN FRANCISCO CALL under its present management as an ally of labor; and while we have no differences with any organization or individuals, we most emphatically deny any assertion to the effect that THE CALL is other than a true friend of labor, and most respectfully submit the following facts that the public may be able to determine how our employer treats his employees.

Since Mr. Shortridge became the proprietor of THE CALL the composing-room has been enlarged, greatly to the comfort and convenience of the workmen; incandescent electric lights have taken the place of foul-smelling coal-oil lamps, and the office has been otherwise improved in a sanitary way, much to the benefit of those who are compelled to labor in it at night; and all this without any solicitation on our part.

The following statement of wages paid the employes of THE CALL in the composing-room for the year 1894, before Mr. Shortridge assumed control, and for the years 1895 and 1896, during his proprietorship, is convincing argument as to his position on the labor question:

Table with 2 columns: Year (1894, 1895, 1896) and Amount (\$ 80,143 10, 106,115 05, 116,764 00)

All of which sums have been paid in wages to compositors, payments being made each Monday afternoon, and the money has been put in circulation in the City and County of San Francisco.

Not only is the full scale of prices established by the San Francisco Typographical Union for labor paid in all departments of THE CALL composing-room, but in many instances faithful and reliable employes are voluntarily paid wages considerably in advance of those called for by the schedule, or to which under the laws of their governing body they are legally entitled.

Almost at the introduction of Mr. Shortridge to San Francisco journalism the publishers of the other dailies of this City resorted to the employment of labor-saving machinery (typesetting machines), thus reducing the expense of running their composing-rooms alone from \$10,000 to \$25,000 a year at the direct expense of labor, and that, too, without the necessity of competition as an incentive for seeking such relief to the utter demoralization of human effort.

With two-thirds of the hand-compositors being displaced in all the other daily papers of this City by machinery, and seeing our elderly brother typos robbed completely of their means of living at a period of life too late to commence the acquirement of another trade, it took but little to induce the proprietor of THE CALL to postpone resorting to the same method of retrenchment, and thus was saved to the hand-compositors the only large daily newspaper in the City of San Francisco, and we may say in the United States.

In our opinion the best evidence of a man's future intentions can be determined by what he has done for labor in the past and what he is doing at the present time.

Signed by committee, C. M. JONES, Chairman, D. G. POOLE, A. C. SCHWATKA, W. G. SMITH, Father of the Chapel, H. L. BRADLEY, Secretary.

Here are a few facts that will be read with interest by workmen, by storekeepers and all who are interested in keeping our own men and women employed and in keeping San Francisco money in San Francisco. THE CALL, as will be seen from the subjoined list, employs 140 men and women in its composing-room. The Examiner, which poses as the friend of labor, employs 46, the Chronicle 41, the Bulletin 13, the Report 15, and the Post 13. Thus it appears that the Chronicle and Examiner together employ 105 compositors, just 35 less than THE CALL. It will also be seen that the Chronicle, Examiner, Bulletin, Post and Report combined employ but 146 compositors, or only six more than THE CALL employs. The list below given is official, and is taken from the current number of the Pacific Union Printer.

DAILY NEWSPAPER CHAPELS.

- CALL CHAPEL—W. G. Smith, Chairman. Alberti, W. G., Alexander, E. C., Assam, A. L., Barron, Geo., Bejeler, E. B., Benoit, A. J., Best, E., Beresford, H., Blumer, H., Bowen, W. U., Bond, Emma, Bradley, J. L., Burke, Carrie, Brown, J. M., Brink, Thos. E., Burke, H., Carroll, J. C., Carroll, J. H., Cavanah, E. W., Clough, E., Cochell, J. T., Coleman, W. D., Compton, L. F., Connell, D., Cooke, W. S., Cooper, L., Craig, L. W., Daly, Miss M., Decker, C. E., Deham, O. B., Denny, J. B., Devine, R. J., Dowling, Miss K., Dyer, C. E., Eoffhardt, F., Eoff, S. R., Espy, R. J., Farnham, J. T., Fowle, J. A., Gallagher, W. A., Gage, C. A., Gilmore, J. T., Grady, Miss M., Grant, A. E., Grimwood, A. J., Gundry, F. E., Hammond, Harry, Hambar, R. K., Harlow, F. M., Harris, W. W., Haskins, P. J., Hartson, C. H., Ha wrech, H. W., Hill, W. F., Henry, A. K., Hickey, Thomas, Hickok, H. D., Hill, J. J., Hirsch, J. W., Hochdorffer, F., Isaacs, Miss M., Jacobs, C. W., Jones, O. M., Kaese, L., Keser, D. J., Koefoed, W. G., Kreiss, E. F., Lake, F. W., Lamkin, E. A., LaShelle, O. C., Leahy, S. C., Lewis, D. J., Little, J. P., Livingston, F. E., Livingston, J. J., Lynch, C. T., Lynch, M., Lynch, J. J., Maxwell, J. M., McAvooy, J. A., McCain, E. E., McLaughlin, Ed., McLaughlin, J., McLean, Miss A., Meigs, C. B., Miller, E. J., Miller, W. J., Mitchell, G. E., Mitchell, F., Mooney, F. A., Moore, H. C., Neely, J. C., Newton, J. W., Norcross, F. G., O'Connor, R. E., O'Donnell, E. H., Orr, A. D., Parker, C. H., Parry, A. M., Payne, A. A., Perry, W. H., Petersen, E. A., Phillips, J., Poole, D. G., Powers, C. E., Rae, J. A., Reayburn, E. A., Reed, F. F., Reese, H. P., Rueder, E. L., Robbins, S. L., Ryan, J. A., Simon, Paul, Smith, A. D., Sutherland, F. B., Sutersland, F. B., Saunders, G. W., Schwab, George, Schwatka, A. C., Shay, Miss M., Shay, Miss E., Shay, Miss A. G., Smith, A. J., Smith, Mrs. M., Smith, C. J., Smythe, J. T., Snell, J. A., Spiliger, T. F., Squire, C. H., Stanton, Ed., Starnie, H. W., Taylor, F. G., Turman, E. F., Walsh, W. M., Waltham, C. F., Walton, Geo., Ward, L. P., Wats, H. H., White, H. R., Winders, J. R., Younger, E. R.

EXAMINER CHAPEL—S. H. Jenner, Chairman.

- Anderson, E. B., Apperson, Edgar, Atkins, M. E., Backus, C. E., Baker, F., Bard, Edsworth, Baynes, George, Boyle, O. M., Bryant, John, Butler, T. M., Buchanan, C. A., Carr, T. C., Carey, E. H., Claves, H. M., Collins, J. M., Costello, John, De Ahna, H. C., Doan, S., Dormer, J. M., Duffin, E. J., Edgar, W. F., Ellinghouse, E. C., Paier, R. G., Freel, John, Fulton, Hugh, Galt, J. M., Gitt, K. M., Hartman, T., Harvey, John D., Henderson, J. A., Hodge, Lou, Hooper, J. E., January, W. H., Miller, W. F., Murray, J. D., O'Neil, J. P., Parker, E. A., Pelham, C. G., Pew, E. W., Printz, F., Rezendant, A. J. P., Reed, C. N., Rickard, J. G., Riordan, R. R., Ryan, P. T., Saunders, George H., Spiliger, T. F., Smith, Miss E., Tothoroth, W. H., Trimble, Sinclair, Ward, L. P., White, W. J., Wilson, U. G.

CHRONICLE CHAPEL—M. Dobrin, Chairman.

- Allen, J. B., Alexander, G. W., Armstrong, W., Branch, G. H., Collins, J. C., Collins, R., Crowell, G. C., Cullen, C., Davidson, A. D., Devine, E. P., Eger, W. F., Fisher, L. E., Francis, D. G., Forbes, W. H., Gately, T. B., Gnekow, F. E., Gibb, Harry, Hackett, H. L., Harlow, J. C., Hart, R., Hearn, Thomas F., Higgins, H. E., Horn, N. R., Loran, George H., Hunter, H. A., Irving, W. F., Kirk, W. S., Knell, G. H., Lawler, H. J., Lindsay, Matt, Loran, George H., Minor, J. A., O'Brien, J. M., Pray, P. W., Schigel, E. L., Spiliger, T. F., Torres, E. E., Torres, Z., Wainwright, J. S.

DAILY REPORT CHAPEL—J. W. Kelly, Chairman.

- Bunker, G. W., Coffin, O. C., Coppen, Morris, Coppenhaver, W., Hennessy, J. P., Hester, E. C., Kellan, A., Murby, J. A., O'Neil, J. P., O'Neil, E. K., Tilton, J. O., Wanders, F., White, D. S., Wilcox, J. E., Crittenden, C. E., Dillon, G. B., Green, Joseph, Hazeltine, W. J., Houston, J. T., Higgins, R., Johnson, J. M., Loken, J. E., Older, H., Phillips, F., Pierce, Miss E. E., Prentiss, J. A., Ackerman, W. C., Hawkes, C. E., Howard, C. A., Israelsky, Leo, James, R. A., Johnson, A. J., Mansfield, C., Murschel, A., Sawyer, S. T., Smith, C. J., Seaton, H. C., Wright, W. A.

BULLETIN CHAPEL—J. T. Houston, Chairman.

POST CHAPEL—E. R. Bushnell, Chairman.

competency it the agent were required to return the fee. Mr. Fitzgerald replied that in that case an injustice would be done to the agent, but that no law on any subject could be framed that would not injure somebody. He added as an instance of dishonesty that one employment firm in San Francisco sent 8000 men to the Guadalupe Railroad section near San Jose to do work that could be done by 600 men. His informant was Mr. Hood of the Southern Pacific Company, he said.

He added that he had been informed that in yesterday's issue of a newspaper was an advertisement from one firm calling for 600 men when in fact he did not believe that the employment agency had places for sixty.

Mr. Morgenstern closed the argument by reiterating his statement that the bill was a Democratic job. If it was not for political capital why did those mass-meetings pass resolutions that it was not for political effect.

Mr. Fitzgerald replied that the resolution was passed because the Employment Agent Ready had stated six months ago that the resolution was for political effect. Mr. Morgenstern argued that the object of the bill to establish a free labor bureau was to drive all employment agents out of the business. The Labor Commissioner would be a competitor in business.

Senator Morehouse called attention to a clause requiring the Labor Commissioner to keep secret the information on migration from his inspection of the books of employment agents. He did not believe that the Legislature had a right to pass a law fixing fees or compensation so low that the agents could not make a living. He did not know whether 5 per cent was a sufficient or an insufficient compensation for the employment agent. If the agent had to advertise or look about to find a suitable man he did not think that 5 per cent was reasonable compensation.

Agent Hansen was asked to describe to the committee the manner in which he transacted his business in the matter of furnishing help to employers. Mr. Hansen told of the labor involved, of the advertising expenses, of the correspondence with employers and of the other details that take up the time of the employment agent.

"Suppose that I wanted a skilled typewriter in my office, how would you set about getting me one?" asked Senator Morehouse.

Mr. Hansen explained that he kept a register of applicants, with the length of their experience and their capacity, their references, etc. For this no charge was made. The charge for getting a position was 10 per cent for a position of that kind. There were other places for which only 5 per cent was charged.

Mr. Hansen said that he averaged 400 or 500 men per month. He had four persons in his office assisting him in the business. In the majority of cases where a man was earning \$20 a month he did not charge 10 per cent; he took \$1 or \$1.50, or 50 cents. He considered that the bill was an infringement on his constitutional rights and said that if it became a law he would close his door and take his name off the list.

Mr. Murray next made a statement. He made charges against Hansen and other agents and created much laughter. The committee then went into executive session at 12:35 A. M.

The committee at 1:15 A. M. decided to recommend the passage of the bill with some slight amendments in the wording.

LOCAL LABOR VIEWS.

Commissioner Fitzgerald Favored as a Champion of Socialism. Most of the local trade union leaders favor the Fitzgerald bill in a general way, because they regard it as a step toward socialism, and they are anxious to stop the abuses that have existed among certain labor bureaus in the past.

Theodore Lynch speaking of the matter said: "Fitzgerald and his crowd might make political capital of the affair, but it is a step in the right direction anyhow—a movement toward pure socialism—and it is such a millennium that all true friends of labor hail with joy."

"Those who denounced THE CALL, however, made a wild leap in the dark, for THE CALL simply gave the news of what the employment agents were doing; gave the speeches and contemplated the arrangements, thus putting us in possession of real information."

Labor Agent Ready said: "This is a scheme of the Examiner to get our advertising away from THE CALL. The Examiner sent us an agent named A. P. Sinclair, introduced by their Mr. A. Atkins, and he agreed to give us a page to fight Fitzgerald and to aid us in our work. We take our advertising away from THE CALL. When we refused to accede to their terms they began to work on the labor unions."

P. Ross Martin said: "Bills similar to Fitzgerald's have been adopted elsewhere. They are one step toward socialism, and socialists welcome them."

John W. Alexander, carpenter and labor orator, said: "I am opposed to Fitzgerald and his bill. It is only a political scheme and it will cut many a working man out of a job. None but the Commissioner's political friends can ever expect any favors if you once give up private industry in the agency line. It is a delusion to imagine that any political scheme of this kind is a move toward socialism. It is only a plan to give fat jobs to a lot of ex-haberdashers and political bums now in politics."

Sam McKee of the Ironmolders' Union does not take much stock in the State Labor Bureau or in any undertaking it may have. He said: "I do not see what particular good this bureau is as it has been conducted in the past. It was created for the laboring classes, but it has been converted into a soft snafu for politicians. All the statistics it has gathered in the past have been taken from the daily newspapers, and as a rule the Labor Commissioners have published reports of labor matters to suit the employing class."

"The latter have been able, by means best known to themselves and the Commissioners, to have published in the annual reports just such matter as best suited themselves and without regard to facts. This Free State Employment Bureau subject is savory of political buncombe, with an increase in the appropriation from the State and a corresponding increase of good places for the political friends of the Governor and the Commissioner."

"Fitzgerald may be sincere in his efforts, but who can tell what sort of a stick the next Labor Commissioner will be. As to this union, I do not believe that it is

Continued on Second Page.

WRECKED BY THE REBELS

Dynamite Used to Blow Up the Spanish Gunboat Relampago.

NAVAL TACTICS WITHOUT A NAVY.

Insurgents Cause Consternation While Regulars Are Ascending a River.

BIG TORPEDOES PLANTED IN THE CHANNEL.

While the Shipwrecked Crew Are Struggling in the Water They Are Fired Upon.

HAVANA, CUBA, Jan. 18.—Though the insurgents have no navy, they do not hesitate when the opportunity offers to attack the Spanish warships. The latest instance of this kind occurred yesterday morning, when a Spanish warboat was sunk by an explosion of a torpedo and many of her occupants were lost.

The rebels had made an attack on Guama, some distance up the river, in the Province of Santiago de Cuba, and the Cuban troops fearing that they would not be able to hold it asked for assistance from Manzanillo, on the coast. Saturday night the gunboats Centeneli and Relampago left Manzanillo under orders to ascend the river and protect the forts.

The commander of the gunboats made all possible speed in running up the river, but when they began to ascend the stream they proceeded very cautiously, suspecting the rebels might have planted torpedoes in the channel.

All went well until the gunboats were opposite a place called Mago, when, despite all the precautions that had been taken, the Relampago struck a torpedo. Instantly there was a terrific explosion and masses of water were hurled to a great height. The boat had a hole torn in her and she immediately began to sink.

Those on board the ship who were not injured jumped into the river and made their way as best they could to Centeneli. As soon as it was seen what had happened to the Relampago the Centeneli's boats were ordered to the rescue. The rebels appeared to be in strong force on both sides of the river and when they saw the Spaniards in the water they directed a heavy rifle fire on them.

The Centeneli opened fire, but as their positions could only be determined by the smoke from their guns, it is not believed any serious losses were inflicted upon them. When the Centeneli's boats went to the rescue of the men struggling in the water, the rebels fired upon them, but the Spaniards bravely proceeded in their work of rescue until all the men had been taken from the water.

The commander of the Centeneli was so seriously wounded that doubts are held as to his recovery.

The Centeneli returned to Manzanillo, where the news of the disaster caused intense excitement. Official reports of the accident say that the commander, second mate and three engineers of the Relampago were killed, and her boatswain, second officer and four sailors wounded.

The pilot of the Centeneli was killed in the pilot-house, and the engineer and gunner and several sailors wounded.

HORRORS OF WARFARE.

Women Among Those Arrested and Imprisoned With Criminals. KEY WEST, FLA., Jan. 18.—The following Havana news has been received here: By order of the civil government of Puerto Principe the following distinguished persons have been arrested in this city: Concepcion Monegrate, widow of General Sanchez, and mother of Benjamin, Calixto, Armado, Alfredo and Eugenio Sanchez, all in the revolution, the latter (Eugenio) being Gomez' physician; Maria Aguilar, sister of Antonio Aguilar, a Cuban ex-Cuban civil Governor of Puerto Principe. It is also rumored that President Cisneros and other prominent citizens have been arrested; also Jose y Liguas, Carlos Adan y Masvidal, Ramon Bosa y Bosa, Agramento Bosa, Jose Mora y Pera, Vicente Ramerez y Ledesma and many others.

The city is terribly excited, not only on account of these arrests, but also on account of the suppression of El Pueblo. Citizens wishing to leave are unable to do so, the Government prohibiting their departure. The condition of the jail is fearful. There are no accommodations for ladies, and those arrested are confined with common criminals.

Gomez was last reported at the rancho La Campana, near Sancti Spiritus. There are many rebel movements in that section and Remedios. Gomez appears to be making a concentration of rebel forces preparatory to forming an advance. The Government is rushing troops to that section and establishing a strong line on the border of Matanzas and Santa Clara provinces.

It is said Gomez has given orders to begin the skirmishing policy and press no fights with the troops, but harass them until the dry season is over. It appears Gomez will not come to Havana province yet, knowing he would be caught in a trap as this section affords no facilities to deploy his forces. There are no woods or hills, and besides it is crossed with too many roads, railroad towns at a short distance, etc. Then, too, Weyler would throw on Gomez 10,000 men Weyler has in hiding. Gomez knows Weyler's plan and it is too smart to be caught.

The condition of things is becoming alarming. Smallpox has extended to all wards of the city and has assumed frightful proportions. The death rate is 47 per