

THE WAGEWORKER



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NO. 5

Making Cripples And Dodging Taxes

Out on the southwest side of Chicago lies the McCormick branch of the International Harvester Company. Here six thousand human beings—men, boys, and girls—shape and arrange the harvesters that cut a large share of the wheat crop of the world. Suspended above the great rooms of the factory, powerful electric cranes perform the work formerly done by hundreds of toilers, lifting and transporting heavy pieces of iron.

On July 1, 1907, Walter Merritt, an electric repair man in the employ of the harvester company, was directed by his superintendent to go upon one of the electric cranes to inspect its motors. He climbed up an iron post by the suspended cage in which the crane operator works the levers that apply power to the crane. As he stepped from the top of the cage to the wheels on which the crane rested, the operator a few feet beneath him, suddenly pulled a lever, applied the power and Merritt was thrown over into the gearing. In an instant the merciless cogs had cut into his flesh, and, before the machinery could be stopped, his right arm was crushed off at the elbow. He was taken to a hospital, where blood poisoning set in and rendered his other arm almost useless.

At the time of the accident Merritt was earning \$2.75 per day of ten hours, but by working overtime he managed to draw about \$90 per month. After a three weeks' stay in the hospital, the injured man was taken home. Weak and discouraged, he discussed the future with his wife. The comfortable little flat, with its piano paintings, and brica-brac, with its piano to be given up.

One day, shortly after he came from the hospital, while he was thinking hard, trying to solve the difficult problem of how a man with only one arm, and that partially disabled, could earn a livelihood for himself, his wife and child, Merritt had a visitor. It was Mr. Brown, the claim agent for the Harvester company. It was Brown's duty to settle personal injury claims as cheaply as possible. An increase in Brown's small salary depended on his showing better results this year than last; in showing at the end of this corporate year a smaller sum paid out for damages to the heirs of the killed and wounded workmen than last year.

Addressing Merritt in a sympathetic tone, the trained adjuster said: "Walter, I'm awfully sorry for you, and I want to assure you that the company means to do the right thing by you. We always treat our employees right. I suppose you need a little money, so I've brought you \$50, and I want you to sign this receipt."

Not a word of explanation of the formidable looking document with its many lines of printed and type-written matter.

This was Merritt's first experience with a claim agent. It was a case of guilelessness and inexperience against cold, calculating business.

As Merritt found himself grasping

awkwardly a pretty little fountain pen in his left hand, he thought it was rather kind of the company to make him a present of the ten crisp five-dollar bills that he needed so much. Glancing at the paper before him his eyes caught the words "release and forever discharge." These were not the words of a simple receipt. Then there were many other things peculiar about this document. So many words and such fine print. Handing back the fifty dollars to the claim agent but keeping the paper, Merritt said:

"Well, Mr. Brown, I never had to sign any paper before when I got my pay from the company, and I don't quite understand why I should do so now. I'll read this paper over carefully and let you know in a few days. I don't quite like to sign it now."

This is the paper Merritt was asked to sign:

Know all men by these Presents, That I, Walter Merritt, of the city of Chicago, county of Cook, and state of Illinois, for and in consideration of the sum of fifty dollars to me in hand paid by the International Harvester company, a New Jersey corporation, the receipt whereof is hereby acknowledged, do hereby release and forever discharge, said International Harvester company from all claims and demands and each, every and all right cause and causes of action of every name, nature and description whatsoever, which I now have or which has accrued in my favor against it, said International Harvester company arising or growing out of or by reason of any matter, cause or thing whatsoever, from the beginning of the world to the date hereof.

And, I do further hereby declare that said International Harvester company has not, nor has anyone for it, or in its name, at any time prior to the execution and delivery of this release by me, made me any offer of employment in any capacity whatever, as part consideration for the execution of this release, and that I thoroughly understand the meaning of this release and know that its execution by me is an absolute waiver and bar of all and every claim and demand I may have against said company of every name and description, and that under no circumstances can I sue or maintain any action, suit or proceeding against said company by reason of any matter or thing whatsoever happening to me, or arising in my favor against said company prior to the execution and delivery hereof; and I further expressly state that no fraud or undue influence on the part of said company, or on the part of anyone representing it has in any way entered into this release or into any of the steps leading up to it.

Witness my hand and seal this 24th day of July, A. D. 1907.

Witnesses:

I, _____, a notary public in and for said county, in the state aforesaid, do certify that Walter Merritt, who is personally known to me

to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 24th day of July, A. D. 1907.

Notary Public...
Brown could not ask for the return of the paper without arousing Merritt's suspicions, so he violated one of his own rules by leaving the document with the injured man.

His parting words were spoken confidentially:
"Now Walter, you know we don't want any trouble about this. When you get well, I'll see what I can do for you. Don't go to any lawyer, for if you do I may not be able to help you at all, for you know it wasn't our fault that you got hurt, and we could beat you in a lawsuit. We always win our cases. I'm telling you this as a friend."

The intention of the unfortunate man's good little wife told her that in this serious matter it wasn't quite safe to rely on Mr. Brown's advice. So next day Merritt went to a lawyer's office and showed him the paper that Mr. Brown wanted him to sign.

The lawyer told him that it was a form of release, which, if signed by the injured man would forever bar him from collecting damages. Merritt stated the facts as to the circumstances of the accident. The lawyer said:

"The International Harvester company is a New Jersey corporation. If you sue the company for more than \$2,000 it will transfer the case to the federal court, because it claims to be a citizen of New Jersey and you are a citizen of Illinois. The federal courts will probably decide that you and the crane man were fellow servants, and you would lose your case there. But you might sue in the state courts for \$2,000, and the company could not transfer the case to the federal court, because that court will not consider any case unless the amount sued for is more than \$2,000. In cases like yours the law of Illinois is much more favorable to the plaintiff than that of the United States courts, and you could probably win in the state courts. The company will appeal if a jury decides in your favor. The calendars of the court are crowded with thousands of cases like yours against corporations, and it would take at least three years to collect your damages."

Merritt was surprised to find that the law put such cheap value on human limbs. He would talk it over with his wife. She advised him to see Mr. Brown and settle his case for \$1,000 rather than face the uncertainties and delays of a lawsuit.

Brown was very sorry, but his hands (Continued on page 8.)

LEATHERWORKERS' BALL.

Local No. 29 Will Make Merry on the Evening of May 5.

Leatherworkers' Union No. 29, of Lincoln, is making great preparations for the annual ball to be held on the evening of May 5, at Pitt's Hall. The Leatherworkers have achieved the reputation of making their annual balls social events of more than ordinary interest, and they do not purpose that the ball next week shall fall short in any respect. Bruce's union orchestra will furnish the music for the occasion.

ELECTRICAL WORKERS.

Have a Jolly Time All by Their Own Selves Thursday Evening.

The Brotherhood of Electrical Workers changed the regular order of things this year, and instead of having an annual ball had a social time among themselves last Thursday evening. No tickets were sold, the local paying all the expenses, and all the members, with their wives and "prospectives," attended and had a jolly time. Dancing was the main diversion of the evening, and refreshments were served in season. The committee in charge carried out its instructions to the letter, and the result was an evening of enjoyment.

Work in this "neck o' the woods" is getting better all the time—and so is the spirit of unionism. Initiations

have become so common with the Lincoln local that they no longer attract especial attention. The only surprise is when a meeting is held without taking from two to a half-dozen new members.

An increase of \$1.50 per week has been granted the electrical workers of Halifax, N. S., and this in the face of hard times.

Col. Mark Castor, whose heart is still right, even if he is under the necessity of carrying a withdrawal card, has discarded his winter lambrequins and his smiling face is now the target for the chilly April winds.

UNION MADE SHIRTS.

If Not in Lincoln, Order Direct From the Manufacturer.

Lincoln union men need no longer worry because of their inability to get union made shirts. Elsewhere in this issue will be found the advertisement of the Model Shirt Co., Indianapolis, makers of labeled shirts of extra good quality. You can order direct from the factory, and on receipt of the price the company will send the shirts prepaid.

The Model Shirt Co. has made a splendid reputation for square dealing, and The Wageworker is glad to recommend the company to its readers. Just send for some samples of the goods, or send size and description of kind of shirt wanted, and the company will fill your order to your entire satisfaction.

"LABOR SUNDAY."

Will Be Appropriately Observed at St. Mark's Reformed Church.

In accordance with the recommendation of the last convention of the American Federation of Labor, held at Norfolk, Va., the Central Labor Union of Lincoln has arranged to appropriately observe "Labor Sunday," May 10.

The services will be held at St. Mark's Reformed church, Q street, between Fifteenth and Sixteenth street, under the direction of the pastor, Rev. P. M. Orr, beginning promptly at 10:30 a. m. The Central Labor Union, together with the pastor and congregation of St. Mark's cordially invites the co-operation of every trades union organization, and of every trades unionist in Lincoln and vicinity, in making "Labor Sunday" successful "Sunday" successful from every viewpoint.

Rev. Mr. Orr, who will deliver the sermon, is a staunch union man. He worked for a number of years as a ship's blacksmith in the great Cramp shipyards in Philadelphia, and while so engaged was an active member of the union of his craft. It was because of his ability to draw good wages as a union man that he was enabled to pursue his theological studies. On numerous occasions Rev. Mr. Orr has shown his warm friendship for unionism, and it is safe to say that his sermon will be helpful to the toilers who hear him.

Special music will be prepared for the occasion. On the date named St. Mark's church should be crowded to its utmost capacity by union men and women intent upon seeing that which is more than meat or raiment.

THE CARPENTERS.

Spring Work Opening Up In a Way That Cheers All Hearts.

Work is opening up in fine shape and as a result the roll of unemployed is growing shorter every day. The work of organization, too, is being quietly but effectually pushed.

The local union of Carpenters was the first one to "come through" with its per capita assessment to defray the expenses of the union label show at the Auditorium.

The local has every reason to feel proud of the record that Brother F. A. Kates is making as secretary of the central body. He is on the firing line all the time.

Unionists anxious to get into the political game are referred to Brother Quick for information and experience.

The "educational campaign," inaugurated by Brother Chase, is proving a big attraction. It has resulted in a handsome increase in the regular attendance, and the good effects of the "square" talks that have been made are being felt in renewed zeal in union matters.

PUT ENERGY BEHIND IT.

If all the energy reserved from the boycott is put behind the union label the results will surprise you. Even the huge trusts will fail if their goods do not move.—Trade Union Advocate.

Roosevelt Sends a Sizzling Hot Message

Last Tuesday President Roosevelt sent another special message to congress. After acknowledging certain legislation passed in accordance with his recommendation, he reiterates with urgency his desires for further action, notably to amend the anti-trust laws and to limit the power of injunction in labor disputes. Failure to remedy general wrongs, he says, will end in class hatreds that will be hard to eradicate. With the message he delivers a few paragraphs on the iniquitous rich in which he praises honestly acquired wealth. Portions of this interesting message follow:

"There seems, however, much doubt about two of the measures I have recommended: the measure to do away with abuse of the power of injunction and the measure or group of measures to strengthen and render both more efficient and more wise the control by the national government over the great corporations doing an interstate business.

"First, as to the power of injunction and of punishment for contempt. In contempt cases, save where immediate action is imperative, the trial should be before another judge. As regards injunctions, some such legislation as that I have previously recommended should be enacted. They are blind who fail to realize the extreme bitterness caused among large bodies of worthy citizens by the use that has been repeatedly made of the power of injunction in labor disputes. Those in whose judgment we have most right to trust are of the opinion that while much of the complaint against the use of the injunction is unwarranted, yet that it is unquestionably true that in a number of cases this power has been used to the grave injury of the rights of laboring men. I ask that I be limited to some such way as that I have already pointed out in my previous messages, for the very reason that I do not wish to see an embittered effort made to destroy it. It is unwise stubbornly to refuse to provide against a repetition of the abuses which have caused the present unrest. In a democracy like ours it is idle to expect permanently to thwart the determination of the great body of our citizens. It may be and often is the highest duty of a court, a legislature, or an executive, to resist and defy a gust of popular passion; and most certainly no public servant, whatever may be the consequences to himself, should yield to what he thinks is wrong. But in a question which is emphatically one of public policy, the policy which the public demands is sure in the end to be adopted; and a persistent refusal to grant to a large portion of our people what is right is only too apt in the end to result in causing such irritation that when the right is obtained it is obtained in the course of a movement so ill considered and violent as to be accompanied by much that is wrong. The process of injunction in labor disputes, as well as where state laws are involved, should be used sparingly, and only

when there is the clearest necessity for it; but it is one so necessary to the efficient performance of duty by the court on behalf of the nation that it is in the highest degree to be regretted that it should be liable to reckless use; for this reckless use tends to make honest men desire so to hamper its execution as to destroy its usefulness.

"A strong effort has been made to have labor organizations completely exempted from any of the operations of this law, whether or not their acts are in restraint of trade. Such exemption would in all probability make the bill unconstitutional, and the legislature has no more right to pass a bill without regard to whether it is constitutional than the courts have lightly to declare unconstitutional a law which the legislature has solemnly enacted. The responsibility is as great on the one side as on the other, and an abuse of power by the legislature in one direction is equally to be condemned with an abuse of power by the courts in the other direction. It is not possible wholly to exempt labor organizations from the working of this law, and they who insist upon totally exempting them are merely providing that their states shall be kept wholly unchanged, and that they shall continue to be exposed to the action which they now dread. Obviously, an organization not formed by profit should not be required to furnish statistics in any way as complete as those furnished by organizations for profit.

"Moreover, so far as labor is engaged in production only, its claims to be exempted from the anti-trust law are sound. This would substantially cover the right of laborers to combine, to strike peaceably, and to enter into trade agreements with the employers. But when labor undertakes in a wrongful manner to prevent the distribution and sale of the products of labor, as by certain forms of the boycott, it has left the field of production, and its action may plainly be in restraint of interstate trade, and must necessarily be subject to inquiry, exactly as in the case of any other combination for the same purpose, so as to determine whether such action is contrary to sound public policy. The heartiest encouragement should be given to the wageworkers to form labor unions and to enter into agreements with their employers, and their right to strike, so long as they act peaceably, must be preserved. But we should sanction neither a boycott nor a blacklist which would be illegal at common law.

"The measures I advocate are in the interest both of decent corporations and of law-abiding labor unions. They are, moreover, pre-eminently in the interest of the public, for in my judgment American people have definitely made up their minds that the reign of the great law-defying and law-evading corporations are over, and that from this time on the mighty

(Continued on Page 4.)

UNION LABEL EXHIBITION

Grand exhibition of Union Labels, together with an exhibition of Moving Pictures, with Illustrated Songs and an interesting address on Union Labels.

AUDITORIUM, WEDNESDAY EVENING MAY 20, 1908

Under the auspices of the Lincoln Central Labor Union and Affiliated Bodies, and presented by the International Boot and Shoe Workers' Union. Four thousand feet of Moving Pictures. Forty Union Labels. Four Illustrated Songs. Special Music. Numerous interesting views taken in this and other countries. An evening of pleasure and profit.

ADMISSION ABSOLUTELY FREE

Children under 15 years of age not admitted unless accompanied by parents. The women of Lincoln are especially invited. Everybody invited to attend.

C. J. Morrow, lecturer; Arthur Elphinstone, singer; Charles Hudson, pianist; Harry Berry, electrician.

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