necessity they can work overtime.

MR. FAULKNER: Then it is just as well to eliminate the mines and those questions from this discussion.

MR. HUBBARD: You mean storekeepers and others?

MR. FAULKNER: Men leading ships, men on the surface and others are not covered; men in the offices are not covered by that law; the men on the docks, they are not covered by it, and these are the very men that are being driven out of the country by this law. You can work overtime under the old law.

GOVERNOR STRONG: Does it necessarily follow that reduction of the hours of employment decreases production.

MR. FAULKNER: It may not necessarily follow, but I think it does in these instances where labor is so scarce.

MR. HARRISON: I would like to speak just a minute in regard to that. I never have employed any big force of men for the last twenty years, though ever since I was 21 years old I have employed, up until recently, anywhere from three to sometimes eight and ten men in my work, and I know this: the man, with a crew of men who are doing the same labor, performing the same labor that I was performing, with a crew of men working them six days a week, eight hours a day, I would get more work out of them day in and day out, week in and week out than the man who would take his men and work them seven days a week and ten hours a day. It has been proven conclusively, beyond any peradventure, that that is an absolutely true condition of affairs. I have seen the King Manufacturing Company, an institution operating from Cleveland, Ohio, putting up big sugar beet factories. I have put in boilers for them. I have seen this concern work their men eight hours a day, but they would work them seven days a week. The men at my office would honestly declare, in protesting to the superintendents of these concerns, they would say, No matter what you pay us, if you will work every man six days a week, you will get more labor out of the men than if you get

out of them by working them seven days a week, because there are a number of those men that will, if they work on Sundays, go out during the week and say, 'Boys, that concern needs 35 brick layers, and we only have 17. They dasn't turn us out. If we put in only six days a week, we will put take double time and some day during the week we'll lay off.'" Isn't fair to presume that such a condition will prevail anywhere? The men aren't plumb fools. If they can get a week's pay for six days' work; 7 days' pay for six days' work by working Sunday and laying off Monday, Tuesday, Wednesday, Thursday, Friday or Saturday, they are going to do it. That is absolutely true.

GOVERNOR STRONG: You don't believe that there is a shortage of labor in this Territory, I take it from your remarks.

MR. HARRISON: I have stated that at the present time there has been no conclusive proof laid before us that there is any shortage of labor to speak of. Referring to longshoremen, even though we'll grant that at times a boat may be laid up here, held because of a shortage of labor, could any bunch of men come into this Territory, figuring upon procuring work, that individual kind of work, longshoring, and make a livelihood here at it? Why they'd starve to death if they'd come in here, five or six of them, expecting to do just that particular branch of work. I know of a number of men that are living down upon the tideflats today that wait with hungry hands and hungry mouths for a vessel to come in so as to be able to get a few hours' work in.

Governor Strong: Ninety-five per cent of the requests that I have here for the suspension of the eight-hour law, are based upon an alleged or real shortage of labor. That is why I am making this thing prominent---the question of labor supply.

MR. HARRISON: Well, in answer, Governor Strong, to that, I would like to make this statement. Today, before I came up here, two or three men who have been employing men around Channel ports here, to my personal knowledge

they have been in the employment business for the last five years for different concerns---not for any one little concern, but for different concerns at points around through southeastern Alaska and here, made this statement, and they made it fair and square. There wasn't any quibbling about it. They said, "If we place upon a bulletin board today an advertisement calling for twenty men at an average wage of three dollars a day, we wouldn't get any men; if we placed upon that bulletin board an advertisement calling for twenty men at four dollars a day, we would fill the bill to the letter." Living has advanced for the workingman just as much as it has for other people, and he can't support his family on such a wage. What is the use of me, or this man or any other labering man going away from Juneau to occupy or fill some labering position that is absolutely inadequate to pay our fuel bill, our grocery bill and house rent.

MR. FAULKNER: I have here the Adamson Act. It begins this way: I am only going to read a little of it.

That beginning January first, 1917, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad.

That any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 and not more than $1,000, or imprisoned not to exceed one year, or both.

That eight-hour law fixes an 8-hour standard for the purpose of reckoning compensation and no other purpose. Couldn't be valid if it were---

SENATOR HUBBARD: Aren't the railroads using an eight-hour day?

MR. FAULKNER: No.

MR. CAPERS: You can't run a railroad on eight-hour day.

SENATOR HUBBARD: You can't run a railroad on an 8-hour day?

MR. CAPERS: No; the Copper River & Northwestern railroad has an 8-hour standard in accordance with the Adamson act, but your law goes on further to say that they shall run that railroad and not work a man over eight hours.

SENATOR HUBBARD: I wouldn't put it that way.

MR. CAPERS: Well, read it.

SENATOR HUBBARD: That doesn't apply to crews out on the line.

MR. CAPERS: On what do you base that interpretation?

SENATOR HUBBARD: Upon the necessity for it.

MR. CAPERS: Your law says you shan't work over eight hours.

SENATOR HUBBARD: It says eight hours constitutes a days labor.

MR. CAPERS: Yes, a day's labor. Now, then suppose you are running a business and think you are entitled to violate the law, you can't interpret that law the way you want to. It is up to the jury to interpret that---what constitutes an emergency, what constitutes imminent danger. Could you run a business successfully when you may be called into court any time and have these things put up to the jury.

SENATOR HUBBARD: Have you experienced any difficulty?

MR. CAPERS: No, simply because the government officials have had the good sense to withhold prosecution.

SENATOR HUBBARD: Do you anticipate prosecutions on account of this condition?

MR. CAPERS: We don't know whether there will be or not.

SENATOR HUBBARD: I don't know that you would suffer from any prosecution.

MR. CAPERS: In other words---

SENATOR HUBBARD: They wouldn't get a conviction on that.

MR. CAPERS: In other words, you base your argument on the fact that everybody is going to violate the law and the government officials, recognizing the unworkability of it will not prosecute and we needn't behave at all.

SENATOR HUBBARD: No, I don't think it goes that way. There are certain provisions in the eightphour law that can be enforced without any difficulty.

MR. CAPERS: Who is going to pass on these? There are other provisions where it is going to work a hardship if it is held strictly to the letter of the law.

SENATOR HUBBARD: So long as the people are not disturbing you, what is your anxiety? Why do you want it changed at all?

MR. CAPERS: We never can tell when we are going to be prosecuted.

SENATOR HUBBARD: Well, I wouldn't anticipate it.

MR. CAPERS: What assurance can you give me that we want be prosecuted?

SENATOR HUBBARD: Well, I venture to say that if you run that Copper River railroad from now until December and the men are willing to work for the wages which you pay them, you can run it clear through this year and there'll not be any prosecutions against your railroad for overwork or overtime.

MR. CAPERS: Now, how do you know?

SENATOR HUBBARD: Well, I give that as my judgment.

MR. CAPERS: Well, now, what good would it do for me to say to Mr. Corser: "Go ahead and run your railroad. We have the judgment of Senator Hubbard of Valdez that we would not be prosecuted?" What good is that going to do us. You haven't one judicial decision behind you; you haven't the assurance of one district attorney behind you; you haven't the statement of one judicial court; not one. You are not vested with any judicial power whatever. And then to go up and tell this railroad that you---

SENATOR HUBBARD: I am not asking you to say any more than your statement would amount to, but I say this, that under the law you are now operating your railroad.

MR. CAPERS: And we are violating it every day.

SENATOR HUBBARD: Why didn't you make your kick before? This law was before the people for two years, Mr. Capers, before it was passed.

MR. CAPERS: No, never.

SENATOR HUBBARD: I say yes. The law providing for the enactment of this law passed in 1915 and it was before the people two years.

MR. CAPERS: No, sir; not necessarily.

SENATOR HUBBARD: Now, where were the people who represented these railroads and all the other employers that are looking to get into trouble? Where were you when this matter was being submitted and where were you when the legislature was passing upon it that you didn't come down here and show the necessity for changing it? You have had your opportunity.

MR. CAPERS: Let me answer you by asking a question or two.

SENATOR HUBBARD: Yes.

MR. CAPERS: You say that the people had this law framed?

SENATOR HUBBARD: They did.

MR. CAPERS: You think so?

SENATOR HUBBARD: Yes.

MR. CAPERS: Was this law framed before that election?

SENATOR HUBBARD: The law which---upon which the law that we enacted in 1917 was passed, was submitted in 1915.

MR. CAPERS: Yes. Now, what is the language of it.

SENATOR HUBBARD: It is clear and plain.

MR. CAPERS: A general eight-hour law?

SENATOR HUBBARD: A general eight-hour law; that is what the people voted on---a general eight-hour law for all wage and salary earners.

MR. CAPERS: Let me put this to you: Suppose that the legislature had passed a lawproviding, very much the same as the Adamson bill, that eight hours shall constitute a basis for a day's pay and that overwork shall be compensated for as overtime, would that be a general eight-hour law?

SENATOR HUBBARD: That is not the law.

MR. CAPERS: There isn't in the history of the United States a law like this.

SENATOR HUBBARD: I am not asserting there was.

MR. CAPERS: Well, I am.

SENATOR HUBBARD: But, as I stated, some legislature always passes the the first law upon any proposition and the people voted upon this particular law.

law.

MR. CAPERS: No, sir.

SENATOR HUBBARD: And the railroad companies and mining companies and all the people of the Territory knew what it covered when it was being voted on. Now, the language of it is plain and simple and it isn't lengthy. (Reads)

> That there shall be submitted to the electors of the Territory of Alaska, at the next general election, held for the purpose of electing members of the next legislature, the question whether or not they are in favor of a general- eight-hour day for all wage earners and salary earners in the Territory of Alaska.

That was submitted to the people. Now, take the law that was passed in 1917 and see if it doesn't exactly carry out what was submitted to the people for a vote.

MR. CAPERS: Yes, it goes a long way beyond that. A great many laws could be general eight-hour laws. If the Territorial legislature had passed an enactment providing that eight hours shall be the basis of a day's pay, applying to all wage and salary earners---

SENATOR HUBBARD: Well, if the people---

MR. CAPERS: Pardon me just a moment.

SENATOR HUBBARD: Go ahead

MR. CAPERS: And that all overtime shall be compensated for as overtime, that would be a general eight-hour law. Now, I tell you that there never was such a law and there never was any law in the United States forbidding any person to work more than eight hours. The Adamson bill was passed by Congress and it was prominently before the people and it didn't forbid overtime, and I think that, in fact, is what the people of this Territory thought they were voting for. Now, a law that says to you, or myself or to Mr. Faulkner that they shall not work overtime is invalid.

SENATOR HUBBARD: Well, why didn't you make your kick before it was passed.

MR. CAPERS: Well, because we didn't think that the legislature would

be so crazy as it afterwards developed to be.

SENATOR HUBBARD: Well, that's all right. I want to say to you on that question of craziness that the legislature had this matter under discussion for a good while---many days---and everyone had an opportunity to come and be heard.

MR. CAPERS: Were they heard?

SENATOR HUBBARD: Yes; but not a single person came before that legislature or before any committee and made any such suggestion as you are making here now?

MR. CAPERS: What suggestion.

SENATOR HUBBARD: That it's not valid and that there isn't another State that has such an eight-hour law and that we had no power to pass it, and that we should have passed a general eight-hour law or a law providing that eight hours shall constitute the basis of a day's wage and that overtime shall be allowed and that additional time may be worked and so on. There wasn't any instructions or suggestions---

MR. FAULKNER: Were you present the night when Mr. Hellenthal made that request of the committee?

SENATOR HUBBARD: He spoke about the compensation act.

MR. FAULKNER: No, but he made the same request on the eight-hour law.

SENATOR HUBBARD: Well, I know that we did talk about the compensation act, but on this proposition, I want to say to you that the members of that legislature, if they had passed a different law, would not have been keeping faith with the people. That's what I say to you, Mr. Capers, and you may think that is crazy or not crazy. We wrote a law as nearly conforming to the act of 1915 as it was possible for us to write and we passed it, and the people who are here now, claiming that it should be set aside almost a month after it was enacted, or went into force, rather, did not come here then and show any defects in it or why it ought not be passed as the people had voted it; neither did they go to the people of the Territory through their press and say to the people, "This law is inadvisable; it will not work. Do not pass it. Here are the defects in it. That isn't the kind of law you want." And you wouldn't have to be here working for a suspension of that law.

MR. CAPERS: And you wouldn't be here working for it.

SENATOR HUBBARD: Well, you had the law of 1915.

MR. CAPERS: Yes, we had the law of 1915, but that is far different.

SENATOR HUBBARD: I say to you that no member of the legislature could have done otherwise; if any member of the legislature would have voted any differently, he would have been a traitor to the people. We didn't make one modification of it, and I think we went beyond our power when we put that clause in, putting it up to the Governor to consider these requests for suspending or modifying the law at the request of the Council of Defense or the Secretary of the Interior. Our people didn't give us any such authority, and "The voice of the people," as they say, "is the voice of God. They voted for that law and they are just as intelligent as these gentlemen who come here to get it aside---just as intelligent. The people voted, knowing what they were doing and the legislature carried out their wishes as best it could. It wrote a law as nearly like what the people voted upon as they could. If the law is not valid, there is a way to test it.

MR. CAPERS: May I interpose a question?

SENATOR HUBBARD: Yes.

MR. CAPERS: You are a practicing attorney, I believe?

SENATOR HUBBARD: I am

MR. CAPERS: Do you give it as your opinion that you believe this law to be valid?

SENATOR HUBBARD: I am not expressing any opinion.

MR. CAPERS: You don't care to express it?

SENATOR HUBBARD: I told you that I didn't have time to look into that question seriously, for this reason. In the first place, at Valdez we have had no complaint whatever about the eight-hour law. There has been nothing said about it. Everybody accepted it just like they accepted the liquor law, prohibition law, wiping out the saloons in the Territory as though they never existed.

MR. CAPERS: There are about 300 people there now?

MR. HUBBARD: Oh, there's quite a few left there yet. There are not a great many but there has been no discussion up there with reference to the eight-hour law, and up to within an hour or two before leaving, I didn't know that I was coming down here and I didn't take the time, nor did I have the time, to look into the law, and I didn't have time to go to the books and give a legal opinion upon it. But the people, having voted upon it, I intend to stand up for it until it is held invalid.

MR. CAPERS: That is a laudable ambition, but I had thought, when I was so bold as to interject an interrogatory, that at the time you were so faithfully fulfilling the people's instructions, that you had investigated it. I had thought perhaps a member who was an attorney would not go so far as to put his sanction on behalf of a law that he had not investigated from a constitutional standpoint, at the time you were here discharging that duty.

SENATOR HUBBARD: I see. Your sarcasm is very beautiful, but it isn't sound; it isn't sound. It wouldn't have made any difference, Mr. Capers, if I looked into it thoroughly. I was a member of the legislature which passed the first bill. The matter was submitted to the people of the Territory of Alaska and they voted it. I suppose you think I should have look it up like a professional lawyer and come down here and say to the members of the legislature; "Boys, I have looked this thing up. It's not valid; it's not legal. We can disrespect the people and their votes and cast it aside, because I'm a lawyer; I'm a great lawyer, and I have looked it up and it isn't valid.

MR. CAPERS: No, but you could have inquired into it.

SENATOR HUBBARD: Well, if you had inquired into this question then instead of now, you wouldn't have to come down here now to beg the Governor to overturn a law that has only been in operation a month. Were you asleep?

MR. CAPERS: No, but I thought you would be on the job.

* *

GOVERNOR STRONG: I think we are entering into a discussion that is foreign to the purposes of this inquiry. This hearing was not called for the purpose of discussing the validity or nonvalidity of this law. The fact remains that it is a law of the Territory of Alaska. There is a way to determine whether it is valid or not; and I don't believe that such a discussion really belongs to this hearing. If the gentlemen will confine themselves to germane matters, I think we will arrive at the conclusion of this hearing much more rapidly. It has been stated, and with truth, that this referendum was submitted to the people by the legislature of 1915; it also has been stated that there was no discussion during the time that intervened between the passage of that referendum and the election of 1916. There was no discussion of that referendum either from public platform or through the press. Apparently it was accepted as a matter of course. The referendum was endorsed by a vote of 10,468 for and 1,768 against, and the law was placed on the statute books. I heard nothing more about that law, as Governor of this Territory, until about thirty days prior to January 1, when this office began to be deluged with appeals to suspend the law. Suspend the law! I have no authority to suspend the law. I explained that yesterday. That is the situation. Of the appeals that I have here, coming from different sources, about 95 per cent of them are based---I want to repeat this---on no other reason than that of a labor shortage in certain lines---not in every line, but in certain lines---mechanics, stevedores, longshoremen, an absence of miners in the interior, the placer mines,--I am making this statement for the information of the gentlemen present---in some instances because of a lack of transportation facilities, etc. and so on. What I want to arrive at is, is there any necessity for suspending this law, or having it suspended, because of a labor shortage and, therefore, a diminution of those products which are essential to the winning of this awful war in which we are engaged? That is what I want to know.

SENATOR HUBBARD: On the question of labor, we have an abundance of laber there in the Third division for everything so far. Valdez is not very populous this year, and the result , the cause of that is that the laboring men have found it necessary to seek employment somewhere else, and I have no doubt but what we have lost good, strong, able-bodied labering men, anywhere from 300 to 500 men in the last sixty to ninety days. These men have all left for the outside.

GOVERNOR STRONG: How many, senator?

SENATOR HUBBARD: I should say three to five hundred able-bodied men.

GOVERNOR STRONG: In what time?

SENATOR HUBBARD: In the last three months, when the road work closed.

MR. CAPERS: That is not Valdez?

SENATOR HUBBARD: Well, Valdez and that section---men who were employed in that immediate vicinity. When the road work closed, the Territorial road work and the Federal road work closed in that immediate section, there were anywhere from three to five hundred men that had no employment and nearly all have left the Territory and have gone outside. Now, it looks to me like the labor trouble that we hear about, a good deal said about that laber shortage is for the reason that there hasn't been sufficient understanding. It is certain that these men who have gone out of Valdez would have been only delighted to come to Juneau, because they want outside to get employment and they, perhaps, would have much rather come down to Juneau. I understand that there are plenty of idle men to the west of us even now. So it is simply a question of the laber problem not having been looked into, and the laboring men and employers, you might say, not having been brought together. Probably there should have been a board or a commission or something like that look into and find out where those men were and what their capacities were; but the boats are carrying out those men today---every boat that goes out, and nobody can dispute it---capable men, too, experienced men

miners and every other line of work. There is only one town that seems to be holding them at all and that is Cordova. There they've got railroad work and the mines back there at which they can find employment, but the other towns to the westward are all losing their men. Men have left them. They have nothing to do. These men could be rounded up if there was a necessity for them in Alaska. It is certain that by a little diligence on the part of someone these men would be rounded up and brought to where the labor is, and they would be glad to have it.

MR. HARRISON: I wish to repeat the statement that there are at least, in the city of Juneau today, fifty men who would go to work, but they can't get work. I'll tell you how I went to work for the Alaska-Juneau. After I had seen Hector McLean three times; seen Christensen twice, I saw one or two of the different bosses up there two or three different times, and then Doctor Sloane recommended me to McLean and one or two others recommended that they employ me before I went to work. While I could have gone to work across the Channel, that I'll admit, but my home is on this side, and no-one can tell me where I have ever laid down on a job. When I hire out to perform eight hours' labor, I will give value received any day in the week in any place or position, and if I take anything out of my line of labor, I will give value received if it's in my skin to do it. I can turn out, in eight hours, work that would make any gentleman get down and hustle. And I repeat the statement that today there are fifty men and they can be produced any time.

GOVERNOR STRONG: What do you know about the supply of mechanics?

MR. HARRISON: What particular kind?

GOVERNOR STRONG: Machinists.

MR. HARRISON: I can go down into the city of Juneau and inside of three-quarters of an hour, get fifteen good, competent, A No. 1 carpenters to take down or rebuild any sort of structure you may ask them; and this isn't an assertion that is anything but mere fact either.

GOVERNOR STRONG: What do you know about the supply of loggers? Men who are in the logging business.

MR. HARRISON: Logging business? I don't know anything about the logging industry in around this part of the country at all.

GOVERNOR STRONG: Do you know anything about mill men?

MR. HARRISON: There seems to be plenty of mill men. There are mill men who have been waiting to step into some other man's place for weeks, and they have been waiting until they got tired of waiting and have taken jobs in the Alaska-Juneau and work, maybe, with a pick and shovel. I know men who have been doing that for the last three, four, five or six weeks, who have been ready to step into another man's place at a moment's notice, and they are working there yet. They are working with a pick and shovel and I want to tell these gentlemen that there isn't a one of them that is in favor of the suspension of this eight-hour law. We have got to take the plain, simple, cold facts of the matter that men can't support themselves in decency upon a wage scale of three dollars a day.

MR. FAULKNER: I stated yesterday that Mr. Gorham is one his way up here with a good many facts and figures that I think would be enlightening, and he will represent the companies represented by Mr. Hahn and these gentlemen here, and I just want to ask again to have the matter kept open until he gets here.

GOVERNOR STRONG: When do you expect him?

MR. FAULKNER: The Spokena is due tonight. Supposed to be here tonight. She left Wrangell yesterday morning at eight o'clock and she ought to be in here tonight.

GOVERNOR STRONG: Very good.

MR. KENNEY: In regards to loggers and the shortage of loggers, I think I can enlighten you on that. I logged for several years on Puget Sound before coming up here, and I found conditions in this part of the country very

different. It is very disagreeable, wet and muddy, and the camps are not as desirable as down below for men to live in. There is one great disadvantage to the logging camps in Alaska. In the first place---in my experience, I have been at four or five different camps here but not recently, because I swore off.

GOVERNOR STRONG: But you have some knowledge of the lumber camps in southeastern Alaska.

MR. KEENEY: I worked one year with Mr. Webster---not one year, but one spring. I run a camp for Mr. Valentine, and I handled logs. But, as I found it the timber is not in vast bodies, no large bodies like on the Sound, where they build a big camp and have everything modern and convenient and homelike, while in this country they put up their little shacks or tents on the ground, and the meals are nothing extra; you eat anything you can get hold of. You are out of the way of transportation and you have to eat canned goods. That's the main thing they live on. Of course, you can get fish, but all these inconveniences makes it hard to get loggers. For that simple reason, I believe that that is one reason that the loggers of Alaska, the logging men, have a hard job to get men to work for them; and after you do get them it's hard to hold them in the camp. They cannot offer them any inducements to stay there at all, outside of wages, and wages in Alaska, in my experience, are no better than on Puget Sound.

GOVERNOR STRONG: Have you any knowledge of the wages paid for loggers now.

MR. KEENEY: At the present time I haven't. No, I haven't been in the woods since 1903, but last fall I was talking to Mr. Worthen and he said that the men were paid seven dollars a day.

GOVERNOR STRONG: That is for loggers?

MR. KEENEY: That's what he told me. Now, I don't know whether this statement---

MR. DOYLE: I was well acquainted with his men. Mr. Worthen got his logging done very much by Al Young, and I was very intimately acquainted with the crew that worked for Mr. Young. There was no such wages paid. There was only one man that claimed he was getting seven dollars a day and that was Young himself. The average man in the woods got four dollars a day with an unlimited day.

GOVERNOR STRONG: An unlimited day?

MR. DOYLE: An unlimited day.

MR. KEENEY: That's correct, Governor, unlimited.

GOVERNOR STRONG: What do you mean by an "unlimited day?"

MR. DOYLE: Well, you work as long as conditions permit. For instance if the tide is high, you work long. Some days they work maybe seven or eight hours and some days thirteen and fourteen. Just as the opportunity presents itself. There was no standard day. There is no standard day for the logging camps in Alaska.

GOVERNOR STRONG: And you are advised that there is a standard day in the logging camps of Washington and Oregon at the present time?

MR. DOYLE: Well, I have 'nt been there for six or seven years and I was thoroughly well versed with conditions that existed in the logging camps then. I was in one of the largest logging camps on the Pacific Coast in the Grays Harbor country, and I was thoroughly well versed; knew all the loggers; knew the conditions;, knew the disposition of the men and every thing of that kind. But times have changed since then in the last seven years. There was no standard day at that time, and when they wanted to organize the loggers, the men wouldn't adhere to it, because as the price of lumber went up, the foremen, the bosses, advanced the price accordingly to the men, and the Grays Harbor Country at that time was the banner wage paying industry in any part of the United States for that class of work. They certainly paid their men well; hook-tenders were getting six to seven dollars a day and fallers were getting four and four and a half a day.

The wage paid at that time in the woods was three dollars a day to skid road man.

GOVERNOR STRONG: That is, three dollars a day and board?

MR. DOYLE: No; the skid-road men, hook-tenders, the fallers and the other men paid their board from the salary mentioned, but at that time, ten years ago, that was considered a very good scale of wages. It was worth more at that time, a wage of 7 dollars a day at that time was worth more than would ten dollars be today, considering the cost of living and the expenses that the workingman has got to pay. Take for instance the price of shoes. A pair of Cutter shoes (that was the banner shoes for the loggers at that time), they were four to five dollars for the pair. You buy the same shoes today and pay fourteen dollars for them. You could buy a mackinaw coat for five dollars, but today it is $25. So, taking the whole thing considered, seven dollars a day at that time was far better than ten dollars would be today.

MR. KEENEY: I would like to make my statement clear in regards to my feeling, as I personally experienced them. Now, I quit lumbering and went to work in the Alaska-Juneau mill. The Alaska-Juneau mill pays $3.75 a day for eight hours, operating, and in preference to going out into the woods lumbering, I would rather remain in the Alaska-Juneau mill at $3.75 than to go out into the woods for a bigger wage and eight hours. That is the feeling that I have toward the logging camps.

GOVERNOR STRONG: That is based upon your own experience?

MR. KEENEY: Yes, sir; that is upon my own experience. It is just as bad wading through the water, mud, devil clubs and mosquitoes on the trails, practically the same thing, as the logging camps in southeastern Alaska, and you have seen men stuck some place with so much mud on him that you wouldn't know him if he is your own brother. That's just one reason why

men won't stay with logging camps in Alaska.

GOVERNOR STRONG: Are you familiar with the wage scale paid the loggers and mill men in the State of Washington, say?

MR. KEENEY: No, sir; I don't pretend to have any knowledge whatsoever about the pay in Washington.

MR. HOLLYWOOD: Governor, I would like to state that I have worked in the logging camps in the State of Washington, the last time in 1911, and while I was working there, I worked as an engineer in the camp, and I worked at every other job in the camp, and the loggers that were in that camp, the smallest paid men were three dollars and a half a day and they paid 75 cents a day for board. I came up here, I think, in 1913 and went to work for the Alaska-Gastineau as an engineer out here at Salmon Creek. I was paid four dollars a day and I had to pay a dollar for board.

GOVERNOR STRONG: WHEN Was this?

MR. HOLLYWOOD: That was in 1913. And last year I was offered a job running a donkey in a logging camp in Alaska, and they offered me four dollars and a half a day for ten hours, and I know that they offered the men (they don't class different ~~ck~~ grades of loggers as they do on the Sound. On the Sound there is the hook-tenders, rig slingers and gaffers) --they class them all alike and give them four dollars a day and they have to pay a dollar a day for board, and probably they have to work more than ten hours a day. On the Sound ten hours was supposed to be a day's work and we never worked any longer than ten hours, and in the winter time we worked only about six hours. I worked in the Grays Harbor country and we worked there and get the same wages as we did in the summer and we only worked six hours and a half a day. We worked from the time it was daylight until dark. It didn't get daylight until about half past eight and it got dark about half past three in the afternoon. Last summer I have a pal of mine that left Alaska and went down and went to work in the

logging camps in Washington and he wrote me a letter and told me to come down. He told me that I could get six dollars a day, and he told me that the camps are booming.

GOVERNOR STRONG: Did he state the number of hours?

MR. HOLLYWOOD: No, he didn't state the hours.

GOVERNOR STRONG: There has been a strike, I understand, to enforce the eight-hour day in all logging and lumber mills as well. I have been advised that the eight-hour day is in force in the logging camps, all logging camps as well as lumber mills, but I haven't been officially advised of that fact.

MR. BENSON: I have a letter from a friend of mine in the Grays Harbor country and he said that they were pretty sure of getting eight hours.

MR. OLIVER: I think I can cast a little light on labor conditions at Ketchikan and south of Wrangell. We have and did have last summer the most prosperous town in Alaska. The fishermen done well and the logging camps was all working, but in Ketchikan now there's a great many men that are not employed and the sawmill is idle. George Luger runs a logging camp out of Ketchikan and he works on an 8-hour basis and he has no trouble to get a full crew at all times. Bauer & McKay, another logging concern of our district operated on a basis of fifty-five cents per hour and their camps are idle. Three years ago I was with a gang of loggers. I went out with them and there wasn't any cook in the pack and they made me cook, and we received three dollars a day and board. We was getting out fish trap piles for the Fidalgo Island Packing Company. I have heard here many remarks in regard to the shortage of labor. Of course, conditions here are different with the mis fortune to the Treadwell mine, but down in our country there are mines, the copper mines, the war metal. The Granby Consolidated Smelting and Refining Company at Anyox, a British corporation, operate a mine on Kasaan Bay, called the It, and work two full shifts eight hours a day. The men go to work at seven o'clock in the morning and they come out

of the mine at four in the afternoon. The night shift goes on at seven o'clock in the evening and they come out at the end of the eight-hour period; and I have heard more discussion in the last two or three days around here, more dissatisfaction, than I have heard in Ketchikan all winter, and it seems to me as though the disposition of the people that is here to represent the logging companies is to take advantage of this one labor situation. I think that they are very unfair. There may be a scarcity in their own district, but there is no scarcity in the district of Ketchikan, and I think if it was necessary and they needed miners here and would pay them the same scale that they pay down there,(the Granby people, for instance, pay their miners a sliding scale which is very satisfactory), they wouldn't have any trouble getting all the men they want.

GOVERNOR STRONG: You stated, Mr. Oliver, that the Ketchikan mill was not running.

MR. OLIVER: No, sir; the Ketchikan---

GOVERNOR STRONG: Do you know why?

MR. OLIVER: The Ketchikan mill never has run, to my personal knowledge, for the seven years that I have resided at Ketchikan, at any time after October or November in the fall until March or April in the spring. Now, I know that there is a great many men who, with their good fortune last year in the fisheries, have cleared $800 or a thousand dollars and they are very anxious to build themselves a boat. They have bought themselves a little gasoline engine and they have been waiting around all this time for to get boat lumber, but the mill has been shut down and they are unable to buy lumber in Ketchikan.

MR. KEENEY: There is just one more matter Governor. At the present time,(of course, this is February of the year), but every year in this part of the country there is five to seven feet of snow, and it is absolutely impossible to handle logs with the equipment they have here through snow of that depth, because it is heavy, wet and mean, and you can't walk

through it; you can't build roads through it. It's too deep, and that is one of the disadvantages of logging in the winter.

MR. TRACY: I would like to say something. I am not a professional logger myself, but I have taken small contracts for piles. I got out some trap piles for Hookman Brothers in 1912; that is, for their floating traps. There was a little spring or lake up in the woods and we were putting in a pipeline, and there was eleven feet of snow. Of course, it didn't average eleven feet all over, but there it would, and I guess it was fifteen days before they could put this pipe line in. We worked eight hours a day and we cut just as much timber that we could if we worked ten hours. And, of course, we had to do all our cooking. But the snow was so bad that you couldn't hardly do anything. There was some days that we averaged $17 a day and there were other days that we didn't average anything, didn't even make our salt, and all the time we were out there we only averaged four dollars a day. In fact, so far as my experience is concerned, I never did see many loggers out in the spring, because it was absolutely useless to try to do anything in the woods. You can't even lay skid roads, and it gets so deep that the logs just plow right into the snow and you can't even pull them out with a donkey engine. And, so far as working ten hours or eight hours is concerned, we had to work eight hours, and when we worked ten hours we were so hungry, tired and hungry that we couldn't hardly do anything after. We had an awful appetite. And we could get out just as much timber in eight hours as we could in ten.

MR. BARNETT: In regard to expressing an opinion whether a man can do just as much work in eight hours as he can in ten. I work for Tom Radonich, at the Alaska Grill, and he said that he was going to keep the place on 10 or 12 hours, and we told him that we would quit the first of the year but he was just fooling, and when he put the place on eight hours,--I had a helper there, and I told him that he could go, and You wouldn't believe that I could get along without him, but I told him that I would feel like

working now, and ever since then I've been running the kitchen myself, and doing it in eight hours at that. Of course, sometimes I get a little behind when there's a rush, but it don't take long to catch up.

(Adjournment taken until 11 o'clock, February 7, 1918.

11 a. m., February 7, 1918

GOVERNOR STRONG: I would like to ask this morning if there is anyone here representing the loggers and longshoremen.

MR. DOYLE: Well, I can get a representative in a very few minutes.

MR. BARNETT: A representative told me last night he would be up here this morning.

GOVERNOR STRONG: Very well; we will take it up later.

MR. DOYLE: The longshoremen report confidence in the committee that was elected at the meeting.

GOVERNOR STRONG: The reason that I ask that is I have a letter from the transportation companies with specific reference to longshoring conditions here in Juneau, and I wanted to hear someone representing the longshoremen.

MR. CAPERS: I would like to make the same request about postponing this hearing, or extending it. We do not know what has become of the Spokane She is probably still afloat somewhere, but she hasn't come to Juneau yet, and we will withhold any further remarks until the arrival of the Spokane with Judge Norham.

MR. OLIVER: Your Excellency, there was great stress put upon the shortage of labor and the great need of spruce lumber, and I know that among the native boys of southeastern Alaska, there's three to five hundred good loggers. There are some of them in Juneau now, and I am going to see if I can't get them all up here in a body and discuss this matter, where they can give you good information, because they are all intelligent young men, and Mr. Murchison, the manager of their team, is here and would like to give you what information he has.

GOVERNOR STRONG: Ask him to come in. (Mr. Murchison, a native of Metlakatla, is ushered in).

Now, are you a logger, Mr. Murchison? Do you know anything about the logging business?

MR. MURCHISON: Yes, I am a logger myself. That is where I get my start.

GOVERNOR STRONG: Now, tell us what you know about logging conditions in Alaska and the supply of laber necessary in that industry. And, incidentally, you might tell us anything about any airplane timber that you know of, if you know of any.

MR. MURCHISON: Governor, Your Excellency, honorable gentlemen. I haven't studied or heard about it, but it has come natural to me about the logging business as well as the fishing business, or any hard labors like that that lots of white folks didn't want or care to do. What is left, we are always pleased to do it. In the logging business, you will understand through me, that we have got right at the town of Metlakatla, we have been logging for, since we came over here, in 1887, and next year we went out and gathered our own logs ourselves, sixty men, built a sawmill for Mr. Duncan, and fifteen or twenty years after that we built our own sawmill, and you will understand that, talking about laber, shortage of laber, right at home there is over three hundred able-bodied men. Amongst these three hundred are millwrights. We have got today at home about 38 competent millwright men.

GOVERNOR STRONG: 38 millwrights?

MR. MURCHISON: Yes; there are 26 in our cannery and in our sawmill. That is where my brother works. That is the Gravina mill. And all these men were experienced sawmill men before they come out from British Columbia. In the other mill, about two miles south of Ketchikan, are forty men, and out of that forty men over 30 are experienced sawmill people---put up their own machinery, set up their own boilers, and equip the whole mill, and the mill was able to turn out 28,000 feet of lumber a day. We keep our own books and please our customers. Now on Annette Island alone (I think I want to tell you that I think the Island is in a very safe situation under the protection of the Government at the present time), we have got on that Island over six million feet of standing timber, very nice timber, back in

the valleys, back in the mountains where the wind hardly touches them---very good timber, that the Government require today for airplane lumber. On that island alone there is two large timberlands like these . Another place we estimate there is somewhere about two million feet. That is between Metlakatla and Shaken. We have got a timberland at Mud Bay. That is about six or five miles north of Ketchikan, on the same channel, on Tongass, on your right hand side coming north. We got on that (the mill was burned down), I think on that, on that timber land somewhere about eight million feet or more. Way back in the mountains, there are quite over ten million feet, which Mr. Silverman told me that. Mr. Silverman jumped this place after we left it. Mr. Silverman was the first man, I think, superintendent of the Hadley Mining Company. In that place alone, around in the Ketchikan district, we can supply any amount of feet of lumber. You will understand now, as I told these gentlemen, that this timber is actually standing untouched.

The boys at home are donkey engineers. They are able---they have been cutting piles and running their own donkeys, steam donkeys, as well as gasoline donkeys, and we have got four crews out already this winter cutting piles for cannery companies and also logs for ourselves at Metlakatla. But, in my experience, I cut logs by hand. I have went out five times. I failed two times and I get ahead three times out of five times, in the winter time. The last time I failed it took me two years to pay off $700, and if it hadn't been for Mr. Rush, of the Rush & Brown mine, I would have been in debt today, but today I don't owe anybody a cent. So that's the way it goes. There is three hundred men, perhaps, more, not only in Metlakatla, but anywhere in the other native towns are men, able men who can handle an axe.

GOVERNOR STRONG: Experienced loggers, in other words?

MR. MURCHISON: Experienced loggers, and they file their own axes, put their own axes in shape, pull their own logs down from the woods and fasten

their booms together, understand handling logs and bringing them wherever the water is safe. Not only in Metlakatla, but in all the other native towns this is done. Sh, I am only speaking in this little time I get to enlighten you, that you have got a large amount of laborers on the native side, and any time you can get men if there is a shortage of laborers and the Government needs it during war times, We are ready to give ourselves up to our country, and we are already trained; we have been already trained and we are ready to do our part.

MR. DOYLE: Is that Mr. Silverman the same man that has the mill at Wrangell.

MR. MURCHISON: I don't know the the man is that got it now. No, this Mr.Silverman, down at Ketchikan, I think the timber land is still in his name.

MR. CAPERS: Is the mill running now.

MR. MURCHISON: It is just about complete now.

MR. CAPERS: Then it has been operated?

MR. MURCHISON: No, but we've been running on a very small scale, but it will be started this year.

MR. CAPERS: Did I understand you to say it was cutting 28,000 feet a day.

MR. MURCHSON. The other two mills---

GOVERNOR STRONG: This mill has been operated by water power.

MR. MURCHISON: Which?

GOVERNOR STRONG: At Metlakatla.

MR. MURCHISON: Yes.

GOVERNOR STRONG: Are you putting in steam?

MR. MURCHISON: Yes, besides water power.

MR. CAPERS: Is is run by the Indians altogether?

MR. MURCHISON: Yes.

MR. CAPERS: Do they have the other mills running all the time.

MR. MURCHISON: Yes.

GOVERNOR STRONG: The other was burned down several years ago, as I understand it.

MR. DOYLE: Did you receive any orders or any application for orders from the Government.

MR. MURCHISON: No.

MR. DOYLE: You don't get any direct orders?

MR. MURCHISON: No direct orders, but I think the men there are talking about it, in regard to the spring or as soon as possible. Only we would want for this large amount of feet right on Annette Island some good, powerful, steam donkey to pull those logs down. They are very desirable lumber--- great big timber---

GOVERNOR STRONG: Clear?

MR. MURCHISON: Yes, very clear.

MR. HARRISON: In conjunction with the remarks that this gentleman has made, I would like to call attention of the meeting this morning to the fact-- of course, it is a report through the Associated Press---that there is an abundance of men at Anchorage. There are more men than are needed at that particular point. Their first meeting was held there January 27, a mass meeting---

GOVERNOR STRONG: Yes; I was advised of that meeting of January 27.

MR. HARRISON: And then they held a second meeting February 6; they held a second massmeeting February 6, and they have incorporated articles which they are sending through direct to Washington, to the Federal Government, to place before the Council of National Defense as a record.

MR. MURRAY: Governor, while there is a lull in the proceedings, I would like to make a short statement. I come here from the town of McCarthy,

situated at Mile 191, on the Copper River & Northwestern Railroad, and approximately four miles from Kennecott. There is also behind that town the Mother lodes Copper Mining Company, which has this summer built a sled and automobile road fourteen miles from McCarthy to its mines. It freights ore from there to McCarthy and ships it out to the smelter over the Copper River railroad. There is also tributary to McCarthy the Nizina placer camp, out of which there comes a large output every summer. There is the Tjesevig Copper Company near Kennecott, north of Kennecott Glacier, tributary to the Shushanna placer camps, and there is being freighted from Westover, across the Nizina River into McCarthy approximately three thousand tons of copper ore. There are also a number of copper prospects on the Chittystone River and the Ketsina and Kuskulana. In other words, I come from a mining country, and on behalf of those people, inasmuch as this hearing is held to advise the Council of National Defense whether or not the request should be made to your self to modify or suspend this eight-hour law, for their information, we desire to have the record show that the people in that country, the miners specifically, deny the right or authority of the Governor, the Council of National Defense, the Secretary of the Interior, or any other body or agency, to, in any way, modify, suspend or otherwise change the act of 1913 of the Territorial legislature of Alaska, being chapter 29, which applies to underground lode mining and kindred work pertaining to metalliferous lodes. We deny the same as to chapter forty of the Territorial Session Laws of Alaska, 1917, pertaining to underground placer mines and all underground workings. We desire that that be called to their attention, because we take it that the suspension or modification goes only to the general eight-hour law.

Now, as to the general eight-hour law, I was a member of the legislature, the House of Representatives, which voted for that law. It was passed at the last Territorial assembly, and, as you will remember, this provision providing for the power of suspension or modification, was put in in pursu-

ance of a wire sent to yourself by the Secretary of the Interior or others foreseeing this war. Now, there is no complaint about the eight-hour law in the country from which I come, so far as I know. There is no complaint as to the lack of labor, so far as I know, unless it might be skilled mechanics at the different copper camps. Outside of that, I am not informed of any scarcity of labor, though it might exist. Now, you will notice, and the Department will notice, the Council of National Defense will notice that the power given in chapter 55 of the act of 1917, permits the Governor to suspend or modify the restrictions contained in this law when such shall be requested by the Council of National Defense or the Secretary of the Interior. That is the exact language. Now, I submit that there is no reason at all for the suspension of this law in this Territory. The two provisions, one granting power to suspend and the other to modify mean something. That word modify is not put in there as a jest. There can be no reason---I have heard of no reason advanced why this eight-hour law should be modified by the Governor so long as it is not successfully attacked in the courts. It can be modified. The first kick I heard on this eight-hour law was at Cordova. The first kick at McCarthy was from a teamster, Mr. Willson; that was the example that you, Governor, cited. He has a haul of approximately 35 miles. He hauls that Westover copper down the Chittystone River, down the Nizina River and up the Kennecott River to the depot at McCarthy, from where it is shipped out to the smelter. Now, he may have his shift done in six hours; he may have it done in six hours, or seven hours, and maybe it will take him three days; that is, men may go out and at the end of eight hours, they may be caught in overflows, blizzards or snowstorms, and they may get into their camp many hours after eight hours are up with nothing but their coats. Now, if you say that that is a piece of the eight-hour law, it is too absurd for discussion. Such affairs as that must be arranged beforehand between the employer and employee, what is to be done in case an accident like that happens. If they don't arrange

that, they won't be able to keep their men. The other complaint was at Cordova. Mr. Galen asked me to call on him. At that time I didn't know anything about this hearing, and he urged a modification. But none of these men asked for the suspension of the law. Another man that spoke to me about it at Cordova was Mr. Hazelet, interested in oil. None of these men asked for a suspension of that law. The worst that they asked for, of all the men I spoke to, is a modification.

Now, when that act was introduced, Senate bill No. 13, and after it passed, or before it passed, I and others t ried, in good faith, to figure out some scheme whereby we would have a legitimate eight-hour law and still give the laber the opportunity of working overtime, at his election, without any risk if he didn't so elect; but after giving it a good deal of thought and after talking to other members and the men around this town of judgment and skill and brains, we couldn't figure any system of overtime. It is only a question of mathematics as to whether that scale would be changed. The employer, except in some cases, would generally figure his scale of wages. Assuming, for the sake of argument, his wages run somewhere around five dollars a day, he would figure his scale of wages for eight hours, which with two hours overtime, would result in his getting five dollars a day. It is only a question of mathematics, and when I spoke of that at the Club at Cordova, when some of the gentlemen were attacking that law very fiercely, accusing me of being a brainless individual for voting for it, one of them said, "The men that have been working for me now, they'll get paid for eight hours." For all the work which is being done in Alaska, there is a fixed scale under which the men are working. The worst that should happen, if the nation needs men in Alaska to work more than eight hours, is that the Attorney General, he can draw an order in accordance with the law, at the request of the Department of the Interior or the Council of National Defense, for our guidance, which order will permit overtime and will provide arbitrarily, and can provide arbitrarily, as

the Adamson act, for the present scale of eight-hour wages and such hours as are just. There is no reason that I can see for the absolute suspension of this law; and I also desire to call the attention of the gentlemen and the Council of National Defense at this time, to the fact that not only the United States, but Russia and England and in Germany, to some extent they are calling upon labor, and calling upon different men to sacrifice and do things for the common good of the country, in view of which, it would be a grievous thing to suspend this law if a modification will be sufficient because it will lead to evil results. So far as I am concerned, I don't know that the law should be modified, but certainly it should not be suspended.

MR. CAPERS: You are an attorney, I believe?

MR. MURRAY: Yes.

MR. CAPERS: Did you ever consider the validity of this act before it was passed?

MR. MURRY: Oh, yes.

MR. CAPERS: What is your view?

MR. MURRAY: I think it is doubtful. No eight-hour act like this has ever been sustained.

MR. CAPERS: Do you think, Mr. Murray, that you could have passed an unquestionable and valid eight-hour law? Or could you have improved on it?

MR. MURRAY: Well, I don't think so. There has never been any general eight-hour law sustained in the United States. Every other law like it has been sustained under the police power of the States.

MR. CAPERS: Do you think that you could have complied with the instructions given you and have passed a valid law that would have made those necessary exceptions?

MR. MURRAY: No; I tried that Mr. Capers.

MR. CAPERS: Wherein did you fail?

MR. MURRAY: Well, to begin with, there were other lawyers in the legislature besides myself. I was out of practice, and the speaker was out, Tom Price, was not engaged. I consulted with the Attorney General and I took the floor, and I tried to have as many special bills passed

under the police power as possible; for instance, the eight-hour act for women; the eight-hour act for underground placer mines, and the eight-hour act for surface work, and I stayed on the floor, and in talking with the attorneys around Juneau, none of them thought that the act would be sustained, and for that reason I wanted as many of them passed under the police power as possible. Of course, the courts are changing---courts are changing. This act might be sustained. The Adamson act wouldn't have been sustained fifteen years ago.

SENATOR HUBBARD: Don't you think that the fact that this law had been submitted to the people would have some influence on the court.

MR. MURRAY: Well, the way the courts are acting at the present time, it would have a very great influence. It's just like Mr. Dooley says, "It might be doubtful whether or not the Constitution follows the flag, but there is no doubt that the Supreme Court follows the election returns."

MR. CAPERS: May I ask you one more question: You take the position that there is no call for the suspension of the law in this Territory?

MR. MURRAY: No; absolutely.

MR. CAPERS That it should be modified?

MR. MURRAY: I don't say that it should be modified; I said that is the worst that should happen to it.

MR. CAPERS: How do you consider the word "modify---modify and restrict?" What do you consider that means? If the Attorney General of the Territory of Alaska advised His Excellency as to his powers in the matter, what would you say is meant by the words "modify and restrict?"

MR. MURRAY: All right; I'll tell you. It is admitted by everybody now, I think, that it is illegal to work over eight hours; that is, for the wage or salary earner to work---

MR. CAPERS: You mean that this law was valid?

MR. MURRAY: Yes, as written on the books. There might be some particular industry in which the Government, in its present travail, needs more men and longer hours---

MR. CAPERS: Now, Mr. Murray, may I ask you this question: Don't you

regard it as very questionable whether it is within the jurisdiction of the legislature to vest such a power in the Governor for the very good reason that a modification of the law along the line you suggest and suspensions are really legislative functions? Has that point ever occurred to you?

MR. MURRAY: Yes, but it is purely an academic question and don't get us anywhere.

MR. CAPERS: But, don't you think that a question nevertheless, a question that seriously arises whether the legislature had the right to empower the Governor to do what the legislature should have done by creating limitations and restrictions.

MR. MURRAY: No, I have no doubt on that. I think the legislature had that power.

MR. CAPERS: You think that do you?

MR. MURRAY: Yes.

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GOVERNOR STRONG: The mining in the Nizina country is largely placer, is it not?

MR. MURRY: Yes----well, there's a large hydraulic plant on Rex Gulch, or two on Rex Gulch, and There's two on Chititoo Creek and there's a small one up on Jolly Gulch and there's a very large plant on Dam Creek, in the Nizina country, besides a number of men who work with pressure hose and etc.

GOVERNOR STRONG: I have had no general demand from the placer operators in the Nizina section for the suspension of the law.

MR. MURRAY: The employee thinks it a pretty good act. But the Nizina country can run on eight hours and pay five dollars a day.

GOVERNOR STRONG: Is that the wage scale---five dollars?

MR. MURRAY: Well, five dollars and in some cases, $125 a month for labor, and then it runs about $200 to $225 for hosemen and pipemen.

GOVERNOR STRONG: And board and lodging?

MR. MURRAY: Yes; the Kennecott also pays a bonus and a straight scale of wages. There is no such scale as there is around this country.

MR. DOYLE: It is impossible for the workingman to live on the scale of wages they have around here.

MR. MURRAY: All I know about the fishing industry is that we don't get enough fish up the Copper River to feed the dogs.

GOVERNOR STRONG: The stream has been overfished?

MR. MURRAY: Yes; they don't let them come up. They get about all the fish in the canyon.

* *

MR. OLIVER: Your Excellency, Rev. Mr. Marsden is outside. I think he can tell you a great deal so far as logging and fishing is concerned.

~~MR. MARSDEN~~:

GOVERNOR STRONG: Mr. Marsden, it has been suggested that you have information that may be valuable in this hearing, touching the logging industry of Alaska generally, and especially with reference to airplane stock, lumber that is suitable for the construction of airplanes, which is in demand at the present time owing to the war; the supply of labor necessary for the logging industry in this Territory, and so on.

MR. MARSDEN: (a native) May I ask a question? I am a little bit at sea as to what I shall say.

GOVERNOR STRONG: Well, in the first place, Mr. Marsden, we have an eight-hour in the Territory. I think you spoke to me about that the other day---the eight-hour day as applied to the lumber industry in the town of Metlakatla. Now, what I want to get is some information upon the available supply of labor that would be suitable in the logging industry and in the lumber industry, and in the manufacture of lumber, and how the present eight-hour law would operate in this particular industry---whether favorably or

unfavorably. I want your opinion on it one way or the other---if you believe that the eight-hour law, so far as the lumber industry is concerned should be suspended during the continuance of the war or if it should be adhered to rigidly. How many young men, native people, do you know of that could be enlisted in the lumber industry, in the logging industry, if it were absolutely necessary---men who know the business, who have some acquaintance with it, and so on.

MR. MARSDEN: The eight-hour law is in operation now down our way. As regards the logging industry in the lower section, among the natives (I speak particularly about this industry among the natives), the men who have been logging have not observed any straight hours, so far as I can say. They go out by contracts and they bring in logs just according to their physical ability and not under wages, under any arrangment.

GOVERNOR STRONG: In other words, they are engaged in contract or piece work.

MR. MARSDEN: Yes, that is just exactly what they have been doing all these years. How that new law will apply to their business, I have no knowledge whatever, and I could not foresee how it would operate. The other day I was speaking, Your Excellency, of our men working. Our boys who wanted to work in the mill don't know just what to do under this new law and the man who managed the mill had a little problem before him whether to pay them at the rate of ten hours a day or eight hours a day with the same wage; and so my inquiry then was along that line. The boys themselves thought it was. There was something before them that would bring change of working conditions there, and the majority of the people who are running the mill there claim that a ten-hour law would work a little injustice in their particular business there. But the thing is new to them and the mill is not in operation regularly under this new law as yet, and it remains to be seen just what they actually want and what they actually need.

The supply of laborers in Metlakatla is large in a small community of its size. It would number something like 700, perhaps something over, natives, Indians, and I would roughly estimate here this morning between two and three hundred men, able-bodied men who could be employed in the logging industry of that section. But during the summer, as every gentleman here knows, every one of us scatter; we go to the different canneries, and some boys go to the mills. Right there in Ketchikan we have something like twenty men working in the mill, and perhaps in the summer there would be not a single native to engage in the logging business.--

GOVERNOR STRONG: They will all be out fishing!

MR. MARSDEN: Yes. But I suppose if they were compelled to work in the logging camps, there would be a goodly supply of loggers right there in Metlakatla.

GOVERNOR STRONG: That is experienced loggers---men who know the business?

MR. MARSDEN: Yes; they have made their living out of that all these years

MR. CAPERS: Mr. Marsden, may I ask you a question or two.

MR. MARSDEN: Certainly.

MR. CAPERS: This supply of labor that you speak of is largely native---altogether native, is it not?

MR. MARSDEN: Yes.

MR. CAPERS: All natives.

MR. MARSDEN: Yes.

MR. CAPERS: They live there in Metlakatla, and they have their community, and they have their own industries?

MR. MARSDEN: Yes.

MR. CAPERS: Do you know whether they would be willing to scatter out all over the Territory for the purpose of logging?

MR. MARSDEN: Some of them, yes.

MR. CAPERS: You think they would?

MR. MARSDEN: I think so.

MR. CAPERS: You think they would be willing to go during the summer time to Cordova or Anchorage for the purpose of logging?

MR. MARSDEN: I rather think so. But that I am not positively sure of.

MR. CAPERS: You have no knowledge of logging conditions in other parts of Alaska?

MR. MARSDEN: No, sir.

MR. CAPERS: During the summer most of these natives are engaged in fishing?

MR. MARSDEN: Fishing, yes.

MR. CAPERS: I ask you, Mr. Marsden, if it isn't true that most of the logging is done during the summer time?

MR. MARSDEN: Generally, yes; but that's the only season of the year.

MR. CAPERS: That is, during the winter time climatic conditions are so bad and the difficulties or logging are so great as to make it practically impossible to log during the winter?

MR. MARSDEN: Yes.

MR. CAPERS: And that even if every one of these natives abandoned the more profitable employment of fishing, that it still would not solve the supply of labor for the purpose of logging throughout the Territory, would it?

MR. MARSDEN: No; I think not.

MR. CAPERS: You don't think so. The statement was made a while ago by Mr. Murchison that there was six million feet on a certain island there. Metlakatla?

GOVERNOR STRONG: Annette Island.

MR. CAPERS: Oh, yes; and about two million feet elsewhere on another tract that you spoke of, isn't that right?

MR. MURCHISON: Eight million feet. I think I said about six million feet on Annette Island and two million feet somewhere else.

MR. CAPERS: All good timber?

MR. MURCHISON: Yes, sir.

MR. CAPERS: That mill can turn out 28,000 feet a day.

MR. MURCHISON: The old mill was burned down.

MR. CAPERS: How much will the new mill cut?

MR. MURCHISON: I think the new mill will be able to turn out at least twelve to fifteen thousand feet a day

MR. CAPERS: Now, the 28,000-feet mill would cut a million feet of timber in less than 300 days. That is, less than a year.

MR. MURCHISON: I don't know.

MR. CAPERS: Well, you figure it out. It would be 2,800,000 for the first 100 days. Three times that would be 8,400,000. That would run a mill for a little less than a year. Now, I will ask you another question. Isn't it true that it would be practically impossible to keep enough of a crew in the woods to comply with this eight-hour law and still get out sufficient lumber to run a mill? That is to say, you would have to have a double crew, or perhaps three crews during the summer time, and that one of these crews or two of them would be idle sixteen hours a day. In your judgment, wouldn't that render the cost of logging so great as to be practically prohibitive?

MR. MURCHISON: Yes.

MR. DOYLE: Mr. Capers, excuse me a moment. Are you acquainted with the logging business?

MR. CAPERS: Not directly.

MR. DOYLE: Have you any idea what a logging crew consists of?

MR. CAPERS: No; not directly. I have never employed them.

MR. DOYLE: Well, you're opinion is very direct.

MR. CAPERS: No; I'm simply asking for an opinion.

MR. DOYLE: You haven't the slightest idea of what a crew consists; you haven't any idea how much labor a crew in the woods has to furnish.

MR. CAPERS: Not myself, but---

MR. DOYLE: You're speaking of something you don't know.

MR. CAPERS: I think I have definite information on that subject.

MR. OLIVER: Mr. Marsden and Mr. Murchison are strangers here and not accustomed to that sort of questioning, and when Mr. Capers made his remarks, I don't think they realized that he was an attorney representing the great corporations of this country, and I would like to correct their answers.

MR. CAPERS: You can't correct---

GOVERNOR STRONG: What do you want to do?

MR. OLIVER: Correct Mr. Marsden's remarks. Mr. Marsden said that the logging was done in the fishing season.

GOVERNOR STRONG: Yes; that's what I understood him to say.

MR. OLIVER: Well, now, I was master of a small tug in Ketchikan, and I know that it was customary for the natives, outside of the fishing season to go out in the woods in the fall or the early spring. I know this personally, and the native boys and the native men of southeastern Alaska, out of the fishing season, go into the woods and they get logs out, and in my work I went to the different camps and towed their logs to the mills, and when the logging season was over they would prepare for the fisheries. I know when they first started to cut logs they received four dollars a thousand, and then it was increased to five dollars a thousand. There was the stampede to pay and the Government scaled the logs. I will leave it to the gentlemen if I am not correct. And there is in Metlakatla 200 or more sturdy, young men that can go into the woods, that are skilled woodsmen. There is at Hydaburg also about the same amount, and in all these

native towns of southeastern Alaska they have got trained loggers. In fact, it is second nature to the native, because he built his canoe from the logs. He went out into the woods and brought the log out to make his canoe out of, and I know by repute that some of them are the finest filers, and I know that they are all good axemen, and I think it is a good opportunity for the Government of the United States, in this emergency, with spruce so in demand, to call upon the native boys of southeastern Alaska to go into this industry, and I think they can enlist a great many of able men among the natives, good loggers.

MR. MURRAY: Let us assume, for the sake of argument, that the logging is done in the summer. Where I come from, for instance, they have a saw-mill on Dan Creek and there is a small mill on Chititoo Creek, and the logs for those mill in that country are all gotten out over the snow.

GOVERNOR STRONG: During the winter season!

MR. MURRAY: Oh, yes. If, for instance, the eight-hour law is modified or restricted, assuming that conditions exist as has been stated, it would be a foolish thing for the Department to suspend the whole act, or the Council of Defense or the Government to suspend it where it could be modified to make a certain application on the coast to the logging industry and another application inside---another modification. That brings up the matter of the right to modify. Now, that is done in the game law. The Congress of the United States passed a certain law and they gave to one of the Secretaries, the Secretary of the Interior, or some other Secretary, the power to modify and change it from time to time to suit local conditions---

GOVERNOR STRONG: The Secretary of Agriculture.

MR. MURRY: The Secretary of Agriculture. And it is legal at one place and illegal at another place. So the act can be modified to meet the requirements. That would be a case in point. The Congress has given that power to the Secretary of Agriculture as the legislature has given you the power. It would be absurd to apply the same rules to the logging industry in the country which I come from and the vast interior, of which I know nothing.

MR. CAPERS: Directly the reverse conditions apply on the coast and in the interior, in the logging business?

MR. MURRAY: Yes

MR. CAPERS: And practically all of the ore of the Mother Lode was gotten out in the wintertime by sleds.

MR. MURRAY: Yes.

MR. CAPERS: And naturally the same climatic conditions and economic reasons would appertain in the hauling of logs. On the Sound ports the reverse conditions exist. It may be because they tow by water and during the winter and water is more stormy and the snow so heavy as to make it difficult to get them down into the water.

MR. MURRAY: Yes.

MR. DOYLE: There's no restrictions like that in the Grays Harbor country.

MR. CAPERS: What is that?

MR. DOYLE: I say there's no restrictions like that in the Grays Harbor country.

MR. CAPERS: In the Grays Harbor country?

MR. DOYLE: Yes.

MR. CAPERS: I presume that it is unnecessary to inform Mr. Doyle that the climate is vastly different and your argument doesn't carry a great deal of weight.

MR. OLIVER: For the gentleman's information, I have towed many logs into a sawmill where the raft was all covered with snow in the winter time.

MR. CAPERS: We are dealing with general conditions here, Mr. Oliver.

(Adjournment taken until February 8, 10 a. m.)

Ten a. m., February 8, 1918

GOVERNOR STRONG: Well, the meeting will be in order. If you gentlemen have any statements to make, I will be glad to hear them. I have one request to make, and that is that you confine your statements as closely as possible to facts. I can spin my own theories if you will give me the facts.

MR. WALKER: It has not been my intention to enter into this in any way whatsoever when I first heard of it. I would only now like to submit a few statements, only a few statements without any regard to an argument whatever.

In my official capacity as Inspector, Alaska Service, United States Bureau of Fisheries, I have charge of three boats of the Bureau that are used in patrol work. One of these boats is a steamer, carrying a crew of six men; master, engineer, two firemen, cook and a deckhand. The other two boats are gas boats, carrying crews of three men---masters, engineers and cooks. Now, in our patrol work I have run as high as forty hours by the officer taking his watch---we would rather take turns about (one man or two asleep while the other men were on watch). But to with this eight-hour law, I just simply wonder what its effect will be on our work; if we are compelled to limit it to eight hours---that is our patrol to eight hours a day---I don't know what we'll be able to accomplish. I just simply submit that for consideration.

Now, I have just received word from the Bureau that we will put on some special men, to be termed stream watchmen. That is, those men will be sent to some particular stream in a restricted locality with the idea of absolutely preventing violations within certain zones. Now, it is only possible, with our present funds, to have a few men, very few men. I don't think it will be possible for us to have more than ten at the most and probably only about five, and due to the small number, we can't have more than one man at a place---that is, we couldn't have three men together to work in eight-hour shifts. So that, while the man is there 24

hours at a time, it will simply be a vacation for him, pretty nearly. He wen't be doing any real work, but he is to be on the job all the time. Some days he would probably have to do real hard work, and other days he wouldn't be turning his hand over. He might be staying around the camp or running his little boat from one of those streams to another, just merely seeing that violations do not occur. I would merely submit that so that you can consider it.

Then in my official work last year, I was around to most of the canneries and salteries and other stations, and I found a great shortage of labor. That is, there was scarcely a plant in southeastern Alaska that was able to work to the maximum capacity of the plant because of the shortage of men. In some cases they weren't able to get the fish, but in most cases they could have gotten the fish but they didn't have the men to work them up. And I have no doubt that conditions will be similar this year. Then, from a purely patriotic standpoint, I expect to work my brain sixteen hours a day. I do a good bit of the time anyway. Fortunately, one can't be prosecuted for what he thinks. It is only what he says or does; and it looks to me like it is as much up to every man living in any of the Allied countries and profiting by the Allied countries, to do his part in every way possible to the limit of his endurance during the duration of the war, as it is for the man who is using his brain, and no man can stop his brains working.

That practically summarizes all that I have to say, and there is no need of my going into it any further---just merely to submit those facts.

MR. OLIVER: Your Excellency, Mr. Walker, I have listened attentively to what he says, and when the employees of the Bureau of Fisheries come up here, they will come here under the eight-hour day that has long been established by the Government of the United States and recognized by all its employees.

MR. WALKER: As I said, I won't try to enter into any argument. I would merely say this, that we have to work a great deal more than eight hours. I have always, in the past, engaged my time by work to be done. There are many times that I haven't earned my salt, but there are other days on which I have worked 24 hours. It has always been a case of do what I thought the work really demanded rather than the number of hours.

MR. BARNETT: Well, I think myself that the gentleman is a little bit out of place. We are not talking about the fisheries, but about mining and logging. The eight-hour law has been suspended so far as the fisheries is concerned, and it wouldn't affect this at all.

GOVERNOR STRONG: Well, we don't want to shut out anybody who has a statement to make.

STATEMENT OF JUDGE GORHAM

We have some matter to present, Your Excellency, on behalf of the Pacific & Arctic Railway & Navigation Company and on behalf of the American-Yukon Navigation Company, the former operating a railroad from Skagway to the summit and the latter company operating from St. Michael up the river, up the Yukon River. Unfortunately, I wasn't here at the opening of this hearing and, excepting what my clients have been able to tell me, I am not familiar, of course, with the procedure. We would like to present our matters in an orderly way, practically as an ex parte presentation. We do not care to submit ourselves to cross examination. Of course, it is none of our business what other presentations are made by the other interests, but I ask permission to submit what we have at this time somewhat in the way that Mr. Wilson, the Secretary of Labor, did at Seattle. Mr. Wilson said, "We will hear each interest separately. If the shipyards have anything to say in the matter of employment and wages in the shipping industry, while the hearing is open to all, we will hear them separately." The employers submitted practically what might be called an ex parte presentation of their statement and for the second meeting the employees made their presentation--- if I'm not asking too much.

GOVERNOR STRONG: No objection to that, so far as I know. You can submit your case.

JUDGE GORHAM: These companies are not contesting eight hours as a standard day of labor for their wage earners or their salary earners. These companies, both of them, are public service corporations; they are common carriers. The railroad is compelled to operate whether it wanted to or not, whether it operates at a profit or at a loss. As a common carrier, it is compelled to operate, and if it failed to operate, the public, through proper procedure, could procure the appointment of a receiver who would

operate the property under orders of the court. We serve the Yukon Basin and all of its inhabitants, both by railway running out of Whitehorse and by steamer up from St. Michael. The interests of the inhabitants of the Yukon Basin demand some modification of this law under consideration. It isn't a question whether or not these two companies whom I represent can get the supplies into the interipr; it is a question whether or not they can get those supplies into the interior at such a cost as will enable the people there to purchase supplies from the local merchants. If every pound or every ton of supplies going into the Yukon Basin should cost, say---just to illustrate and make it emphatic---should cost a thousand dollars a pound, irrespective of the invoice prices of the goods themselves, the inhabitants would come out of the country or else would have to live upon the country.

So, our attitude is that this is a matter in which the people of the Yukon Basin are especially interested; and, as I said before, we are not opposing the eight-hour day as a standard day of work.

The railroad---I am not wholly familiar with the operation of the railway, but I assume that it is operated practically as other railroads are operated, with due allowance for conditions of weather, the country through which it passes and the traffic which it carries. But the American-Yukon Navigation Company probably operates differently from any other carrier by water in the country. We have various classes of employees. We have some employees who are carried upon the pay rolls of the company the year around and who perform services the year around; we have other employees who are carried upon the pay roll for the year and do not perform any service in excess of six months; we have other employees who are carried upon the pay-roll for six months and their services do not extend over a period of time to exceed four months; we have also employees who are carried on the pay roll simply for the time they work. Some classes of these employees receive their transportation in and out; some classes of employees receive not only

transportation, but pay during the time of transportation in and out. Many of the employees, especially in the lower river section, are contracted for in the States and are brought up to St. Michael.

We offer to submit every thing we have to submit under oath---if that has been your practice.

GOVERNOR STRONG: No, it has not.

JUDGE GORHAM: We make the offer. We expect to simply state the facts from our point of view. Those facts, of course, can be controverted by others in interest, if controversion is possible. We would like to make a presentation of some oral testimony as well as some documentary evidence, and, in order to expedite the matter, I will ask Mr. Hahn, Mr. V. I Hahn, a few questions.

TESTIMONY OF V. I. HAHN

Q. You are the superintendent of the Pacific & Arctic Railway Company?

A. Yes.

Q. How long have you been such superintendent?

A. I have been superintendent about twelve years.

Q. And your road consists of what?

A. Well, it is a railroad extending from Skagway, tide water, to Whitehorse in Yukon Territory---about twenty miles of it in Alaska.

Q. What is its gauge?

A. Three-foot gauge.

Q. What is its train service---passenger train service?

A. Well, we construct a mixed train service, passenger and fraight.

Q. Just generally speaking, in order to give an idea of the railroad and its operation; just generally speaking, what is its train service throughout the year, in the summer season?

A. In the summer season we operate a daily train except Sunday and in the winter, depending on the business.

This present winter we are operating two trains each way per week. Last year we operated nearly every day, depending on the business.

Q. Your terminii are Skagway and Whitehorse?

A. Skagway and Whitehorse, yes, sir.

Q. You take and transfer cargoes from ocean steamers at Skagway and deliver it to the river steamers at Whitehorse for down river points?

A. Yes, sir, as well as going into the Atlin country, and local business along the line.

Q. Do you know anything about the shortage of labor in your business of---

A. Yes, sir

Q. ---railroad operation. Will you state what it is.

A. We have been confronted with a shortage of labor during the last year or two in every department that I have charge of.

Q. What are the different departments?

A. Well, there is the---at the wharf we have the truckers and leaders of the freight. We have the train crews, train and station crews, shop force, section men, bridge men. That covers the different headings pretty well.

Q. What shortage have you had in your wharf crew, if any, during last year, for instance?

A. In the wharf crews we have had to work men quite a few hours sometimes because there weren't enough men available to keep the work going.

Q. What was the necessity of keeping the work going?

A. The seasons with us, of course, are very short. The interior country is dependent on its supplies by water navigation, and of course, we have to cross the Pass there with the road to feed the steamers, and the open season of navigation to our end of the seaboard is less than four months when any freight can be handled to speak of. Of course, when navigation opens, shortly after the first of June, the water is usually so low that about all they can take is passengers, mail and baggage on the first trip or two, depending on the stage of the water. Some years it

is a little better than others. Then towards the end of the season the same thing occurs. So that we have, during a period of four months out of twelve, we have to get all freight into that interior country that goes via the Skagway gateway, and freight goes via the Skagway gateway as far as Fairbanks, and that means that, of course, the ocean boats lay their with their cargoes. Their arrivals are more or less irregular. There are four passenger boats that come in fairly regular, but most of the other boats are irregular, the same as it is here in Juneau, and freight boats still more so.

Q. That creates a congestion?

A. That creates a congestion---an ebband flow, you might say. And as the freight arrives it is k unloaded into the warehouses and then the men have to load it into cars and perhaps a boat is waiting at the other end, and, on account of the extreme shortness of the season, it is very vital not to delay boats, so that sometimes our men, while our day heretofore, our normal day has been ten hours, but the men sometimes, some days have to work thirteen and fourteen hours, and on other days again, as the freight situation is more or less cleaned up, there may not be any work at all, or they may only get five or six hours off and then another boat comes in, and sometimes several in at a time. I have seen four boats at the wharf there at the same time, and the work has to speed up again.

Q. Is there a sufficient amount of work to warrant the railway company in running, say, two shifts of wharf crew throughout the season?

A. No; there isn't. The work will average a pretty fair amount for the men that we have, and whenever it has been possible to pick up extra men, we have done so; but the minute that there is, that there was a little lull, the extra men usually left. They say---our practice is to give the steady men and the men as they come on in the order in which they come into service---give them the preference. And I have seen that the last summer. For instance, the freight is cleaned up. I

remember one time for several days there was no freight, but there was freight expected. We get telegraphic advice always of freight boats as they leave Vancouver and Seattle; but, in spite of that, the foreman couldn't talk the men into staying. "No," they say, "we're here to make what we can. We want all the time we can get in, and if we're going to lay around like this, there is no assurance that the same thing won't happen again; so we'll get out."

Q. You have a special character of freight that it is necessary to expedite in its forward movement?

A. Yes; perishable freight, of course, is always given special service because---of course, that is ordinarily the case anyway, but particularly because the time for the transportation of freight is necessarily slow from the Sound ports and Vancouver and going down the river, so that we have to minimize every possible delay, and at times a boat may get in through the night, and we have to hold our train up perhaps, or perhaps work all that night, if the freight was available, rather than to load it early next morning, in order to get it out so as to catch this boat at Whitehorse.

Q. Now, you have a short season and a long season during which your operations are not so heavy. Have you endeavored---and, if so, with what result---to minimize your work during the rush season and maximize the work during the balance of the season?

A. Yes. When the operation of the road first started, they used to try to get men to operate and do the work as the work presented itself---that is, in the summer when everything was busy, get as many men as possible to do this work and then in the winter, cut it way down; but, after trying that for a few years they found out that the best policy, from the company's standpoint and the workingman's standpoint, was to try

to get as near as possible a steady crew of men and keep them the year around; and to get as many married men as possible that would make their homes there. It's better for everybody. So after that we adopted a policy of whatever work we could perform for the winter season, we would do so. We would go along possibly all through the summer and delay that work so that the regular force could be kept on as long as possible the year around. That more particularly applies to the shops, and we have handled it that way and we have found that it has been very satisfactory for both sides. We have a very good force of men; the majority of them have been with us for years. They seem to like the company and we think a great deal of our men, and of course, at that there are times when the men have to work a little overtime. They have always been willing to do it, and if a man for any reason doesn't feel that he can work some night, we try to arrange to let them off, but we have tried to have the force so that we can have a good, standard day's work the year around for the men and, of course, there is a certain amount of overtime, but the overtime is not sufficient to put on extra men. If the work was heavier, we would put on extra men.

Q. Does that apply to the bridge men, section men, as well as shop men?

A. It does; yes, sir. Of course, with the bridge and shop men, or with the bridge and section men, it is more the case with them. The emergency doesn't arise as much as it does in the shops or on the wharf, because it is more in a case of washouts or some trouble, bridge trouble, with them. You take the others, and some repairs come up here and there that can't be foreseen lots of times and the men have a little overtime Of course, at the wharf, with coal boats to unload, there are times that the men have to work extra hours, and yet you can't keept men there. We have tried to tdk to them and argued with them, but you can't keep them there for that extra work because there is not enough of it, and

the men that are there in the summer they look forward to the little extra overtime.

Q. Well, when you reach the boundary line---when the Pacific & Arctic railway reaches the boundary line, what becomes of the train and engine crew? It goes on?

A. Well, they run through.

Q. They run through to Whitehorse?

A. They run through to Whitehorse. We operate it as one division, 111 miles long.

Q. And the property there is under another corporate name and ownership?

A. Yes.

Q. But the same engine and train crews run from Skagway to Whitehorse?

A. Yes; the operation is under one head, although they are different companies.

Q. State whether or not it would be practicable---well, first, I will ask you what the hours of that run are.

A. The time card run is seven hours and fifty minutes.

Q. Terminal to terminal?

A. Terminal to terminal, yes, sir; so that a train coming south would be seven hours and fifty minutes, if they were on time. Then when they reach Skagway, they have to discharge their passengers, baggage, express and mail and then go back and put their train away; so that in every instance they would be over eight hours at it a day if they were on time, and operating a mixed service as we do, we take, taking the freight and everything, a great deal of time, and we can't make the regular schedule time when we have this freight. A passenger train can be figured on a great deal closer than a train that has freight on it.

Q. I show you a letter marked "Arctic Navigation Company---American Yukon Navigation Company, exhibit No. 1, and ask you if that is your signature? -- at the bottom of the letter.

A. Yes

Q. And that is a communication made by you to the chief clerk of the manager in this matter?

A. Yes.

Q. And the statements therein contained are true, prepared by you personally?

A. Yes.

Q. From your own personal knowledge?

A. Yes.

Q. We ask to file that Governor.

(Exhibit No. 1 admitted)

Q. I show you a paper which is marked Pacific & Arctic Railway & Navigation Company and American-Yukon Navigation Company in this hearing, exhibit No. 2, and ask you what that is---just generally.

A. This is a petition from our employees at Skagway, asking that the eight-hour law be modified, permitting overtime.

Q. Do you know these men whose names are attached to this petition?

A. Yes.

Q. Who circulated that petition?

A. Some workman, I think, a blacksmith or boilermaker.

Q. Blacksmith named Bunting.

A. No; Bunting is a boilermaker.

Q. Did the company request the employees to sign this petition?

A. No;that petition the employees said that was what they wanted. They wanted an eight-hour day, but they wanted the privilege of working overtime whenever occasion requires it. They figured it was as much for their advantage as it was for the company.

Q. What percentage of your employees at Skagway are included in this petition?

A. About ninety per cent. I think that they could have gotten a few more but I think they simply overlooked them.

Q. We will ask to file that.

(Exhibit No. 2 admitted in evidence)

Q. That is all, I think, Mr. Hahn.

TESTIMONY OF W. C. BLANCHARD

Q. Mr. Blanchard, will you give your initials, please, to the reporter?

A. W. C. Blanchard.

Q. And your connection with the Pacific & Arctic Navigation Company?

A. Chief clerk to the General Manager for the past eleven years.

Q. Stationed at---

A. Skagway

Q. I show you a paper, a letter addressed to Mr. Wheeler, the General Manager, signed by Mr. Miller, the General Auditor, and ask you if you have seen that before.

A. Yes, sir; I have.

Q. How did that come to be prepared.

A. This letter was prepared at my request, to outline the conditions under which the Auditing Department would be compelled to conduct their office if the eight-hour law was enforced.

Q. Are you familiar enough---the duties of your office make you familiar enough with the Auditing Department to enable you to state, of your own knowledge, whether or not the statements contained therein are true?

A. They are absolutely true.

Q. You are familiar enough with that work to know?

A. I am; yes.

Q. That is exhibit No. 3, same title, exhibit No. 3.

(Exhibit No. 3 admitted in evidence)

TESTIMONY OF D. A. MUIRHEAD

Q. Mr. Muirhead, will you give your name to the reporter?

A. D. A. Muirhead.

Q. And you are employed by the---

A. River Division.

Q. American-Yukon Navigation Co.?

A. American-Yukon Navigation Company, River Division.

Q. Oh, River Division. I thought you said "railroad." In what capacity?

A. Chief clerk to the superintendent

Q. How long have you been connected with the company in that capacity?

A. Two years---five years with the company, but two years as chief clerk.

Q. And your duties? Just generally, what are your duties?

A. Well, assistant to the superintendent.

Q. You are familiar with the conditions and operation of the River Division?

A. I am.

Q. In its different departments?

A. I am

Q. What do you know about the shortage of labor in the operation of the River Division, if there is any shortage?

A. Well, the American Yukon Navigation Company were short all classes of steamboat labor, with the exception of officers, during the past season. That included deckhands, firemen and members of the steward's department, the cooks and messmen.

Q. What was the occasion for the shortage?

A. Well, we had four crews to start with and then they drifted away and we were unable to replace them in the season. We ran practically, I suppose two-thirds of the trips on the lower river we were short of men.

Q. Where does your labor come from?

A. A great deal of it comes from the outside. Of course, if a man quits, we are forced to replace him from labor available in the country or endeavor to secure some from some other point.

Q. Your men on the River Division work overtime?

A. They all do.

Q. Do you ever hear any complaint among the men on account of their being asked to work overtime?

A. We have not. On the contrary we have had complaints because---in the case of the deckhands, that they were not making enough overtime. We have

had statements made by the men (they have made them to me personally) that they would prefer to change to another boat because they were unable to make any overtime on the boat which they were working on, and they informed me personally, one crew has boasted to another they were able to make more money where they were; but no complaint has ever been made that they had too much work to do. On the contrary they complain about not getting enough work to do.

Q. Your steamers carry mail?

A. They do.

Q. When your steamers are delayed through running on bars, etc., and for other reasons, how do you forward the mail.

A. We have mail launches on the lower river that operate in case a steamer is delayed for any reason. These launches have a crew consisting of a pilot and engineer. In case of a boat leaving St. Michael, with a heavy tow, she is some time in reaching Tanana, and we dispatch the mail launch to take her mail and bring it up so as to comply with our contract, and if we were forced to double our crews there, it would be a case of tying up somewhere and let them sleep. I don't know where they would sleep.

Q. Then the exigencies of the service does require them to work more than eight hours?

A. It does at times; but taking the season straight through and averaging it up, the men will not have worked eight hours a day. There are days that they run, when running, say 12 to 16 hours, depending upon weather conditions, if it is light enough to see. During the middle of the summer and early part of the summer, it is light all night and they can run long hours. There are other times when they would tie up for a week or ten days because there is no need. At this time they are under pay just the same.

Q. What are your principal ports of call in Alaska Territory and the lower river?

A. Well, Eagle, Circle, Fort Yukon and Rampart, Tanana, up the Tanana River, Hot Springs, Nenana, Tolovana, Fairbanks, and, down below Ruby, Holy Cross, Iditarod River and Dikeman and to Iditarod, and up to, up the Koyukuk River to Bettles, and on the lower Yukon River, below Holy Cross, Marshall and St. Michael.

Q. And that entire Yukon Basin is served by water craft?

A. Entire Yukon Basin.

Q. Just tell us very briefly the operation of your steamers with regard to the necessity of working overtime---just briefly, that is all.

A. The steamers leaving Dawson or Fairbanks, before making their trip from Dawson or from Fairbanks, they have to probably lay over there 24 hours anyway, and sometimes 48, depending on conditions, and sometimes even longer, depending on connections from up the river, that is the other fleet, and on going down the river they have, they may have a large amount of freight for one special point. It may be necessary, of course, to discharge that freight as quickly as possible. Leaving that point, they may go for some distance where they will handle freight beyond that for some distance, and, of course, our men will work very short hours; and at Tanana they are usually there for anywhere from 12 to 48 hours, during which time the majority of the crew have practically nothing to do, and up the Tanana River the same thing prevails until reaching Fairbanks. At Fairbanks they lay over there 24 to 48 hours, before proceeding back down, and the same condition applies between St. Michael and Tanana, between Holy Cross and Dikeman, and up the Koyukuk River to Bettles. There are times when there is a great deal of work to do; there are other times when there is nothing to do.

Q. Well, are you able to handle your cargoes with the vessels' crew at these different ports?

A. We are not; we have to pick up longshoremen at various places, depending

on the amount of freight we have to discharge. There are agreat many instances, especially below Tanana, where we have a barge load of freight, or barges, a number of them to one boat, and we set them out where the barge has the most freight, and set a barge load of freight for one point.. There we pick up all the available longshoremen and let them discharge that boat under the supervision of our agent at that point. At Ruby, for instance, we pick up all the longshoremen we can get a hold of to unload these barges while they are there.

Q. Merchants crying for their goods as soon as a vessel arrives in port?

A. Yes, merchants crying for their goods as soon as the boat gets in, and we have all the available labor and work them as long as they are willing to work. The number of chances during a season that these men have to work are, of course, limited to the number of trips that the steamers make with freight for these points, and these men desire to make all the money that they can

Q. All the what?

A. All the money that they can during a season, if they are going to devote their time to that work. If it were divided into shifts of eight hours and the work was given to the different crews. we would, of course, not be able to hold any of them, because they would not stay there for the limited amoung of work they would get.

Q. What would be the result if you were required to put three shifts in every department upon your river craft? What would be the result as to space for freight and passengers?

A. Well, as near as I can see, if we were forced to put, to treble our crew or double it, I can't see how we would be able to give any decent passenger service, because the available room would be filled up with employees and there would be no room for the passengers.

Q. How many round trips do the steamers make from Dawson, say, to the lower river and return in a season?

A. From Dawson to Fairbanks we make seven, eight trips during the season---round trips.

Q. And from St. Michael out?

A. Oh, I presume six.

Q. The utmost expedition is exercised in order to avail themselves of the short season? There is no certainty as to the water?

A. There is no certainty as to the stage of the water and the danger from ice. It is an old saying that a boat leaving the Tanana River for Dawson should be out of the Tanana River prior to the first of October to be safe. We have at the present time one of our steamers twelve miles below Chena, unable, on account of the amount of ice running, to proceed to Chena or to Fairbanks for winter quarters. Therefore, she is lying in the slough there, held in by the ice.

Q. Now, this condition of the longshoremen, the shortage of labor that you have spoken of, does that obtain at Ruby, Nenana and Fairbanks, Tanana, Marshall, Holy Cross and those different ports?

A. It does at all of the important stations mentioned.

GOVERNOR STRONG: One moment, Mr. Muirhead. What is the average number of men employed on your river steamers---officers and crew?

A. The average number I would say it was between 30 and 35, depending upon the size of the boat and, therefore, the number of deck crew necessary as its crew.

GOVERNOR STRONG: You employ more or less native labor as deckhands?

A. When necessary only.

GOVERNOR STRONG: Only when necessary?

A. Only when necessary.

GOVERNOR STRONG: They are not regularly employed?

A. We don't aim to employ them if we can employ white labor.

GOVERNOR STRONG: You do employ native pilots?

A. Only in cases of emergencies

GOVERNOR STRONG: Only in case of emergency. I know that in the early days on the Yukon native pilots were largely employed.

A I don't think we employed a one this past season. I think there was one employed the season before that for a few days only.

GOVERNOR STRONG: How is the native labor, plentiful? ---at the different points along the river, say, Circle, Fort Yukon, Tanana, Rampart, Ruby, Lewis Landing, Nulato.

A. That depends on the season. In case the hunting is good we can't get any Indians at all. Just the minute the hunting season comes on, we lose them all.

Q. (JUDGE GORHAM/) Is there any part of the season when white labor is scarce and you are unable to secure all the white labor you want?

A. Well, during the past season, right during the middle of the summer, it was especially scarce.

Q. Why?

A. I do not know. They seemed to have gone. There are, of course, small stampedes that take a small number of men from our boat. There will be five or six men leave for every stampede.

TESTIMONY OF E. P. DEPUE

Q. You are an employee of the American-Yukon Navigation Company?

A. Yes.

Q. In what capacity

A. Well, chief clerk at St. Michaels in immediate charge of handling the freight business and general transportation business at that point.

Q. How long have you occupied that position?

A. For four years with this company.

Q. And prior to that?

A. Prior to that I was with the old Northern Navigation Company in the same position.

Q. Same place?

A. Yes.

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Q. Now, I wish you would state, Mr. Depue, just how the business of the American-Yukon Navigation Company is carried on at St. Michael. Just give us a little history or resume, or rather a bird's-eye view of the physical conditions, the congestion, if any, arising from the ocean carriers coming in and how they come in and what seasons.

A. Well, I will start with the beginning of the season there. These ocean boats that we connect with, there's two companies operating---the Alaska Steamship Company and the Pacific Coast Steamship Company (now the Pacific Steamship Company) They all start their boats out of the coast about the same time in order to get through the Pass in the time the law allows, which, if I remember, is June 7 or 8, so naturally both these boats are in St. Michael just about the same time---

Q. I am familiar with all that, Mr. Depue, thoroughly; so you can pass on to the next.

A. Well, then we start unloading the freight. As soon as a boat gets in (of course, we have got a list of how the freight is stored, etc.) and we immediately start in to take care of it and put barges around that boat to load as per the plans for the different points---different barges for the different terminals like, we'll say, a barge for Fairbanks, a barge for Iditarod and maybe one for Ruby. It all depends on the tonnage. Anyhow, we have three or four barges around the boat. Of course, we start in working a minimum of two gangs of men, and if that boat should happen to be there very long, possibly we put on three gangs of men. Each one of these gangs would have 13, 16 men and a foreman, and, of course, a check clerk to check the freight off the boats. Well, in the meantime, of course, if another boat comes in, we have to prepare at once to take care of that boat; that is, start to discharge her, and we work sometimes four or five gangs on these different boats. Naturally the boats want to get out and discharge as soon as possible, and we want to get the freight discharged as soon as possible and start getting in shape to move it up the river. Of course, it don't always happen

that the way we place those barges is going to be right, for the reason that the freight don't come off right. We might be delayed in switching those barges around. That is one of the conditions, of course, we have to figure on.

Q. GOVERNOR STRONG: You are delayed by storms?

A. Possibly about the time we get all set a storm comes up or the weather changes, so that we might have to start pulling the barges away. That is, take the barges away and get back to our routine work. Well, by the time we get those barges, boats, unloaded---we'll say that before that time we have a freight boat in. I have seen as high as five boats there at one time. Naturally they all want to have something, some work done on them. Of course, if we get all this freight discharged from the ocean boat, it is not necessarily always in shape to move right up the river because---on account of not coming off right, not having the barges placed right and getting most of the freight in barges where it didn't belong. So after these barges are unloaded, we immediately have to go and spend anywhere from ten to twelve hours, maybe longer than that, in rehandling our freight again to properly load it to go up the river.

Q. GOVERNOR STRONG: These crews work continuously, weather permitting?

A. Work continuously, weather permitting; yes. They work---well, of course, they are bound to because it is necessary for us to get the freight off. We can't delay the ocean boats. Occasionally we may be working an ocean boat and a storm comes up and we will have to take all of our barges away and she might pull away herself---in fact, sometimes, they have to go out clear to Egg Island. When she comes back---and while the boat is out there, of course, we discharge the freight into the warehouses and are rehandling this freight on the barges; but as soon as she gets back, why naturally we want to start right in and give her quick dispatch.

Q. GOVERNOR STRONG: What is the average number of hours that your longshoremen work out of 24 hours?

A. The number of hours, the longshoremen work there 15, 16 hours. That is, in the early part of the season when we have a congestion of freight. (JUDGE GORHAM) We put in a table showing all that.

Of course, it happens once in a while that they might have to work longer than that. For instance, we are discharging a boat there and the weather is very threatening and we have the boat pretty near discharged and they want us to work, and we try to work right on through. We figure that there might be two or three hours' work and it may be six. Sometimes they work, I have known them to work there, well, 25 to 30 hours at a stretch. Then, of course, they would go and lay off. The conditions at St. Michael are so that it is absolutely necessary for the men to work when the boats are in.

Q. JUDGE GORHAM: You mean ocean steamers?

A. Sir?

Q. You mean ocean steamers?

A. Yes. All the time what we have to contend with is the weather. We don't know what day or hour the weather is going to change. And after we get the ocean boats unloaded, of course, we naturally have the same difficulty with the river steamers; that is, they may be loaded and want to go and we can't get them out on account of weather conditions. So whenever the freight is there to discharge and the weather will permit, naturally we have got to take advantage of every hour to discharge it, whether it is day or night.

Q. This transfer of freight is made out in the bay?

A. Yes; out in the bay.

Q. How far from shore?

A. Oh---the ocean boats you mean?

Q. Yes.

A. All the way from a mile and a half, say, to two miles.

Q. The longshoremen's time begins when?

A. The longshoremen's time begins when they start from the wharf.

Q. And ends when they get back to the wharf?

A. And ends when they get back to the wharf.

Q. What about your office force there?

A. Well, the office force has to work practically pretty near the same hours. The clerks who check the freight they work the same as the stevedores. The check clerk is right with the gang of stevedores. All the office force is handling the freight business, or freight papers. The way our freight is handled, of course, we never know definitely what freight, what vessel the freight is going on---that is, what barge or steamer--- until it is loaded; so we can't do very much in the way of billing the freight out, that is, the showing of it on the papers, until it is all checked and the man turns in the report from his cargo book as to where it is, as to where it is loaded. So, as soon as a boat, as soon as a vessel is loaded there, why naturally there is a scramble to get her off, because a boat can't leave until the billing is done.

Q. You mean the river steamers?

A. River steamers. Of course, a delay in the papers of one or two hours might knock the river steamer out a day or two days. I have known them to lay there three or four or five days when they couldn't make a move, although they were ready to go. So our office men have to work under these conditions and long hours in order to get the freight moved.

Q. How about the daylight there---all daylight?

A. Well, in June, we start in to have daylight all night.

Q. Twenty-four hours?

A. Twenty-four hours; and that is true up to the latter part of July; and in August, of course, it begins to shorten up; but in those two months, in June and July, is when we have our greatest congestion. After the first few boats are in there and out, the next week will come in fairly regular, and so we then have more than a whole day at a time.

Q. What is the tonnage capacity of your barges?

A. Well, our cargo barges, the tonnage capacity is anywhere from 225 tons to 500 and 550.

Q. Covered barges?

A. These are all covered barges.

Q. Doesn't the cargo come out of the ocean carriers in regular order? Will you explain about that---so that your Fairbanks barge can be brought alongside---

A. No, it don't. We have a great deal of trouble, of course, that way.

Q. Does that make you extra work?

A. Yes.

Q. Explain about that.

A. Well, of course, with the ocean boats they load their cargo down below, and, according to the plan as to where it is loaded, they turn that in to us, but naturally a great many times---in fact, almost invariably--- that is more or less wrong. So, when we get this plan, of course, we figure what barge is going for the different ports and the different classes of barges that are available. We have different classes of barges for the different ports, and depending a goot bit on the tonnage they have. For instance, up the Iditarod River we have one class of barge, if it is available, that's usually better for towing. Up the Tanana River we have probably another class. So we get those barges in shape to load alongside the boat, according to the plan as to where the freight is. From the time you get started, or after you start a little while, you find that the freight is not stored that way. So you either have to put the freight in another barge or you have to switch the barges around, and by the time you get the barges switched around, maybe the weather would change and you would have to keep on the lee-side of the boat.

Q. The longshoremen's time is going on all this time?

A. The longshoremen's time is going on all the time. I have seen times when, on account of switching the barges around, one gang, or two gangs or maybe the other gang only will be at work. We have had as high as four gangs working on one boat. It is unusual to have three---almost always two. Well, all this time, of course, the stevedores' time is going on, and in switching these barges around there is more or less of them being used. But that time is lost. The conditions are such that whenever a boat is in there and the weather permits, why we have to go to work and take care of the freight, because we never know what time the conditions are going to change so that we can't work in discharging the ocean boats. And, of course, even with the present system, boats are delayed materially owing to weather conditions and other conditions that makes more or less delay.

Q. What about your shipyard there---labor in the shipyard?

A. Well, our labor in the shipyard, that applies pretty near the same. Whenever we have to put a barge on the ways, for instance, which we do have one of them on the ways all the time for repairs, we can't put these barges on the ways any time we want to. That depends on the tide. That depends on the tide so strictly that whenever that tide is so we can put it on, we have to put it on whether it is day or night. Of course when barges come in there they always more or less require repairs.

Q. River steamers the same way?

A. River steamers the same way. The barges don't necessarily always have to go on the ways, but there is a gang of men at work on them to get them in shape. We have a big fleet of barges there and they may be loading eight or twelve barges---that is, from the different vessels.

Q. How many barges will one of the river steamers push up the river?

A. Well, of course, that depends a good deal upon her amount of cargo. They have taken up as high as five and six barges and tonnage anywhere

from---our regular steamers doing towing there they'll take up, Oh, fourteen to eighteen hundred tons of cargo.

Q. Now---I just wanted to put that in before I forget it---now, go back to the shipyards. Are they required, on account of the exigencies of the service, to work more than eight hours?

A. Oh, most decidedly; most decidedly. As a matter of fact, as far as the shipyard men are concerned, they want to work more than that, because they want to make overtime---in fact, all our employees go up there for that purpose---stevedores, shipyard men and shop men---all want to get in overtime. But with the shipyard work, why, of course, they have to work more than eight hours, because, as I said, a vessel is liable to come in there any time, day or night, we would immediately have to start and make repairs on her, both in the shops and in the shipyard; and to let it lay there until the next morning, seven or eight o'clock, you can't do that, because that would delay us again all around.

Q. Now you have---take your longshore crew and gangs---they are paid so much a month and found?

A. So much a month and found, yes.

Q. And they are paid for overtime?

A. They are paid for their overtime, yes.

Q. Those gangs are all brought from San Francisco and Seattle?

A. The regular stevedore gangs are brought up from those places, yes, sir.

Q. Would either of those men contract to come up there for an eight-hour day?

A. Would they?

Q. Yes.

A. Not in my opinion, they wouldn't; no.

Q. What would be the result if you tried to hire twice or three times as many longshoremen, giving each longshoremen simply the eight hours' work without overtime?

A. Well, if you attempted to engage longsheremen to go up there and work, merely work that eight-hours for a straight month's pay, in my opinion, you would have a very hard time getting them because they go up there for the overtime; that is, that has been the situation in the past, and I don't know how you would change.

Q. That is what I am speaking of---the past. That is all we can judge by. Any preference given to passenger vessels over freight?

A. Always. We give preference to the passenger vessels always.

Q. Then if you have a freighter in port and a passenger vessel comes in, you have to shift?

A. Well, if we have a freighter in there and are able to we work two gangs on that freighter, and if a passenger boat would come in, why, of course, we would dig up another gang somewhere, two, if possible, and keep them both working. In fact, that is what we always aim to do. If it came to a case of a show-down, we would have to drop the freight boat, if we couldn't get the men which we would need. Of course, in addition to the stevedores that we take up there into that country, why in the early part of the season more especially, we aim to get every available man we can get up there---natives and other people who want to work for the company. In fact last year and in every year we have a very hard time to get enough men to handle the work there, especially in the first part of the season without more or less delay. Of course, in addition to loading the boat, why we have to work some men in discharging the freight. We go out to an ocean boat and we get perishable freight and that has got to be taken care of, discharged and ready for delivery at St. Michael locally. So there's times when it's necessary for us to have five or six gangs of stevedores working at the same time. Of course, those are not all stevedores, but they are the regular stevedores and what we call "pick-up" men work with them. Some years there is very few of these men

around there looking for work. Every seasons we have times when we have a very hard time getting men to do the work. You must remember that when a boat comes in there, a freighter, they don't have enough men on the boat to handle the work---two or three gangs. They have to look for more men. For instance, they have just about enough deckhands to work one gang. We might arrange to be in shape so as to work three gangs, and they'll call on us to rustle men for them towork on the steamers. Time is everything with us in the handling of freight at St. Michael.

Q. How many round trips do the regular liners from the outside make to St. Michael, which you serve for up-river points?

A. The regular liners will make, handling up-river freight, they will make four trips---freight going up the river.

Q. Yes, and it is only the liners with freight going up the river that come into St. Michael?

A. Yes. You mean that they wouldn't come there if they didn't have up-river freight?

Q. Yes.

A. Yes.

Q. How many round trips do the regular freighters make?

A. Well, the regular freighters never make two, or at the outside three, trips. Two trips is about the average. Of course, they bring up a lot of tonnage. They will have anywhere from eighteen to twenty-five hundred tons.

Q. I show you a paper which has been marked"exhibit No. 4," memorandum of employees engaged at Seattle and San Francisco and taken to St. Michael for the operation of the A.-Y. N. Co. terminal at that point, season of 1917, signed by W. M. Taylor, General Agent.

A. Yes.

Q. Are you familiar with it?

A. Yes.

Q. The statements contained in that are true, are they?

A. Yes.

Q. Also exhibit to you a paper marked "Exhibit No. 5," statement of all tonnage handled at St. Michael---tonnage by the American-Yukon Navigation Co., signed W. M. Taylor, General Agent. I will ask you if you are familiar with the facts therein stated and whether that statement is correct.

A. Yes, that is correct, to the best m of my knowledge.

Q. Showing all the tonnage handled. We desire to file that as exhibit No. 5.

Q. I also exhibit to you paper marked "Exhibit No. 6," in this hearing--- memorandum regarding steamers operated by the American-Yukon Navigation Company, also cargo tonnage and passengers handled during the season of 1917, and ask you if that is a correct statement of facts.

A. Yes.

Q. Taken from the files of the company?

A. Yes.

Q. We desire to offer that in evidence, showing the cargo handled and the tonnage, and passengers handled.

I exhibit to you paper marked "Exhibit No. 7," statement of barges operated by the American-Yukon Navigation Company on the lower river and tributaries. That is the lower Yukon River, I suppose that means---what you call the lower river.

A. That is below Dawson

Q. Below Dawson?

A. Yes; that is below Dawson, Yukon and tributaries.

Q. It is?

A. Yes

Q. That statement is correct?

A. Yes.

Q. This statement shows the name of the barge, the gross tonnage and the service in which the barge was engaged during the season of 1917. We desire to file that.

I hand you a paper marked "Exhibit No. 8," in this hearing, and on the face of each sheet is marked "Exhibit 8" consecutively 8A to 8L, different sheets---statement of men employed at St. Michael, Alaska, by the American Yukon Navigation Company in the operation and maintenance of the terminal at that point, showing the number of men employed each month, the number of hours worked, and the average number of men employed each day of the month, and showing the amount of regular time and of overtime, computed on the basis of a ten-hour day, after which all labor performed is classed as overtime, as noted on the statement attached; also all Sundays and holidays are figured as overtime. This is statistical and tabulated matter. I will ask you if you have seen that and examined that.

A. Yes. That is a true statement. I am familiar with it.

Q. We offer that as exhibit No. 8. I show you a letter marked "Exhibit No. 9," from A. F. Zipf, Traffic Manager, to the counsel for the companies appearing here, and ask you if you have seen that statement and read it.

A. Yes.

Q. I will ask you whether or not the statements contained in that letter are true, to your knowledge of the general conditions and operations?

A. From my actual knowledge, it is correct.

Q. This exhibit No. 9 is addressed to W. H. Gorham, Seattle, Wash., a statement prepared by Mr. Zipf, the Traffic Manager of the Company, at my request for submission at this hearing.

That closes the testimony of Mr. Depue. I will now recall Mr. Blanchard.

TESTIMONY OF MR. BLANCHARD (RECALLED)

Q. I exhibit you exhibit No. 10, St. Michael longshore June account, and ask you if you are familiar with that paper?

A. I am; yes, sir.

Q. It came into the accounting office of the company in due course last year?

A. Yes, sir.

Q. And was made upon the figures therein shown?

A. Yes, that is the time log.

Q. Exhibit No. 11, that is solely the longshore pay roll, is it?

A. Yes; St. Michael.

Q. It is for July. I will ask you the same questions as to exhibit No. 12.

A. That is correct.

Q. And September.

A. Yes, sir; that is the September time roll.

Q. Now, we offer exhibits Nos. 10, 11, 12 and 13, as the time rolls of the American Yukon Navigation Company, longshoremen at St. Michael.

I show you papers marked exhibit No. 14, 15, 16 and 17, and ask you what those are.

A. 14, 15, 16 and 17 are copies of the St. Michael shipyard and shop rolls for June, July, August and September, last year.

Q. Are they correct?

A. They are correct.

Q. Originals in your office?

A. Yes, they are.

Q. That is all in detail, Your Excellency, with the names of men, and the hours of labor performed by each each day, and I ask to introduce exhibits Nos. 14, 15, 16 and 17 at this hearing.

I show you paper marked "exhibit No. 18," and ask you what that is.

A. 18 is a summary of the laborers, longshoremen and shipyard men employed at the various river points, 1917.

Q. By the American-Yukon Navigation Company?

A. Yes, sir.

Q. And what is Exhibit marked No. 19?

A. Exhibit No. 19 is a statement showing the regular time and overtime worked by laborers, longshoremen and shipyard men at the various river points---Fairbanks, Nenana, Ruby and Tanana---

Q. And what is exhibit No. 20?

A. ---for the year 1917.

Q. What is exhibit No. 20?

A. That is a statement of the same, but relating to Dikeman, Holy Cross, and Marshall.

Q. These are all true copies?

A. They are compiled.

Q. They are correct and true copies?

A. Correct; yes, sir.

Q. I ask to file this as a part of our case. Now, I show you exhibits 21, 22, 23 and 24 and ask you what those are, if you know?

A. These are copies of the Skagway shop time rolls for the months of June, July, August and September, 1917.

Q. These are true copies?

A. They are correct; true copies.

Q. We ask leave to file those. I will show you exhibit No. 25, and ask you what that is.

A. This is a statement showing the hours of regular time and hours of overtime we accounts for the Skagway shops force for the year 1917.

Q. And exhibit No. 26?

A. Exhibit No. 26 is a copy of the Skagway wharf extra gang time roll for the month of June, 1917.

Q. And 28, 29 and 30?

A. These are copies of time rolls for the same gang for the months of July, August and September.

Q. Are all these true copies and statements contained therein true?

A. They are correct copies of the time rolls.

Q. We offer these in evidence, of their various and several numbers, 25, 26, 27, 28 and 29.

I will show you a paper marked "Exhibit No. 30," and ask you what that is.

A. This is a statement showing the regular hours and overtime hours worked by the Skagway wharf extra gang for the year 1917.

Q. That is a true and correct summary?

A. True and correct summary compiled by the Auditing Department.

Q. We offer that in evidence. I will show you exhibit No. 31.

A. Exhibit No. 31 shows the regular time and overtime worked by the section men on the American side of the railroad for the year 1917.

Q. That is a true and correct statement of facts?

A. Correct statement, yes.

Q. We ask to have that admitted in evidence---exhibit No. 31.

I show you exhibit No. 32 and ask you what that is?

A. This is the same as some of the other statements, showing the regular hours and overtime hours for the year 1917 as worked by the bridge and building gang. And that is a correct statement.

Q. We offer this in evidence, No. 32. I will ask you, Mr. Blanchard, where the President of the Pacific & Arctic Railway & Navigation Company is.

A. Where he is at the present time?

Q. Yes.

A. Chicago, Illinois.

Q. That is his headquarters?

A. Yes.

Q. He remains there, so far as you know throughout the year?

A. He does; yes, sir.

Q. Your general manager is Mr. Wheeler?

A. Mr. M. Wheeler.

Q. His station is at Skagway and Seattle?

A. Skagway and Seattle.

Q. Where is he at present?

A. Seattle

Q. When did he leave Skagway?

A. The exact date I don't know

Q. Sometime before Christmas?

A. Oh, yes.

Q. Business of the company called him South and East?

A. Yes, sir.

Q. He visited Mr. Elliott at Chicago on business for the company and Washington City?

A. That is correct.

Q. And now is on his way north, within a day or two?

A. Yes.

Q. Just accounting for his absence. We would have been very glad if Mr. Wheeler could have been here, and Mr. Wheeler would have been glad to be here. I think that is all our testimony, if your Excellency please. We would like to be permitted to present one small matter, short matter, this afternoon, if you propose to hold a hearing this afternoon. I think there will be no further testimony.

FURTHER STATEMENT OF JUDGE GORHAM

Now, if your Excellency please, on behalf of the Alaska Lighterage & Commercial Company, we would ask that the eight-hour law be suspended. The Alaska Lighterage & Commercial Company is the old John J. Sissen & Company, corporate name changed under the provisions of the laws of California, and is operated as a lighterage company, lightering practically all of the tonnage at Nome for the last ten years or over.

The vessels coming into Nome roadstead, as Your Excellency well knows, are in an open roadstead, requiring immediate dispatch. This company has a complete lighterage plant there. The equipment, I think, has cost the

company upwards of one hundred or two hundred thousand dollars. Until a year ago, when the ice carried out the caissons, they operated a modern, over-head system from out in the sea to the shore, in discharging the vessels, or rather in carrying the cargoes of the vessels from the barges delivered from ocean carrier to the barge on to the shore. If this company is compelled to operate under the eight-hour law in its present condition, it will be impossible to discharge---it will be impossible for us to get men to do that work on an eight-hour basis and not work overtime, and it will be impossible to discharge these ocean steamers at that point. What will become of the inhabitants is a problem. This also is a public service corporation. It won't make any difference to this corporation whether the eight-hour law is enforced so far as its revenues are concerned, assuming that th e work could be done upon a strictly eight-hour basis with no overtime. So that the company is not asking anything for itself, but with the shortage of labor--and the shortage of labor is a universal fact. I think any court would take judicial notice of the fact that there is everywhere a shortage of labor---with such a shortage of labor this company would not be able to work two or three independent shifts, irrespective of the amount of compensation that it might pay for the work.

And with these few remarks, I submit the case of the Alaska Lighterage & Commercial Company, a California corporation. That is all.

MR. OLIVER: Your Honor, before Mr. Gorham goes, I would like to know if the gentlemen that has appeared here in behalf of the White Pass & Yukon and the other routes that he is representing, will appear this afternoon so that we can put some very important questions to him.

JUDGE GORHAM: No, we don't desire to subject ourselves to cross examination.

MR. OLIVER: Well, Your Excellency, I hope you'll consider the fact that this proceeding has been along general lines, and I feel as though Mr. Gorham is taking advantage of the procedure and the technical parts of the law, and the weight of Mr. Gorham's testimony and his statistics will be thoroughly considered on that basis.

GOVERNOR STRONG: This is not a court and if anyone declines to answer questions, why, of course, they can't be compelled. Heretofore it has been a pretty free interchange of questions and interchange of ideas, but it has been by mutual consent. So, if you or anyone else comes up to this hearing and makes a statement and don't desire to be interrupted or don't desire to be cross-questioned, that ends the matter, so far as I am concerned in conducting this hearing. If anyone making a statement here is not willing to answer questions propounded, why that is a matter for himself alone to determine, not me. You understand my position.

JUDGE GORHAM: I stated, if Your Excellency please, in my opening statement, that I ask for this procedure because even such a high official as the Secretary of Labor observed such a procedure. Each party makes his ex parte statement of facts. These facts are made in the presence of anyone who desires to be present and they are open to all who desire to refute them, and anybody who has possession of knowledge of the facts surrounding the operation of the companies involved in this eight-hour law that are inconsistent or contradictory, of course, have a perfect right to refute them in such a manner as they see fit. If our statements are not correct, they can be refuted. If they are correct, why then the powers that be, in the exercise of their judgment, will consider those facts, whatever its judgment may be.

MR. OLIVER: Well, our minds can't grasp it the same as you, and there are great many things in regard to his statement. The White Pass & Yukon Railroad, as I understand, is 120 miles long, and the gentleman, the superintendent, stated here this morning that it takes his trains seven hours and fifty minutes to travel over the road, 120 miles, 111 miles rather; and if the opportunity was given to us residents, bona fide residents of Alaska, who know all these conditions; know that there is an hour or portion of an hour that each train stops at Lake Bennet, which is

is half way on that road, and other conditions in regards to longshoremen, we could bring out a great deal of light and the purpose of this meeting is to cast as much light in a straightforward, honest manner as possible to show us and the government, to bring around conditions for the betterment of Alaska, and this is purely a measure, wage earners' measure, and I think we should be given the opportunity to question him, to bring out the facts that have not been put before the Governor this morning.

JUDGE GORMAN: We have nothing further to say. We have made our statement.

ADJOURNMENT TAKEN TO 2 O'CLOCK P.M.

AFTERNOON

MR. FAULKNER: I want to read from a bulletin published by the United States Geological Survey that has been received, I think, in the last mail. This is bulletin No. 3624, and I am going to read a small portion of it. But referring to the mineral production of Alaska, and particularly the gold production for 1917, this bulletin states---

> The gold produced in 1917, $15,450,000, of which $9,850,000 was derived from the placer mines, was also less than that produced in 1916, which was $17,240,000, and is the smallest since 1904. The production was due chiefly to curtailment of operations because of the scarcity of labor and the high cost of materials, but in part to the disaster at Treadwell and the depletion of some of the richer placers.

That ends the quotation. But I want to state, in connection with that, that the reports of the Alaska-Gastineau Mining Company and the Alaska-Juneau Gold Mining Company for the year 1917, show that their increased tonnage almost offset the amount of tonnage that was lost due to the disaster at Treadwell; so that the amount of mining in this section during 1916, 17, was about the same as that of 1916. I can leave this bulletin with you, Governor.

GOVERNOR STRONG: I have a copy of it.

Mr. Gorham, you stated this morning that you desired to make another statement.

JUDGE GORHAM: No, we desire to put in a concrete proposition which we think will meet with the approval of the authorities, as to the modification of this law, with reference to the basis eight-hour day and of overtime. We are in communication with Mr. Wheeler, who is manager of the company, at San Francisco, and during the hearing this morning a long cablegram came to me. It is a proposition to yourself and the authorities that may pass upon this request, and we would ask if we could wait until Mr. Wheeler's arrival before we submit it.

GOVERNOR STRONG: What time do you expect Mr. Wheeler?

JUDGE GORHAM: He has left on the Sophia.

GOVERNOR STRONG: This hearing won't be closed. There will be an adjournment taken until probably the fifteenth.

JUDGE GORHAM: We submit to you what we think should be done. There will be no brief; it won't occupy more than one sheet of paper. We may have that provision?

GOVERNOR STRONG: Certainly.

JUDGE GORHAM: Then, I will tell Mr. Wheeler. I apologize for my delay.

STATEMENT OF R. E. CAPERS

If Your Excellency please, I have a few remarks that I should like to direct to your good self and to those officials at Washington who ultimately will have in charge the decision upon the matter now under investigation.

I come here in behalf of the Copper River & Northwestern Railroad Company, which is at the present time the principal operating railroad company in the Territory of Alaska, doing the biggest business, serving perhaps the largest community and as important to the future and the welfare of the country as any in Alaska. In addition to that, I represent the Kennecott Copper Corporation, which, at the present time, is producing approximately one-eighth of the nation's supply of copper---one of the most vitally essential materials, metals to the conduct of this war; that in addition to this I speak for the Cordova Mill & Lumber Company, engaged in logging and lumbering, the production of timber, lumber and lumber supplies and the manufacture of airplane stock. We would be manufacturing, I may say, if we could get the logs to manufacture it out of. At the same time I also represent practically all those who are engaged in any way in manufacturing operations, shipping and metals production in my particular section, including, for instance, I may say, the Cordova Power Company. Of course, that is not in the manufacturing business, but it is one of the public service corporations of Cordova.

I might say much upon the general principles of this law. It appears to have been the general sentiment of those who addressed you in this hearing and those who are asking for a suspension of this eight-hour law, that there is no particular antagonism upon the part of the employers to the general principles of eight-hour legislation. In that I thoroughly concur. I voted for the general eight-hour law at the time it was submitted to the people; but I must say that at the time I did so, I had no idea whatever that the legislature would pass a law of the class that it did. I would

be disposed, if it were particularly essential to encumber the record with such remarks, to take issue with these estimable gentlemen who come here in good faith, possibly, to oppose the application for suspension. We are not taking from them the principle of the eight-hour law. We simply beseech that for the benefit of the nation and the conduct of the present war, it be suspended in these cases where it is absolutely necessary to continue the work of this country.

I want to take, in the first place, the Copper River & Northwestern Railroad Company. That railroad company, that railway line is a standard gauge railway artery extending from Cordova on the seaboard, to Kennecott, 196 miles distant, where it reaches the famous Kennecott Mine. It is well equipped; it has perhaps been better able to keep abreast of the demands made by the war upon the railroads than have most of the railroads throughout the United States. It has to the utmost of its ability provided more locomotives, more cars and more equipment. But I want to say to Your Excellency, that it would be utterly impossible to run that railroad under the eight-hour law. I do not say it would not be feasible; I say it would not be possible to do so. The particular conditions governing the operation of the Copper River & Northwestern Railway are peculiar. It is not a case where you can pick up any man that comes along and he will be competent to serve you. The men that are running that road are old, experienced men. They know the weather conditions. They know precisely what they must contend with, and I submit that perhaps there is not a railroad line in the country that has more naturally difficult climatic conditions to contend with or more difficult conditions of operation than the particular road which I represent.

Let us illustrate the application of the eight-hour law to the operation, for instance, of a train. A train may leave Kennecott or Chitina at eight o'clock in the morning southbound. Now, unless it can get to Cordova

by four o'clock in the afternoon, which they usually can during the summer season when the weather is good, they must violate that law, if they can get in at all. During the wintertime it is impossible to run a train from Chitina to Cordova in eight hours. During December, or practically the whole of December, our trains were uniformly late. There was a period when they would leave Chitina at eight or seven o'clock in the morning and get into Cordova anywhere from ten at night to nine o'clock the next morning. The trains are preceded by the heaviest and most powerful rotary snow plows that are in use in the United States. Those rotaries are pushed by always two and sometimes three powerful locomotives---not small engines, but great, big, powerful locomotives. Not only that, but the rotaries themselves carry their own power, motive power. The snow conditions have been so severe this winter that it would be utterly impossible to provide crews to comply with the eight-hour law or to run these locomotives and conduct that railroad within the limit set by this specific act. How would you do it? I submit that question to those who are opposed to this request. How would it be possible? If you provided the necessary crews to relieve each shift at the expiration of the 8-hour period, what would you do with the crews? You would have to take them with you on the train, or you would have to build a camp, or a number of camps here and there and keep those men idle until they were needed, and there would be absolutely no guarantee on the face of the earth that the train would be able to make one of these specific encampments. If you carried the men with your train, that wouldn't solve it. It would be just as irksome and just as hard upon the extra details of men as it would be upon the crew practically. I say then, it is utterly impossible, Your Excellency, to run a railroad under these conditions under your eight-hour law.

Then there are other emergencies arise. Take a washout. A washout is pretty much like a fire. If you nip it in the bud you save a great deal

of damage. If you do not, perhaps a tie-up will result and the road will be completely out of operation for an indefinite time. If you get a train stalled with the wind blowing sixty to eighty miles an hour and snow banking and flying over the train, that train may be there for a month. It may be impossible to dig it out before spring. It will, perhaps, be impossible for another train to run out, and if that other train carried extra forces, there wouldn't be any assurances that they could get it out. Now, that train would remain there until it was dug out in the winter or the summer melted it out. That condition existed three or four years ago. One of their trains got stalled running rotaries and the train following it, and that train was there for several weeks. The road was tied up for nearly two months and there wasn't a pound of copper that moved either way, and there wasn't a pound of freight that moved up. Now, under those conditions, an attempt to comply with the eight-hour law becomes a farce. It becomes impossible upon the face of it. Take the case of a snowslide or a washout. A snowslide may happen anywhere; a washout may happen anywhere; it may happen at any time. Human foresight is not sufficient to guard against these casualties. They happen all over the United States. The State of Washington and the whole Northwest was recently absolutely tied up simply because of washouts and I saw with my own eyes steel bridges that were dumped into the river. If a washout occurs, the section crew is put to work. Now, if they stop at the expiration of eight hours, it may be half done or it may be a third done. If they stop there what are you going to do? The washout continues to eat into the track, and the possibility, indeed the probability is that the road may have to shut down because before you can rush an extra crew there the damage has been done. Of course, those conditions do not happen every day, but they happen once in a while.

Now, it is no answer to say that the railroad company could provide extra men. I take it the purpose of this law is not to render the lot of

legitimate public business so onerous that it cannot be conducted with a profit. And such would be the case if it were necessary for this railroad company to keep a sufficiently large force of extra men scattered up and down this line like army cantonments, drawing pay and doing nothing, but ready for any emergency. I don't believe that anyone will contend that such will be required.

Similar, but not exactly so vital, conditions apply in practically every department of railroad service. I submit that the shops, the operation of the shops, the repair department, the carpenter department, the bridges and building department are all just as essential to the running of that railroad as steam in a locomotive is. You can't run a railroad without a repair department. That is an obvious fact and requires no enlarging upon. Despite what these gentlemen have to say about the ample supply of labor, I tell you, here and now---and I could substantiate it by proof---that you cannot keep on hand a sufficient supply of competent men to run that railroad and get the work done without working them overtime. It can't be done. You may say that there are idle men in the country, but I tell you that it is not every idle man who wishes to work, and it is not every idle man in the country who is competent to do the work that is required in these shops.

Now the railroad company, ever since the first day of January, has been consistently violating this law. It has been necessary. They have had to do it. If they didn't, they would have to shut down, and the Government would have been without a large supply of copper; the people of the Copper River region would have been without supplies; the mails to Fairbanks, which uniformly pass through Cordova to Chitina and by stage into Fairbanks, would not have passed. These things could not have been done under a compliance with the eight-hour law. Now it is useless to talk about putting on extra men, because they cannot be had. They could not be brought

up from the outside simply because men do not care to live there---to live in Alaska where the climatic conditions are less pleasant.

There are other branches of railroad service for which the same argument may be made. Let us take, for instance, the official staff. Under this law, the gentlemen who are here defending the cause of the workingmen, take it upon themselves to go beyond, where their own ends might justify them and they say to every man that is working for the Copper River Railway that he shall not work more than eight hours; they say to Mr. Corser that he shall not; they say to the engineering department, the paymaster's department, that they shall not work more than eight hours. Now, if your Excellency please, when you talk about extra men, I ask, Where are you going to get a man to replace the superintendent? The railroad requires one directing head who is the ultimate authority in all matters. You cannot have sub-superintendents and work them in shifts like you would an ordinary gang; you can't work the auditors in shifts. That is a particularly expert department. That takes one man, or a group of men who are long familiar with it to handle it from day to day and month to month. When the reports have to be gotten out, the auditor has to work 10, 12 to 14 hours a day. And it is also necessary for Mr. Ford, his assistant, to do so. Mr. Ford is the paymaster. At other times they are not required to work so hard, but no other men can do that work. When Mr. Ford goes up the line, how could he, how would it be possible to work Mr. Ford only eight hours? How would it be possible to relievehim as paymaster or have some other paymaster along? You would have to have them on the train.

In the case of the longshoremen, boats are not very frequent up there during the winter time, of course. They are not so frequent as during the summer. The boat that I got had reached Cordova on the 29th day of January, the Alaska, and no other passenger boat will reach there for some days yet. An interval of probably two weeks will elapse between passenger boats, though there may have been a freight boat or two in there. These longshore-

men are paid by the hour. They work by the hour and their pay continues for every extra hour they put in overtime. It would be impracticab;e it would, I may say, be impossible to secure enough competent longshoremen to replace all these men at the expiration of eight hours. What would you do with them? They are not necessary three-fourths of the time; they are not busy half the time; they would be simply idle around there and doing nothing whatever and drawing pay for it. Furthermore, when boats come in the men want to work overtime; they demand the right to work overtime, and they do work overtime.

Now, it is all very well for the gentlemen here who oppose this request to say, " Oh, well, provide the men and pay them all enough; pay everybody enough and let them lie around if they want to." All that expense would have to be paid by the Government of the United States. The maintenance of these men would come out of the pockets of the United States Government, simply because when these men are working on these boats they are working for the Government of the United States. The Shipping Board has taken over practically all these ships. The time that these men put in is charged to the vessel and paid for and it ultimately comes out of the pocket of the Government of the United States. Now, if the gentlemen take the position that it is up to the Government to provide great gangs of extra men and let them be idle practically all the time, I refuse responsibility for that attitude.

Now, I want to submit to you the case of the Kennecott Copper Corporation. In the first place, let me frankly say, in behalf of that corporation, that we don't request, we do not want the suspension of these specific eight-hour laws passed by the previous legislatures, relating to underground placer mining and the work in concentrate mills and chlorination process, etc. These have been respected and accepted by the companies ever since the laws went into effect. It is in force and it will be continued to be

enforced; but there are a great many departments in the business of mining which do not come within these specific classes, such, for instance, as the office force, the paymaster, the roll clerks, the bookkeepers, stenographers, superintendent, manager, and so on. Now, these gentlemen, whether they work eight hours or not is not a matter of specific public concern. Yet they are attempting by this law to take from them the right and to take from the company the benefit of their services. Now, these men cannot be replaced on a minute's notice. You cannot keep an extra force for such time as overtime would be required. Such would exactly be the case. I want to submit, for illustration, the tramway. The tramway, of course, is the artery that brings down from the mines the ore which is concentrated in the mills. There are two tramways, one of them extending to the Jumbo Mine and the other to the Bonanza Mine. Each is about three miles long and, in the course of its passage from mine to mill, they rise a distance of approximately 4,000 feet in the air. Those trams are built ~~by~~ with the utmost skill that can be put into the construction of a tram. They are looked after by a regular force of competent experts. Now,it doesn't take a great many men to do that, but such men as do it are necessarily and must be experts in the running and looking after of that tram. You can't pick up any Tom, Dick and Harry on the streets and put him to work on that tram and have successful operation of it. They do not know anything about the business. It is not very often that extra work is required of these men; but in January there was a break-down on the Bonanza tram and by working those men long overtime they were enabled to fix that within a few days, fix that breakdown and resume operations. If they had had to comply with this law, it would have taken eight to ten or 12 days to repair that tram. Now, in the meantime, hundreds and hundreds of tons of copper would have been tied up at the Jumbo mine and the Government of the United States would have been deprived of the use of that copper in the conduct of its military co-

tablishment. It is all very well to say, "Oh, well, keep an extra gang," but these men are not necessary nine-tenths of the time, You cannot foresee when a tram is going to break down, and whenever a condition of that kind does come about, I want to say that it is only the part of justice and good sense that the men be allowed to work overtime, if they are willing to do so. We simply ask that the men be allowed to work overtime if they are willing. Much that I say is true of the official staff, the electric plant, the superintendents, the chemists, the foremen, machine shop, and departments of that sort. There are men who are experts in that line. They can't be replaced on a moment's notice. It is rather difficult to get men who are qualified to do the work, or do work of that kind when the Government is making such a tremendous drain on the forces of men in the United States. Now, these men can't be replaced on a moment's notice and there are times when these men have to work overtime. It does not concern these gentlemen here whether they do or do not.

In the case of the Cordova Mill & Lumber Company, I just simply submit this: We've got a mill up there that will cut, ordinary running it will cut 17,000 feet a day. Speeding up a little bit and with plenty of logs, on hand, and working double shifts, we will probably cut---if we are able to get logs and the men---probably twice that much. The mill has been idle for some time. Last year when we started operations we did our best to find loggers. We advertised for men. I put an advertisement in the Wrangell, Ketchikan and Juneau papers. We are paying $10 per thousand for raw material and, in addition, the mill is paying a stumpage to the Government. We have not been able to get enough logs to keep that mill going one-tenth---well, I won't say that much---one fifth of the time. Of course, we also deal in material sent in from the outside; but if we could have gotten the logs to run that mill, we could have cut hundreds and thousands of feet of timber that have not been cut and that will not be cut until we can get a

supply of loggers and logs. We brought up the best men we could find for the purpose, the McDonalds, and they went out to log on Montague Island. It's no use to say that there are idle men about Cordova. We have searched that country for competent loggers and I know whereof I speak; and there is only one man in Cordova that I know of now that is a competent wood foreman, a competent logging foreman for the woods. There are men who are willing to go to work, but, Your Excellency, they are not able to do the work. They do not do it satisfactorily; they are not competent and the mill cannot rely upon them. Now, the McDonalds came up there and they went out on Montague Island. A storm came up and they lost over 100,000 feet in one raft, and the snows came along and buried nearly half a million feet for them. And the logs are still there. Another man lost about 50,000 feet in a storm, and still another raft was lost by another man. Those conditions have got to be contended with.

I went down to Portland in December. I saw a competent man down there, Mr. James B of Astoria, and I said to him, "We want loggers. We have got to have logs and we want them. You get the men and we'll pay the price," and he said, "I only know of one man in Oregon that would be interested at all, and they are big operators, to whom I sold my business some time ago." He saw them for me and they were not interested. These are the conditions that a lumber mill has to contend with. There is a lot of very fine spruce up there, and we would be cutting that spruce but we haven't got the men; and if any of these gentlemen are so confident that they can settle that problem, there is quite a little money in sight.

I might continue my argument further. In closing, I simply want to make this general observation. We who come here are just as much interested in the growth of Alaska and the conservation of the public welfare as are the gentlemen who are opposing this request. We are not taking the somewhat selfish attitude that these gentlemen are taking; we are not asking for the abolition of the principle of the eight-hour day. We are simply asking that men, where necessary to the welfare of the nation in this crisis, be allowed

to work overtime ifthey are paid for it. We think that when you consider the interrelations that exist between every form of industry, the entire suspension of this law should be made for the period of the war; but our specific request is that it be suspended as to all forms of transportation and those industries vitally essential to and closely connected with it, such as longshoreing and dock work; that it be suspended as to the fishing industry and its necessarily allied industries; that it be suspended as to metals production, and likewise that it be suspended as to lumber, logging, lumber milling business. I think that request is only fair and right, and I trust that your Excellency will see fit to so recommend.

MR. DOYLE: With regards to a few of the remarks that Mr. Capers made, about filling the positions of paymaster and the auditor and the superintendent of these great works, I want to say a few words. The Kennecott Railroad, or Copper River & Northwestern Railroad is a very small item when compared in magnitude to the Jim Hill road, and when Jim Hill died, and he was one of the greatest railroad men in the world, his place was filled very promptly; and to say that you can't get men on a little road like the Copper River & Northwestern is ridiculous. Mr. Capers seemed to think that if these men were taken away the railroad would shut down. There is no such thing. It isn't impossible to fill the place of any man. There are competent men all over the country to take the place of every important man in the country and at a moment's notice; and the place is already filled if the slightest inkling is given at, or before the man's resignation is made. The places of the greatest men that ever lived have been filled in the United States and everywhere else, and the Copper River & Northwestern railroad is no exception to the case. Every position that has to be filled in the Copper River & NorthwesternRailroad can be filled at a moment's notice with good, competent men, as good as any on the Copper River & Northwestern today.

So, therefore, his argument, although very flowery, is of no avail at this present time, in my estimation, and if some of these gentlemen here who are representing the cause of labor, myself included, had had a good education and were smart as Mr. Capers, we could place our side of the case in as flowery speech as Mr. Capers, but the intention is just as good as Mr. Capers' or any other gentlemen. Mr. Capers is not any more patriotic, or Mr. Capers is no more concerned for the welfare of the country than is the humblest working man in this room. And the voice of ten thousand people is recorded, right in this office, in contradiction to every statement that Mr. Capers made.

GOVERNOR STRONG: Mr. Capers, does the Adamson law apply to the operation of your railroad?

MR. CAPERS: Yes.

GOVERNOR STRONG: I thought so.

MR. CAPERS: Yes.

GOVERNOR STRONG: Well, does not that law obtain?

MR. CAPERS: Can't you answer that?

GOVERNOR STRONG: I cannot; I am asking you.

MR. CAPERS: Well, now, that is a question.

GOVERNOR STRONG: I was satisfied that the Adamson eight-hour law applies to railroads in Alaska---

MR. CAPERS: Oh, yes, it applies to all railroads, the Adamson act, but that raises a very interesting question. The Adamson act, of course, only applies to train service. It has nothing to do with the operation of the section men or the bridge and building department; neither has it anything to do with the official force, official organization of the company. And that brings up one more remark that I want to submit and that is this: Early in the stages of this proceeding, it was suggested by Senator Hubbard and others that these conditions which I have largely summed up and tried to picture, are emergenzies. Now, if Your Excellency please, it is impossible for any person in the Territory of Alaska to say whether they are or not; it would be impossible for any attorney to give an intelligent opinion on what would or would not be an emergency until a large mass of specific cases had been passed upon by courts of authority. You cannot conduct a business according to whether or not it has the sanction of the jury, and no business man wants to run his railroad in imminent fear of being arrested upon any sort of charge, no matter whether he knows he will be excused or not, or whether in his opinion the emergency is such that he will be excused. You can't run a business on that basis. It can't be done.

The point is this, that what would be and what would not be a case of imminent danger to life or property is not a legal issue. It is one of fact, and it would be for the jury in each case to say. Now, they can't run a business at all satisfactorily if they have got to to do it by the sanction or objection of juries.

MR. HARRISON: Your Excellency, there are a few things that I would like particularly at this time to call attention to, from Mr. Capers own argument and statements set forth here, one particular thing is this, that they seem to avoid making the statement, in two or three of their different references, to these occasions as being emergencies. The cases arising on the Copper River, or the operation of the said road, are emergencies. There is, as a matter of fact, a clause within this law providing for those things; and this morning the statement was made, in anser to questions asked by Mr. Gorham, in regard to the operation of these railroads and steamships, especially from Skagway, that there was a scarcity of labor throughout last summer, and yet, while he said that there was a scarcity of laber in every department (that was the assertion, I think, that was made, that there was a scarcity of laber in every department---yet, upon the very next question he stated that at a number of times the boats, after they were unloaded of their cargo, there were anywheres from two to four men, or when they come in there in an aggregation , a number of boats, there would be an interim of four or five days, and there would be two to four men which were not accounted for. They couldn't utilize them; they had no place for them. Yet at the same time he claims that the different branches of the industry required help all the time. It seems to me as though there might have been some possible way for them to get together and place some of these men. The men were there to work. There are men today in Juneau that want to work. They must receive a reasonable scale of wages---a wage by which they can support their families, or else, what is the use of working if it's going to be a starvation wage, and if it's a matter of starve or run

behind, what is the use of going to work at all? It seems to me that the shortage that has been brought to our mind this morning particularly has absolutely no bearing today upon this subject from the mere fact that these are conditions that prevailed during the summer of 1917 and before this law went into effect. Therefore, I can't see what bearing whatsoever it would have today upon the present hearing. They have failed absolutely to establish the fact that where there is a willingness to pay the price, that there is a shortage of labor. There might be in one or two particular instances. We are not refuting, or attempting to refute, the possibility or probability that in certain remote places, or in such an industry as logging, the possibility of there being a shortage, and their being white men to do their logging for them. We haven't contended, nor do we contend that there is not a possibility that there is a shortage. And there may be as we have been willing to concede, that over the United States, there may be a possibility that there is a shortage in certain mechanical work; but as to labor at large, we do contend and do maintain, that there is no shortage. We also contend that before us today we have an eight-hour law and we have a law that was voted upon and made legal. They gave us that law and we voted upon it. It is upon the statutes today, and I call upon these men, if they are loyal men, which we presume they are, to stand back of their own doings and their own work, and I call upon Your Excellency, to recommend to the American Council of National Defense and the Secretary of the Interior that this law shall be sustained. I believe that it is my right, as an American citizen, to call for these particular things, that this law be sustained as it was written. This morning the gentlemen made the statement that he took particular pains to point out, that they were radically opposed to, and yet all these points prove conclusively, beyond any doubt that the vote was for the eight-hour law. The workingmen voted to the man for the law to be sustained and maintained as it is now written and from Anchorage comes the same suggestion, and they sent resolutions

to the United States Government, and to the Council of National Defense. I don't believe that there is a call for anything to be said upon this particular feature of it. The evidence will be before the Federal Government, the evidence of this hearing, and I fail to see in any way where they have justified themselves in setting aside this eight-hour law as it now stands.

MR. OLIVER: I would like to call attention to a fact that exists at Cordova. There has been a great deal of argument in regard to longshoremen and the loading of ships, and there's a young man present who has been at Cordova and can tell us something about the conditions up there.

MR. ALLEN: I have worked at longshore work since last August or the first of September and there has been no shortage of labor whatever, and sometimes there has been as many as eighteen men too many---

GOVERNOR STRONG: You say, Mr. Allen, eighteen men too many?

MR. ALLEN: Always. I was there for four weeks and the four weeks that I was there I could not get on at longshoring at all. These men were guaranteed a minimum wage and they've got their cabins right on the deck, and there is no shortage of labor at all. If they happen to need a few men extra, there is always men around there which they can pick up and work. But as far as a shortage of labor is concerned, there was none whatever last summer.

MR. DOYLE: Are you acquainted with conditions that existed when the Government boat Patterson was in.

MR. ALLEN: No; that was before I went to work.

MR. DOYLE: How long have you been working at longshoring?

MR. ALLEN: Since the first of September.

MR. DOYLE: Do you know of any reason why men should be worked overtime

MR. ALLEN: No reason whatever. I worked as much as 36 hours myself, and there were men all around that wanted to go to work and they would not put them on. They kept the men right on there and the men that were around there didn't get any show at all to work.

MR. CAPWELL: Mr. Allen, at the time you worked 36 hours, weren't you paid overtime?

MR. ALLEN: No, sir; you didn't get any more for the last hour than the first hour.

SENATOR HUBBARD: I would like to make a statement with reference to some remarks that have been submitted here, especially the last remarks submitted by Mr. Capers. I am not going into a discussion of the Copper River road because he knows much more about that than I do, and it is true that there are certain instances when, if the Copper River road had to operate strictly within the Alaska law, it would be somewhat embarrassing, but in the great majority of illustrations made by him, it seems to me--- I may be mistaken, but it seems to me that in the great majority of illustrations he used to show the necessity why the road should be released from the operation of this law entirely, it seems to me thathis illustrations were not well sustained; they were not well founded. We know that if the Copper River road, in bad weather, should send a train out say from Cordova or from Chitina, or McCarthy there is no violation of the law if that train goes on through. Makes no difference how long that crew has got to stay with the train. It is an emergency and they must stay with the train and take it through. There is not going to be any objection on the part of the people; there is not going to be any objection on the part of the authorities, and I am confident that it is safe to make the statement that so long as the road is permitted to go ahead and operate its line without any interference from the Government or from the Territory, there will be no serious results even if this law should not be suspended as to transportation lines.

I think his illustration with reference to logging, which seems to be a matter of some embarrassment at the present time to him, is rather unfortunate, because he says that after a very thorough and careful investigation of the conditions of labor, they were unable to find competent men or men of the type and character they need. Well, now, a suspension of the eight-hour law isn't going to change the character of the men or help them in any way. If there were no men under the eight-hour law, or weren't last fall or last winter of the character and type that he is seeking to conduct

his logging business, how is the suspension of the eight-hour law going to change that situation? How is it going to change that situation as to the logging camps? It will not, in any way, change either the ability or the number of the men who will engage in the logging business. Mr. Capers didn't state that he had plenty of men or could get plenty of men of ordinary ability. He simply states that after a thorough investigation into the matter, he has been unable to secure the necessary help to get out the logs and that in order to operate his mill that he has got to have skilled men. I think, too, that it can be said with a good deal of assurance and safety that after listening to all of the evidence and remarks which have been made from the beginning of this hearing down to the present, that much of the difficulty seems to originate; that is, much of the objection to the eight-hour law and the desire to have it suspended originates from the fact that if it is not suspended, there is a possibility that there is going to be additional expense on somebody, especially with reference to the first statements made with reference to the logging industry in this immediate vicinity. I was strongly impressed with the fact, at the time that the request was presented in the matter, that it was simply a question of additional wages and additional men and that the eight-hour law was not in any interfering with their operation, because they first contended that they didn't have the men. I give it as my honest opinion---and I believe that I understand a little of the conditions in Alaska---I give it as my honest conviction that if this eight-hour law is suspended that, instead of having the laboring men that we have got in Alaska at the present time, we are going to lose not a few, but a great many. There must be some inducement to keep these men in Alaska. I can state with assurance that over to the westward, in the Third division, that the laboring men are gradually departing. They are even going so far as to leave their homes that they have built in past years. They are seeking better conditions, better wages; and in this hearing, wherever there has been anything brought out that indicated a con-

siderable shortage of wages, or a considerable shortage of help anywhere, I was impressed with the fact that in every or nearly every instance, if you got right down to the bottom of it, it was a question of wages. We all appreciate the condition that exists in Juneau and we know that probably if there is any shortage of men here, it is perhaps the result of a different scale of wages from what the men could get somewhere else. But over our way, in and about the mines, I think the men are reasonably well satisfied with reference to the wage that is being paid. But I know that if this law is suspended in such a way as to materially affect them, that if there was any such thing as a change of this eight-hour law as to mine workers over in our section, that, instead of there being the same number of men, there would be much less, much less; and for that reason I think that, unless it becomes a question of absolute necessity in order that the Government may conduct its affairs---and I have failed to observe any part, except with reference to the matter of timber, wherein any evidence that has been submitted here or statements that will affect the Government in any way. Take all the testimony we heard this morning with reference to the White Pass Road and the boats on the Yukon River; it was all a question of getting stuff up the river, getting freight into Alaska, getting stuff up the river--- a question that dosan't in any way, so far as I can see, affect the Government in the carrying on of the war.

Now, with reference to the law itself, much has been said here and the law has been criticised in its present form. Reference has been made to the fact that the legislature did not use a certain amount of wisdom that it probably should have used in the enactment of the law. But the legislature, as I take it, as a member of that body at the time it was passed, was put in a position where it wasn't a question for any member to pass judgment on. The matter had been submitted by referendum to the people of the Territory. That was two years ago, 1915. It was before the people for two years before a vote was taken; and the vote was unanimous practically in

favor of an eight-hour law, and it was in favor of a general eight-hour law for all laborers and wage earners. That is what the people voted on and that is what the legislature passed. The matter was before the legislature for some time; the law was not passed in a day; it wasn't rushed through. There was ample time for all those companies that are now here asking for relief because they can't get this done or that and can't operate under it; there was ample time for all of them to question it then, but during all this time not a single one of these companies that are now so embarrassed in their operations, appeared before the legislature. They didn't appear and cite to us the fact that unless you put qualifications in that law or exceptions in it, it will be impossible for us to operate our business. They let us go ahead and we passed it. So far as the people over our way are concerned, I haven't even heard it discussed. It was not discussed at all until the telegram came, announcing that hearings would be held with reference to its suspension. Up in that town everybody seemed to have accepted it, so far as the town is concerned and that immediate section. I think myself that instead of it being in the interest of these companies and those who are here seeking to have it suspended, I think instead of it being in their interest, if they view it carefully and if they are sufficiently well acquainted with the conditions in this Territory, that they will discover, before it has been suspended any length of time, that they have made a great mistake---to use one of our old, common Alaska expressions, that they have "spilled the beans."

Now, I desire, Governor, to take the record that has been placed here and submit it in the interest of those I represent---in fact, in the interests, you might say, of all these labering people who are here representing other sections---I desire to file with you a written statement that can go into the record and be made a part of it.

MR. CAMERS: When do you expect to file that, Senator?

SENATOR HUBBARD: I am going to commence on that right away. I come

down here without making any preparation for this matter at all. I did not have time to even look into the authorities which I desired to look into. It becomes very interesting when you take the books and run it down and find that this eight-hour proposition started with the government. It must have been good for the Government of the United States or it would have wiped it out. Then you might take the state institutions. They did the same thing and apparently it has been good for them; then you take the municipalities of the United States and they have adopted it and it has been good for them and they adhere to it; and now, at this time, with the greater influence of the Government reaching out in almost every line of business wherever it is necessary, it does look a little bit strange that this eight-hour law which applies only to about 30,000 or 40,000 people in Alaska must be suspended in order that business may be operated in this Territory and that the Government may not be handicapped in the prosecution of the war. Now, we know that the labering men of Alaska and the people of Alaska---I should not, I will not segregate them into classes---but we know that the people of Alaska are a patriotic people; know that they are heartily with the Government in this war, and they will make any sacrifice when they are asked. They are certainly ready at all times to do anything and, whenever it becomes necessary for the Government to do anything in the matter of our Alaska legislation, the eight-hour law or any other law, to do anything with reference to it that is essential or necessary in order that the Government may carry out its policy and make its war a success, the people of Alaska will not object. They will submit to any sacrifice, but I have failed to see from the testimony which has been submitted, any occasion for which this discrimination should be made or that this law should be suspended or modified, because I have not seen a case made here yet that makes it requisite or necessary for the Government to do that. Whenever the Government has to have a modification of the law in order to operate successfully, the people are ready, even if it takes every law we have ever passed.

STATEMENT OF WM. MALONEY, TERRITORIAL MINE INSPECTOR

This was written for the annual report on the mining industry of Alaska and it pertains mostly or principally to the mining industry.

LABOR CONDITIONS

During the year there was a shortage of labor in some districts or localities, but, taken as a whole, there was an ample supply of labor within the Territory, the fault really lying in the distribution of labor, some localities having an excess while others suffered from a shortage. The large, low-grade lode mines of the Juneau district were severely handicapped in the operation of their mines and mills by reason of the lack of sufficient labor. The shortage of labor in this district could be traced to the small wage paid by those mines as compared with the mines in other sections, and the copper mines of the States.

A shortage of labor was noted in the Fairbanks district, although the placer operations had decreased fully fifty per cent below that of 1916, in the number of men employed, and $5 a day and board, for eight hours' work, was the going wage. This can be partly traced to the large number of men employed by the Alaska Road Commission on the interior wagon roads and the construction of the Government railroad, where the pay was more certain, although lower, large numbers of laboring men being attracted to the railroad construction town of Nenana and Anchorage, where the number of idle men was noticeable.

Now, in regard to the shortage of labor in the districts here, I will, later on, show the differences in the wages paid in the Juneau district and the wages paid in the other mining localities, both south and west of here. When I was in Fairbanks I noticed that the placer mines were advertising for men in the papers, and I was informed that it was because the men weren't sure of getting their pay. It is a well known fact in the Fairbanks district that a great number of laboring men in the past have not received pay for working in underground placers. I inquired about those companies that were advertising, and the business men of the town told me that their standing was good and had money to pay their bills. Of course, the men were attracted to the railroad construction towns by the assurance that they would get their pay, although the pay was not as large as offered by the mining companies.

There were three strikes by those employed in the mining industry during the year. Early in June the miners in the Willow Creek district demanded an increase in wages from $3.50 per day and board to $4 per day and board. The Willow Creek Mines Company, operating the Gold Bullion Mine, was the only company in the district to grant the request of the miners, the other mines continued operations without experiencing any difficulty in getting all the labor needed.

I might say that I was in that district during the time of this strike and that the Alaska Free Gold Mine closed down. They said that they wouldn't grant the demand. There was a lot of men that went into the country at the time I did---packed their blankets into the country and could receive no work.

June 16 the miners working at the mines of the Kennecott Copper Corporation at Kennecott, demanded that they be paid a flat rate of $4.50 a day and board, instead of the sliding scale then in force at that mine, the miners agreeing to accept the old scale of $3.75 and $4.25 per day and pay $1.25 per day for board upon the price of copper dropping below 18 cents per pound; upon the company refusing this offer the men quit in a body and established a camp near McCarthy, about 220 men. Also better living conditions were demanded by the men. The schedule of wages, used as a base rate by the Kennecott Copper Corporation, and which became effective January 1, 1917, in the mining department was as follows:

Shift bosses	$5.25
Compressermen	4.75
Hoistmen	4.50
Miners	4.25
Trammers (main level)	4.25
Powdermen	4.25
Skip tenders	4.25
Timber boss	4.75
Timbermen	4.25
Timbermen helpers	3.75
Pipe and trackmen	4.50
Pipe track and general repairmen	4.25
Pipe and track helpers	3.75
Tramway operator shift boss	4.25
Tramway men	3.75

Shaft miners and muckers and miners working in a raise at a distance of over 25 feet, measured vertically from its starting point on the level below, will receive 50 cents per shift above base rate here given during the period of such employment only.

All men to work 8-hour shifts, except those working on a monthly basis.

Board $1.25 a day; hospital, 10 days or under, 10 cents per day hospital fee; over ten days $2 per month for single men, calendar month; men with families $3 per month.

The system of payment before the strike was a base rate as above stated, with an added bonus, the bonus rate adopted January 1, 1917 was as follows:

The standard rate of wages as a base rate, and will prevail when the average price of copper during the previous month was under 18 cents per pound.

When the average price of copper is 18 cents and under 23 cents per pound, each employee engaged upon daily wage basis, will receive a bonus of 25 cents a day.

The raise in the bonus continuing on this rate for every 5 cents per pound raise in copper, the employee receiving a bonus of 25 cents a day additional.

All employees employed by the month shall receive a bonus of not to exceed $15 per month.

After the men had struck the company offered a new schedule of rates for bonuses, which was as follows:

Effective June 16, 1917, the standard wage scale will continue as the base rate and will prevail when the average price of copper for the previous month is under 15 cents per pound.

When the average price of copper is 15 cents and under 18 cents per pound, each employee engaged upon a daily wage basis will receive a bonus of 25 cents per day.

The raise in the bonus continuing on this rate for every 3 cents per pound raise in the price of copper, the employee receiving 25 cents a day added bonus.

Mess employees on a monthly basis will receive a bonus of $4 per month for each 25 cent change in the bonus for employees on daily basis.

Bonuses to all other employees on a monthly basis will be fixed by special agreement.

In each and every case the bonus for the current month will be determined by the average selling price of electrolytic copper, as given in the Engineering & Mining Journal quotations for the preceding month.

After almost a month of bickering and trying to agree upon a basis of settlement, without coming to any agreement, the company sent men to Cordova and Anchorage, who secured enough men to take the places of those that went out on the strike, thus proving that labor could be procured in the Territory, even under those conditions, which are usually very difficult of accomplishment.

At the Ellamar mine the men did not demand any advance in wages, but demanded of the management that they discharge the foreman within twenty-four hours or they would walk out; the demand was signed by 28 of the 100 men employed at the mine. The manager that evening, before the 24 hours had elapsed, posted a notice that the mine would be closed until July 7, (This was June 25) for repairs to the machinery. The 28 men that signed the agreement drew the money coming to them and left the camp, The evening of the 25th. The mine resumed work as soon as the repairs were completed, the foreman having left in the meantime.

The eight-hour law, as amended, covering all underground mining, was generally observed throughout the Territory. The ten-hour scale of wages, ($5 per day and board for eight- hours' work) was maintained in the underground placer mines.

A general eight-hour law, applicable to all wage and salary earners in the Territory, was passed by the Alaska legislature, session of 1917, in response to a referendum submitted to the people at the general election of 1916, the referendum having been adopted by an overwhelming majority. The law became effective January 1, 1918. This law will not affect the mining industry to any great extent, as the quartz mines and underground placer mines are already operated under an eight-hour law. It will, however, affect the surface placers and dredges to a certain extent, but the number of men employed in these is small as compared with the other mining industries.

MR. CAPERS: When was that written?

MR. MALONEY: Why I wrote this possibly a month ago.

MR. CAPERS: Of course, that doesn't take into consideration the great exodus of working men this winter, particularly from November to the present time.

MR. MALONEY: No; it does not.

MR. CAPERS: That refers particularly to the mining industry, and you would not know anything about the labor supply in other lines of business, such as transportation, logging, lumbering. You don't cover that in your report.

MR. MALONEY: No. Of course, I know that in regard to the mining industry, after the cave-in at Treadwell, a great number of the men in the band from Douglas went ward to Anchorage and wanted to see if they could get employment there. I was present at a dinner given by the Anchorage Chamber of Commerce, at which one of the members of the Chamber of Commerce stated that these boys had come up there in a body, and that before they came they had wired the asked if the Alaskan Engineering Commission could give them employment. At that time the boys had been there for thirty days and only two of them were working, which proves that there was an ample of supply of men around Anchorage this last summer. No doubt about that. The Treadwell mines had caved in and instead of employing the average of fourteen to fifteen hundred men, the Treadwell mine now is employing 450.

MR. CAPERS: Your report has largely to do with the actual mining, the taking of the ore from the ground? It doesn't have particular reference to other departments of the mining industry which were not affected by the former general eight-hour law---that is, the underground mining eight-hour, under planer eight-hour law. In other words, in your report you make no note of the mechanics, officers, paymasters and other departments of the mining industry?

MR. MALONEY: No.

MR. CAPERS: So, you know nothing about the supply of experts for these particular lines; and you know nothing, of course, about the supply of labor for transportation companies?

MR. MALONEY: Only from the general supply of men in the Territory. Of course, if you think it is necessary to put in the difference in the scale of wages paid to show the reason for the scarcity of labor on the Gastineau Channel, I have the scales of wages of the different companies, showing that the average wage for machine miners and drillmen in and around Juneau and this part of the Territory is three and a half a day, while to the south of here they pay four and a half for the same work and to the westward they pay $4 with a dollar-bonus, and $4.50 and board at some places. The Mother Lode pays $4.50 a day and board, and $3.50 for labor.

GOVERNOR STRONG: There is quite a difference between the wage scale paid here and up to the westward.

MR. MALONEY: Here's the Gypsum mine: machine men get $3.50 a day; muckers $3.50; engineers $4 and shift bosses $5. The Funter Bay mine pays $3.50 for drillmen and $3 for miners and $3 for muckers, eight hours. At Juneau they pay $3.50 for machine and drill men; $4 a day for miners, $4 for timbermen, $3.50 for ore sorters, $4.50 for assayers, and $3.50 for muckers and laborers; $4 for pumpmen and $6 for blacksmiths. That's in this district, and the wage here is just about the same. The machine men get $3.50 a day in the mines here; the laborer gets $3, and the bull-dozers in the Perseverance mine get $4 and in the Alaska-Juneau and Alaska-Gastineau, $3.50.

I might say, while on that subject, that Mr. Bradley was speaking about the shortage of men. I have visited the Alaska-Juneau mine on January 7 and January 16, and both times I asked Mr. Richards, the superintendent, in regard to men, and he said he had all the men he wanted;

could get all the men he wanted; and one day I was for a few minutes with Mr. McLean at the employment office, and there were three or four men who asked for work, and he said that they didn't have any. On another occasion I was up in the mill with Mr. Christensen and a man asked him if he had any work, and he said "No;" that they were full-handed. But a different situation prevailed at the Perseverance Mine, which I visited on the 19th, I think it was---no, the 14th of January. They claimed that they wanted machinemen. They weren't short of men and if they could have gotten more machinemen, they could put on more labor. Mr. Jackson stated that there was plenty of common labor, but that machinemen were scarce. The difference in the wage may be the reason for the scarcity of machinemen.

This is the Mother Lode: They pay $4.50 for machinemen, $4 for muckers, $4.50 for miners, $3.50 for ore sorters, $4.50 for compressormen, and $5 for shift bosses. They have some laborers at $4 a day of ten hours. They are paid that and board at that mine.

At the Ellamar Mine they pay $4 for machinemen, $4 for timbermen, $3.50 for muckers, and it is stated that from January to August they paid 60 cents additional as a bonus and from September to December $1 a day bonus. That would be $6 a day, which is quite a difference when compared with $3.50, and would naturally take men away from here.

As to conditions south of here, I have the statement of the Granby people---the Granby Consolidated Mining & Smelting Company, operating the It mine: $4.50 for miners and machine-men, $4.50 for timbermen, laborers $4---all eight hours---$5 a day for blacksmiths and $6 for foremen. There was no bonus in that.

And the Mount Andrew Mine: $4 a day for machine and drillmen; $4 for miners, $4 for muckers, $3.50 for blacksmiths, $5 for compressor-men. That would have a tendency to take the labor away from this immediate vicinity.

GOVERNOR STRONG: These are copper mines, are they not?

MR. MALONEY: These are all copper mines.

MR. SWITZER: I have been on the Channel for five years this spring, and I have never yet noticed any shortage of labor in work where they pay anything. Take the pile drivers. I never saw one of them standing idle for want of men, because they are always able to get them; they always pay good money. They have been paying five dollars a day on Webster's driver. All the years that I have been here, there has been no driver idle. Sometimes as high as six and eight men would be required in one week, and inside of a day or two, they would be full-handed and running again.

As for the longshoremen, I never saw a boat stand idle because of a shortage of men. There's always more men than they have employment for. There's lots of idle men around town. I suppose we could find at least a hundred idle men. But they don't want to work for the Alaska-Juneau because they don't pay enough. They wait around here and then go to work for the canneries. They would rather do anything in preference to working for $3 a day or $3.50. The sawmill has been doing a little repair work and they had no trouble getting five or six men there. And there is always an influx of labor in the spring. You can see them by the thousands going to the westward. Lots of them step off here. There may not be so many working men in Juneau now, because lots of them have gone to Seattle to spend the winter, but just as soon as spring comes, they are back here. I never heard of a shortage of labor on the Government road work, because they always pay four dollars and give them eight hours.

MR. HEALE: (Representing the Fish Canners' By-products Co.) This afternoon I dictated a letter to a stenographer down town, containing all the facts, and with your permission I would like to put that in tomorrow, rather than to say anything verbally.

GOVERNOR STRONG: Very good.

11 a. m., February 15, 1918

SENATOR HUBBARD: I would like to file this telegram. It is simply an announcement that Mr. Mandle is on his way here:

Anchorage, Alaska, Feb.6,1918

Senator Hubbard,
Juneau
Charles Peters sick. Sam Mandle elected delegate en route next steamer Juneau cooperate. Wire union bulletin here tenth any important names other labor representatives.

JACK SUTHERLAND

Now, the Northwestern, I see, is billed to return to Juneau on the 19th, so that would be as early as it would be possible for Mr. Mandle to reach here. I assume, too, that he will bring with him petitions and other matter to be included in the record, if the hearing can be consistently continued that long.

GOVERNOR STRONG: Well, I wired them that the hearing would be continued until such time as they could submit a statement or send representatives. That will be done. We will adjourn until the 20th, at eleven o'clock.

11 a. m., February 20, 1918

MR. MANDLE: I would like to ask at this time if it would be possible to postpone the meeting for another 24 or probably 48 hours, as coming through Seward I didn't have much time to look into things, but they were going to call a meeting Monday night to get the sentiment of the Seward people at a public massmeeting---

GOVERNOR STRONG: That was last Monday?

MR. MANDLE: Yes, which would hardly give them time to get word down here, and they said they would wire me all the credentials and documents to submit here from Seward.

Adjournment taken to 11 o'clock a. m., February 21, 1918.

11 a. m., February 21, 1918

MR. MANDLE: We will be able to submit all our recommendations and documents and arguments.

GOVERNOR STRONG: You will be able to?

MR. MANDLE: I think so. We do not want to detain you any longer, and anything further that might arise I don't think will make any material difference. I have with me the resolutions that were drawn up and signed at a mass meeting held in Anchorage on February fifth, opposing the further suspension of the eight-hour law adopted by the Alaska Labor Union. (Reads):

WHEREAS, Hearings upon petitions for suspension of the eight-hour law as applied to lumber and logging industries, steamship and railway transportation and mining operations in Alaska are to be held at the governor's office in Juneau for an indefinite period commending February 5, and

WHEREAS; Identity of the petitioners and their reasons for seeking further suspension of the law have not been made public here, and

WHEREAS, No real public necessity or emergency appears to exist or likely to exist to justify further suspension of the law, which suspension would benefit only a few persons (most of them nonresidents) at the expense and to the injury of a vast majority of the bona fide residents of Alaska, and,

WHEREAS, The petitioners appear to be persons and corporations that desire to increase already big profits on material necessary to the government of the United States and her allies in prosecution of the war for world-wide democracy; and

WHEREAS: No legitimate reason has been or, we believe, can be offered in support of the proposition to nullify the will of 10,000 out of 13,000 of the qualified electors of the territory as expressed at the polls in 1916 in favor of the eight-hour law, and

WHEREAS, One of the arguments of the few that oppose this law is that the operators of copper mines, logging camps and lumber mills will not be able to keep up efficient production to meet demands of the government for war material, because of alleged scarcity of workers; and

WHEREAS, Authentic reports from centers of population in Alaska and the larger cities of the Pacific coast, which are depended on to furnish most of the workers of Alaska, prove this claim of the operators to be unsupported by facts; and

WHEREAS, It is a matter of common knowledge that mine operators and lumbermen will have no difficulty in obtaining all skilled and unskilled workers needed if they will pay fair wages with an eight-hour day---wages based on scales in effect before the war, plus increased cost of living; also that wages in industries named have not increased during the war to exceed 20 per cent and in many cases not more than 10 per cent, while in same period profits on products of mines and mills have in some cases increased 50 to 300 per cent; and

WHEREAS, Owing to increased cost of necessities such as food and clothing, without corresponding increase in wages, there must necessarily follow a decreased consumption of supplies for both comforts and necessities, thereby causing unemployment of those engaged in their production; and

WHEREAS, These unemployed workers must secure employment in other industries, as loggers, millmen and miners are doing in the shipyards of Puget Sound at shorter hours and better wages than prevail in their former vocations, we therefore believe provision should be made for reduction of hours of labor and increase in wages and number employed in Alaskan industries, and

WHEREAS, We the workers of Alaska, residing at and in the vicinity of Anchorage, recognize the necessity of an ample supply of war utilities and will willingly sacrifice our selfish interests in our patriotic desire to assist our country when it is in need; but we emphatically protest against misrepresentations of opponents of the eight-hour law, who, under the guise of patriotism, treat the six-to-one majority in Alaska with contempt and who without just cause declare there is a scarcity of labor fully to meet the demands upon them for war material.

THEREFORE, BE IT RESOLVED: By the people of Anchorage and vicinity in mass meeting assembled that we are opposed to further abrogation of the eight-hour law and that we request the Council of National Defense, the Secretary of the Interior and the Governor of the Territory to give this subject their most serious consideration and secure, as far as possible, from disinterested persons the exact truth pertaining to Alaskan industries and conditions and the number of workers that may be obtained; and be it further

RESOLVED, That because of the great expense attached in sending personal representatives long distances from remote communities to the hearing in Juneau, ample time be given the workers to secure necessary information on which to base written argument favor of the eight-hour law and day as accepted by voters in Alaska by overwhelming majority.

(SEAL OF ALASKA
LABOR UNION) (Sgd.) JACK SUTHERLAND

I also have a telegram here from L. V. Ray. (Reads telegram)

This, Governor, is the resolution that was drawn up and read before the mass meeting, and signed by the secretary of the Union, with the seal of the Union. I will also state that these names were not canvassed for, nor anyone influenced in any way to sign the petition. It was signed by the members at the meeting voluntarily; they stepped up to the table as they were coming in and going out.

GOVERNOR STRONG: About how many names are there?

MR. MANELE: Somewhere in the neighborhood of 700. I would say at this time, in regard to the interior of Alaska, which I am personally acquainted with, and I know that you are to a certain extent, that the feeling is absolutely against the annulment of the eight-hour law. Reading from the telegrams that we received from all parts of the Territory, it goes to show that it has caused a great deal of discontent. As a patriotic movement, I think it would be foolish to undertake to have the eight-hour law annulled; and so far as the production of commodities used in the war at this time is concerned, it would create a slump in production. Reading between the

the lines and considering the sentiment of the people, I honestly do believe that the minute the ten-hour day is inaugurated, at that moment the majority of the workingmen of Alaska will lay down their tools. They have voted for something that they want. It has become a law and they feel that it is unjust for anyone to ask for a suspension when it has not been in effect for much more than thirty days.

It is common knowledge, I believe, which You know, that the Government is not asking at this time for a ten-hour day. If the Government was asking for a ten-hour day, it would become so within two suns. It would become a law and the people of Alaska, the workingmen and citizens, would abide by it. That has been the point of view, and the Alaska Labor Union feels that if the Government would come out and ask for a ten- or a 12-hour day, to increase production to maintain the army, every man would be for it, but they do refuse absolutely at this time to be dictated to by what they term corporations. They feel that there is an ample supply of labor to fill the needs and wants of labor. We made a house-to-house canvass at Anchorage, among the working people, and they wanted to submit it with my argument, but I left before they were through, and I called up on the long distance from Seward, and they told me that they would have it completed and would wire it to Valdez, but owing to the fact that the boat only stopped a short time at Valdez, I didn't have time to run up town, but nevertheless they told me over the wire that the house-to-house canvass shows that Anchorage has about twelve unemployed to one employed---

GOVERNOR STRONG: About how many?

MR. MANDLE: Twelve unemployed to one employed; and it is safe to say, from what information I have gathered from Seward, that there's plenty of unemployed men there. I know there is in Valdez; I know there is in Cordova. It is simply a matter of the corporations in that part of Alaska wanting more profit. That is it, pure and simple.

GOVERNOR STRONG: Mr. Mandle, the people you represent and the organizations you represent, I understand you to say, were unanimously in favor of the 8-hour day without overtime whatsoever?

MR. MANDLE: That is the sentiment.

GOVERNOR STRONG: That is the sentiment?

MR. MANDLE: Yes.

GOVERNOR STRONG: They would be willing to work ten hours a day in case of emergency?

MR. MANDLE: Yes, in cases of emergency. I put that up to the regular business meeting, and they feel that in case of necessity, if it is necessary for production and the maintenance of our army, they would be willing to work ten hours or more, at time and a half, but they are not willing, even at time and a half overtime, to work ten hours because some corporations ask for it. It would be practically establishing a ten-hour day. That's the ground that they take.

GOVERNOR STRONG: That is what I want to know. Now, I know that there is some difference of opinion among the working people. Some are in favor of overtime while others are emphatically against it.

MR. MANDLE: Well, I honestly believe, from what experience I have had. I have been employed by the Government for about eighteen months---

GOVERNOR STRONG: What is your occupation?

MR. MANDLE: Blacksmith.

GOVERNOR STRONG: With the Alaskan Engineering Commission?

MR. MANDLE: Alaskan Engineering Commission.

GOVERNOR STRONG: How long have you been with the Commission?

MR. MANDLE: About eighteen months. If I wanted to stay there until the first of April, it would make two years.

GOVERNOR STRONG: You work eight hours?

MR. MANDLE: Eight hours.

GOVERNOR STRONG: And overtime is emergencies?

MR. MANDLE: In emergency cases only.

GOVERNOR STRONG: Now, how about the trainmen, do they work eight hours a day or over eight hours?

MR. MANDLE: No, I believe---yes, the trainmen gets in overtime, but they work over eight hours. The conditions there are so that it is necessary; They can't maintain a division up there and the road isn't completed, and the weather stormy.

GOVERNOR STRONG: Well, now, wouldn't the same conditions apply to the operation of the Copper River & Northwestern Railroad?

MR. MANDLE: Well, being fair-minded, I think so. If they get caught in a snowdrift or something like that, of course, it's an emergency case and they have to work overtime.

GOVERNOR STRONG: About how many men are regularly employed in and about Anchorage at the present time?

MR. MANDLE: Well, the Anchorage bulletin that comes out, that is printed by the Alaskan Engineering Commission, shows at the most a thousand people. It's nine hundred and some few; something over 900.

GOVERNOR STRONG: Have you any idea of the number that will be employed during the coming season?

MR. MANDLE: From what data I have gathered from the committee, they anticipate an influx of about a thousand laborers in the spring.

GOVERNOR STRONG: And there is a great deal of unemployed labor at the present time?

MR. MANDLE: At the present time there is plenty.

GOVERNOR STRONG: The same is true of Seward, Valdez and Cordova?

MR. MANDLE: Yes

GOVERNOR STRONG: In your opinion, Mr. Mandle, this shortage of labor alleged by the employers of labor is largely mythical?

MR. MANDLE: I think so.

GOVERNOR STRONG: You believe there would be an ample supply of labor provided wages and other conditions are favorable to labor?

MR. MANDLE: I think so, taking the report of Major Mears, his own statement and also Christensen's, of the Land Department,--Christensen made the statement that we could get all the common labor we need outside. There is plenty of it. I did not talk with the gentlemen going up to take Mears' place about that; I talked a while with him, but didn't bring that subject up, as the boat was about ready to leave, but there is no question about the supply of labor at this time, of workingmen that can qualify as miners, as loggers and other specialized work. In this canvass that we made we took particular pains to inquire into every man's abilities, and there was a lot of these men idle---miners, loggers, gas engineers and other different lines of trade. There is a scarcity---I will not say a scarcity---but they have a little difficulty in the machine shop to get first-class machinists. Of course, this is hard to overcome at any time, even in times of peace, when it comes to first-class mechanics, they are always in demand.

GOVERNOR STRONG: Do you know anything with reference to stevedores and the stevedoring situation at Anchorage, Seward and other towns.

MR. MANDLE: Well, I was only a very little while in Seward, but at Anchorage there's plenty of steamboat men at this time.

GOVERNOR STRONG: Are you of the opinion, Mr. Mandle, that the suspension of the eight-hour law as applied to industries affected, would result in industrial strikes and troubles?

MR. MANDLE: I do, speaking honestly from the wires we have received and from the sentiment in the communities that I come from. They are very much opposed to an amendment of the eight-hour law. It has been discussed not only in the unions, but in public, in the pool halls where you hear the different arguments and talk of the laboring men, and they say that if they amend or rescind the eight-hour law at this time, they will force the eight-hour law themselves by simply laying down their tools. I have heard such

remarks made openly, and it is my candid opinion, at this time, that the industries would be greatly hampered if they rescind the eight-hour law. I will further state that during the short time since this question has come up, the men in the Mother Lode, in the copper country and the Kennecott mine, have come out flatly and said that they would simply walk out if they established a ten-hour day.

GOVERNOR STRONG: Well, there has been no demand from any lode mining companies for the suspension of the eight-hour law as applied to underground mining, anyway. I want to say that.

MR. MANDLE: The great fear is that it will affect the underground men and that is why, since this question has come up, they have organized the Mother Lode to a man and the Kennecott will be in the future.

GOVERNOR STRONG: Well, the eight-hour day is provided in another act; the 8-hour day for the mines is provided in another act, the act of 1915, separate and apart from this general eight-hour law.

SENATOR HUBBARD: I would suggest, in connection with the statement that has just been made, that my understanding of that objection made by the men is not that it might not apply to them, but that there is a possibility of it being suspended as to other people and that they would be influenced by it even if it did not reach them. I was told by parties at Cordova that the men in the Kennecott mines felt that way---that while it may not reach them directly, at the same time they would be influenced by that law.

MR. OLIVER: I may be mistaken; that is, I may have construed his language wrong, but he stated that the railroads operated more than eight-hours---that is, that it is not the disposition of the operator of the railroad to operate more than eight hours, but it is on account of conditions that come up, or emergencies.

MR. MANDLE: That's the idea. The work is as near to eight hours on the Government railroad as conditions will permit. The way that came about, the Government, when they started out, they were working the men overtime and Sundays, with straight time, and it created a lot of dissatisfaction among the men. They were working almost full force on Sundays, and the

men simply got together, drew up a resolution and presented it to Mears, and after he took it under advisement, he granted time and a half for overtime, and there would be overtime work only at such times as it was necessary for the maintenance of the road. From that time on there has been very little overtime and very little Sunday work, and they have never had any trouble at Anchorage outside of their first strike. I think anybody will admit that 37½ cents an hour for Interior Alaska isn't sufficient for a man to exist on.

GOVERNOR STRONG: That was the strike of 1915?

MR. MANDLE: Yes. Outside of that, after they get that adjusted, they have always gotten along very nicely, and any differences that come up were always settled by a committee from the working men with Mears and there has never been any further trouble of any kind. A readjustment is made every year. The next readjustment will come again in A pril. Last year the Commission gave the men a five-cent raise.

GOVERNOR STRONG: Mr. Mandle, you have had a good deal of experience as a mechanic. In your opinion, does a reduction of the hours of labor necessarily mean a corresponding reduction in the output?

MR. MANDLE: No, no; I do not. Judging from the men working alongside of me and by myself, they feel that they are willing to quit and are tired at the end of eight hours. That is, if they were put to work ten hours, they would simply slow up their speed so as to be able to endure the ten hours, and the production, if anything, I believe would be decreased.

MR. DOYLE: I was in the contracting business in Prince Rupert and done a good deal of building there. I worked my men eight hours and the other concerns there worked their men ten hours, what they called the Builders' Association, and I always accomplished more with men. I was able to underbid them in taking contracts and make money on it, and for that reason, it shows that I was able to accomplish more in eight hours than if I worked my men ten hours. I got more work in return for an eight-hour day than they got for ten.

MR. MANDLE: I believe, Governor, that statistics show that there has been more efficiency and better work in every way under the eight-hour day than there was under the ten-hour. Men produce better work and more work. I believe that is on record in the Government statistics.

Now, there was a case in the shops. It was rather laughable. They were turning down car wheels, and this mechanic he said that he was turning the same amount that he turned outside, but one foreman came along and says to him, "Bob, can't you speed up a little bit?" "Well," he says, "I tell you, it is running fast enough for me, as much as I can stand and it is as much as the machine will stand, and if it doesn't run fast enough to suit you, you can go and have it made." That's the sentiment of a good many men if they are going to be crowded in their work more.

Now, I talked with Brown & Hawkins, the biggest mercantile store in Anchorage, and they told me that they favor the eight-hour law, and other business houses say that it is the finest thing that ever happened to the community.

MR. HARRISON: In other words, eight hours of free-will, voluntary work or ten hours of compulsory work, the eight hours would be productive of the best results every time.

MR. MANDLE: Yes, it just like the old saying, "You can lead a horse to water, but you can't make him drink."

MR. DOYLE: With regard to mining and the eight-hour law, there is no branch of any industry that is affected by this law that would breed so much discontent if the eight-hour law was suspended.

MR. MANDLE: From my district the men take the stand that this is not an appeal from the Government. The Government is not asking for it. It is simply the corporations.

SENATOR NUSBAUM: The Government is directly on the opposite side of it. The Cabinet officials have appealed to employers to grant the eight-hour day.

Now I have a brief statement that I would like to read, assuming that this will probably be the last public hearing. It is not as lengthy a statement as I contemplated making. This is addressed to the Governor. (Reads)

ARGUMENT AND STATEMENT OF SENATOR O. P. HUBBARD

Hon. J. F. A. Strong,
Governor,
Juneau, Alaska

Sir:

In the interest of those whom I personally represent, and whose credentials I have filed, and in the interest of that large body of wage earners and salary earners who believe that the General eight-hour law should not be suspended, I respectfully submit for your consideration the following argument and statement against such suspension.

It is freely conceded that this is not a proceeding to determine the constitutionality of this law; that it is rather a proceeding to ascertain facts which would justify its modification or suspension, and to determine the method of procedure where modification or suspension is justifiable. Laws are not suspended for the expense of a telegram or any number of telegrams or for the writing of a letter or any number of letters. The suspension of a law, even in war times, is an unusual power, and it can only be done and ought never to be done, save where the conditions are imperative, the justification complete and strictly as a war measure. The party or parties, the partnership, company or corporation petitioning for the suspension of a law should be required to show that the conditions are full and complete and that they are strictly for war purposes. To illustrate, a sawmill asking for the suspension of this law should be able to show that it had a contract to supply the government with lumber from its mill and that it could not comply with its contract unless the "restrictions" of the law were modified or suspended as to its mill; it is not a question of wages, other expenses or profits; it must show physical impossibility to accomplish its contract under the law and physical possibility to accomplish the contract if the law is modified or suspended and that the material is for war purposes. The foregoing illustration as to a saw mill is equally applicable to any other industry in the Territory of Alaska, and by reason of the fact that there are many telegrams and letters on file in the record from local members of the board of National Defense, recommending the suspension of this law, it will not be inappropriate to look into the method of procedure for the suspension of a law by the President of the United States. All Government employees including those working under contractors and subcontractors in the District of Columbia are working under an eight-hour law. The President is given power by Act of Congress to suspend this law, and in certain instances he does suspend the law. But he does not suspend the law along the line or according to the method of the petitioners against the Alaska eight-hour law. The President does not make an "omnibus" suspension, or a wholesale suspension; he does not suspend the law in favor of every contractor having a contract with the government simply because he has been given the power to do so. Each case is examined upon its merits, and the suspension is made, if made at all, for that particular instance. To illustrate, under date of December 6, 1917, the following Executive Order was issued by the President:

> In order to effect the more expeditious construction of the extensions, alterations, etc., of buildings numbered 500 to 508, Fourteenth street, N. W., Washington, D. C., the early completion of said buildings for the use of activities of the Treasury Department engaged on work in connection with war measures creating a national emergency, and by virtue of the provisions of the act of Congress, approved March 4, 1917, entitled "An Act making provisions for the naval service for the fiscal year ending June 30, 1918, and for other purposes," (39 Stat. U. S., 1192), whereby

it is provided. "That in case of National emergency the President is authorized to suspend provisions of law prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States. Provided further, That the wages of persons employed upon such contracts shall be computed on a basic day rate of eight hours work, with overtime rates to be paid for at not less than time and one-half for all hours work in excess of eight hours." I do hereby suspend the provisions of law prohibiting more than eight hours of labor in any one day by persons engaged in the extensions, alterations, etc., of the above-mentioned buildings belonging to the Government in the block on the west side of fourteenth street, N. W., between E. street and Pennsylvania Avenue, N. W., Washington, D. C. This order will take effect from and after this date. (From p. 112, Monthly Review of the U. S. Labor Statistics, vol. VI, January, 1918, number 1)

There is no more important agency engaged in the great war work than the Shipping Board, of which Mr. Hurley is Chairman and Mr. Stevens is Vice Chairman. It has been urged by shippers that the Shipping Board recommend Congress to suspend the Seamen's act during this war. These are Mr. Steven's words on the point:

"Every provision of law which the National Government has passed for the better protection of the workers, I believe ought to stand unless it is obvious to everybody that it is a serious menace and a serious obstacle to the efficiency of labor. This is brought particularly home to the Shipping Board because a good many men engaged in the shipping business have urged the board to recommend to Congress the suspension of the so-called LaFollette Seamen's Act during the war. Let me say right here, with emphasis, that the Shipping Board does not propose to recommend to Congress the suspension of any act which the American people have passed for the better protection of the safety and welfare of sailors on the sea."
(Page 113, Monthly Review, supra)

I desire to reiterate and endorse the assertion of Vice Chairman Stevens of the Shipping Board that "every provision of law which the National Government has passed for the better protection of the workers, I believe ought to stand, unless it is obvious to everybody that it is a serious menace and a serious obstacle to the efficiency of labor," and I desire to extend that statement and to make it cover the Alaska eight-hour law, which is simply a reenactment of a principle and a policy declared by the Congress of the United States fifty years ago, in the following language:

Eight hours shall constitute a day's work for all laborers, workmen and mechanics who may be employed by or on behalf of the Government of the United States." (sec. 3738, Revised Statutes, U.S.)

Except for amendments which greatly enlarge the scope of the act, it is still the law of the United States. The employees of the United States Government work eight hours a day without regard to the character of the work or the place of employment!

Unless there is something in the record to bring the case of the petitioners for the suspension of the Alaska eight-hour law within the qualification contained in the statement by Vice Chairman Stevens, viz., "unless it is obvious to everybody that it is a serious menace and a serious obstacle to the efficiency of labor," his endorsement of the principle of the eight-hour law, as well as "every provision of law which the National

Government has passed for the better protection of the workers," and his emphatic declaration that the Shipping Board does not propose to recommend to Congress the suspension of any act which the American people has passed for the better protection of the safety and welfare of the employees of the Government, ought to be a complete answer to the requests of the petitioners for the suspension of the Alaska law. It must be conceded that he is speaking with authority, and from a large experience in the matter of the employment of labor. He is also fully informed as to the labor conditions which prevail throughout the country, and what it is that is causing the prevailing labor troubles. He is in close touch with the Federal Mediation Commission. He knows, in the language of the Commission, that "the unrest which at the bottom is the assertion of human dignity, focuses upon a demand for the eight-hour day." We in Alaska are painfully familiar with the disturbed condition of the logging and milling industry on the Pacific Coast, and the report of the Federal Mediation Commission, published in the Seattle Sunday Times of the tenth instant, contains much interesting matter and some of it is not wholly inapplicable to the proceeding in which we are now engaged, especially as two idle saw mills in Alaska have requested that the eight-hour law be suspended in their interest. An excerpt from the report reads:

> "The unrest which at bottom is the assertion of human dignity, focuses upon a demand for the eight-hour day. It is almost the only large industry on the coast in which the basic eight-hour day does not prevail. The operators doggedly oppose the eight-hour day on the ground that they are unable to meet Southern competition operating under longer hours. They were unacquainted with the tendencies revealed by the introduction of the eight-hour day in other industries and the experiments of the British Ministry of Munitions as to the relation between shorter hours and efficiency.
>
> In truth, we cannot escape the conviction that with too many opposition to the eight-hour day has become a matter of pride instead of judgment, a reluctance to yield after having defeated the strike.
>
> On the other hand, the change has been introduced by far-sighted employers, particularly those on the Inland Empire district, not by way of yielding to threats, but as introducing a wise innovation, recognized as a desirable national policy for industry.
>
> In the judgment of the commission the introduction of the basic eight-hour day in the Pacific Northwest lumber industry is indispensable as a measure of national need. It is essential in order to assure stability in the industry, efficiency of output, and to obtain an adequate labor supply in the fact of better competitive conditions in neighboring industries. Negotiations between the commission and the operators' association on the coast has reached a point where the adoption of the eight-hour day seemed practically assured."

Certainly nothing more need to be said with reference to the logging and milling industry in Alaska. But what a strange situation this timely report from one of the important commissions of the Government,(its chairman being a cabinet officer) reveals. The Government using its every power and influence to secure an eight-hour day for laborers in the Pacific Coast territory, in the one industry that has not adopted the eight-hour day, while members of the local board of National Defense in Alaska are sending telegrams and letters to Washington, D. C., and to the Governor of the Territory, requesting the suspension of the eight-hour day in Alaska for the same industries as a war measure. Is it possible that

the Federal Mediation Commission is not in touch with the Government at Washington, or has the Government in Washington neglected to consult with the petitioners in Alaska?

It will not be inappropriate to review briefly the history of the Alaska eight-hour law, for the reason that those who are now seeking to secure its suspension have had their day in court. The law has the approval of the vast majority of the people of the Territory, and as we have already seen, it would have the approval of the Federal Mediation Commission if the question was submitted to this Commission, the Chairman of which is a member of the President's Cabinet.

During the session of the legislature which met in 1915, and while considering amendments to chapter 29 of the Session Laws of 1913, a law establishing the eight-hour day in mining work in and around mines and mills in Alaska, the question of a general eight-hour day for all employees, wage earners and salary earners in the Territory, was more or less discussed. The legislature decided that it did not wish to assume the responsibility of enacting so important a measure without first submitting the question involved to the people. Chapter 56 of the Session Laws of 1915 was enacted and was approved by Your Excellency on the 29th of April, 1915. Chapter 56 is as follows:

> An Act providing for the expression by the electors of the Territory of Alaska, whether they are in favor, or not in favor, of a general eight-hour day for all wage and salary earners in the Territory of Alaska.
>
> BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:
>
> Sec. 1. That there shall be submitted to the electors of the Territory of Alaska, at the next general election held for the purpose of electing the members of the next legislature, the question whether or not they are in favor of a general eight-hour day for all wage earners and salary earners in the Territory of Alaska.
>
> Sec. 2. There shall be printed on each ballot provided for such election, in large type "For a general eight-hour law," and "Against a general eight-hour law." "Note: Place a cross (x) opposite your choice."
>
> Section 3. The canvassing of such voting shall be performed in the same manner as the canvassing of the returns of the members of the Territorial legislature, and the result transmitted by the Governor to the next succeeding legislature, on the first day of the convening thereof.
>
> Section 4. In the event the certificate of the canvassing Board shall show that a majority of the electors have declared in favor of a general eight-hour day, the aforesaid next succeeding legislature shall pass such acts as may be necessary to cause such expression of the wishes of the electors to become effective."

Almost eighteen months after the enactment of the above measure, the election for the members of the next succeeding legislature occurred on the sixth of November, 1916. The people of the Territory, after having a year and a half for consideration of the question, cast 10,464 votes in favor of the eight-hour day and only 1,748 against the eight-hour day. If a single newspaper in the entire Territory opposed the measure, it has not been brought to the notice of the party submitting this statement; if a single aspirant for the legislature opposed it, he did not succeed in election, for the members of the legislature of 1917, which passed the eight-hour law now sought to be suspended, were unanimously in favor of the measure. The

The bill which finally became the law, was introduced early in the session of the legislature of 1917, and was before the legislature and the people for the entire session. The press of the Territory either approved of the bill or refrained from making any comment while it was pending before the legislature. In the interest of the fishing industry of Alaska, and by special request of representative of that industry, the taking effect of the law was postponed until January 1, 1918. As the law has been suspended as to this industry, it is not a question in this proceeding as to whether it should or should not have been done. As a member of the legislature that enacted both measures, it is my judgment that a serious mistake has been made in suspending the law with reference to the fish industry in Alaska at this time. The market price of fish is such that the fishing industry can easily meet any emergency in either wages or employees.

The suspension of the law in the interest of the mining industry of Alaska is not seriously urged. In fact, a very small per cent of the employees engaged in mining in Alaska comes under the general eight-hour law. The provisions of chapter 6 of the Session Laws of 1915 appear to be sufficiently broad to cover the mining situation. If the general eight-hour law of the session of 1917, as found in chapter 55 of the Session Laws of 1917, were suspended as a whole, the mining situation would not be greatly changed; but the organized and unorganized miners of Alaska are unanimously opposed to the suspension of the law, as shown by the thousands of names to petitions coming in in opposition to the suspension of the law from all sections of Alaska. The records in the office of the Territorial Mine Inspector clearly establish the fact that the mines of Alaska are being operated on the eight-hour basic day and have been so operated, except certain placer mines, since the law of 1913 was enacted.

(Signed) O. P. HUBBARD

Juneau, Alaska, Feb. 20, 1918.

(Indefinite adjournment taken)