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### The Trend Towards Socialism in Recent Law-Making

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THE TREND TOWARDS SOCIALISM IN RECENT LAW-MAKING

A Thesis

For the Degree of Master of Science,

by

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## INTRODUCTION.

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It is an undeniable fact that civilized nations are drifting towards socialism. Whether we reach the goal of ideal and theoretic socialists at last, or stop short of socialism in its modern accepted meaning it is not the purpose of this work to investigate.

Socialism is of recent origin. It was started less than seventy years ago in France. The progress that it has made is worthy of some attention. It has spread to all civilized nations and has won many earnest supporters in England, France Germany and the United States.

A great deal of confusion results from the different meanings loosely attached to the

word socialism. Socialists themselves are not uniform in their use of this term. Let us look for a moment at some of the authoritative definitions of socialism and see if possible what is meant by the term. Says Mr. Ely: "Socialism is that contemplated system of industrial society which proposes the abolition of private property in the great material instruments of production and the substitution therefor of collective property; and advocates the collective management of production, together with the distribution of social income, by society, and private property in the larger proportion of this social income."

Prof. Wagner gives the following definition of socialism in the narrower or more special sense: "Extreme socialism, or the modern, scientific, economic socialism is a system of economic, legal order opposed to the present

order. Socialism demands that the material means of production, that is land and capital, should not be as at present merely private property of single private members of the social body, but should be collective property of society itself. That, consequently, private undertaking designed to secure profit should not stand on oneside, and wage earners paid according to the condition of the labor contract on the other, these various undertakings and wage earners competing with one another; that production should not be conducted by individual capitalistic managers according to their individual estimate of demand, which means on the whole an unregulated production dependent on the course of speculation and the influence of chance and that the distribution of the product should take place according to the circumstances of the

law of supply and demand. Socialism requires on the contrary that production should take place according to plans based on the carefully ascertained demands of the consumer, and that it should be duly regulated by public authority, that it should be carried on in a cooperative manner or in state and municipal institutions, etc., and that the product should be divided among the producers in a juster manner than at present when distribution is effected by the law of demand and supply."

"The science of socialism", says Mr. Thomas Kirkup, "is this: It proposes that industry be carried on by associated laborers, jointly owning the means of production, (land and capital), whereas industry is at present conducted by private and competing capitalists served by wage labor, it must in the future be carried on by associated

labor, with a collective capital, and with a view to an equitable system of distribution."

Mr. Bellamy, the founder of the school of socialists known as Nationalists, declares that "Industrial self government is a more convenient and accurate definition of Nationalism." The central thought in socialism, according to Mr. Bellamy, would seem to be democracy in industry. At the present time while we have democracy in politics, we have in industry a system to which for the most part we may properly apply the term despotism.

"In the widest sense of the word", says Mr. Graham, "socialism is any scheme of social relations which has in view a more equal distribution of wealth, or the preventing too great inequality, in whatever way this may be effected, whether by State action, the voluntary efforts of individuals directed towards that end,

Church action, philanthropy, or any other means; in which wide sense of the word Socialism embraces many social phenomena and movements, both in the present and in the past. Thus in the present it would embrace cooperative production, the communistic experiments in the United States and elsewhere, Christian Socialism, contemporary legislation to ameliorate the condition of small tenant farmers and the working classes generally, and even if we set aside the means to be employed, contemporary anarchists' final aims. In this wide sense of the word, ancient laws and customs aiming at the prevention of poverty or of great inequality, the various risings of the people in England, in France, and in Germany, together with the ideas and sentiments that prompted them, might all be styled Socialistic."

Communism is a term not now often used.

It is the most radical form of socialism. Its advocates believe in living together as one great family and owning all property in common. All the many attempts to establish such communities have been unsuccessful.

Collectivism, as used at the present, refers to the more radical forms of socialism as collective ownership of land and capital, or government ownership of all the means of production.

Nationalism, is a term used to denote all those members of the radical socialistic school founded by Mr. Bellamy about ten years ago. Their distinctive principles are government ownership of all the means of production and of most private property. Nationalists would have all property owned by the State, and the members of society merely co-workers for a common employer, viz.: the Government.

The so called Revolutionists are sometimes though improperly, designated as socialists. They do not believe in any form of government and claim that all government is a necessary evil. That freedom of action, and personal liberty is hindered by law,- that government always works to the advantage of a privileged class and that its tendency is always to create classes and destroy equality. They believe that revolution is necessary in order to overthrow government and that when this is done and all authority is destroyed, then, and not till then, will perfect freedom exist. These are the anarchists, and are not socialists at all, neither does their belief tend to strengthen socialism, but on the contrary works in the opposite way.

Another class of socialists worthy of mention at this point is the so called Christian

Socialists who believe in the universal brotherhood of man, and think that equality and justice can never be established except by the intervention of law. They claim, and very justly too, that the lower classes can never become elevated, educated and refined until they are protected from the stronger classes by laws made for that purpose; that the tendency is for the gulf to become wider. They, therefore, labor to bring about this equality, brotherhood and refinement through governmental aid.

It will be seen then that there are schools of socialists differing principally in the extent to which they favor governmental action. They all agree, however, in governmental control in many ways now left to individual activity. All believe that certain industries, most liable to be monopolized, should be controlled by the State.

Most laws which have for their purpose the control of certain industries or which in any way hinder the right of free contract are Socialistic. All those laws, then, which broaden State functions and limit the right of free contract are worthy of notice as trending towards socialism. It is this class of laws which will be studied in this work. Socialistic laws enter very largely into recent constitutions and recent law-making. This socialistic movement, which has become almost universal at the present time, indicates very strongly that we are drifting towards Socialism.

Following are given some of the Socialistic features most prominent, and those which have seemed to be the most suggestive as trending towards Socialism. Most of our attention will be given to the Socialistic laws of our own

State of South Dakota, and more especially to such of the movements as are of recent origin in the fundamental and statutory laws.

## CHAPTER I.

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## SOCIALISTIC FEATURES OF THE GENERAL GOVERNMENT.

The right of Eminent Domain has long been recognized as a right attaching to Sovereignty and belonging to all Sovereign States. This right is exercised by the United States in common with other Sovereign States. It is a Socialistic law or custom, however, as it gives to the States the right to convert land or property to their own use whenever it seems necessary for the good of the State. The right of the individual to do what he will with his own property is not recognized nor heeded by the State exercising this prerogative, and instead of protecting the person in the right to hold property, as it would seem to be its duty to do, it steps in and defrauds him of his property because the necessity of the State seems to justify such a

movement.

Along with these rights comes another closely connected with them, that is, the right to take charge of all Railroads and other roads for the transportation of troops in time of war or invasion. The government of course owns all common roads, and this is also another distinctive Socialistic feature of the State. The right and propriety of owning common roads has been long established and never questioned, as the common good has been greatly safeguarded thereby.

But the Socialistic feature of our government which seems to appeal to all observers the most strongly, partly because of its great success and partly because it is the most noticeable in our system of government, is the Postal System. Governments early recognized the

fact that the people's mail was too important to be intrusted to the uncertain and unreliable control of private individuals or corporations. It would never do in times of war or invasion to trust to private individuals or corporations, for they might form combinations or trusts, or might be compelled or frightened into giving up their contracts and thus leave the people without an means of mail transportation. Again, the difficulty arising from many companies or corporations, with different facilities for carrying the mail, and without any arrangements for transferring the mail from one company or line to another, would be very serious. Were the Postal System operated by private individuals or corporations the mistakes and losses of the mail would be almost beyond our power to appreciate. As it is the Postal service is truly remarkable.

It is very seldom indeed that a letter is lost although many mistakes are daily made in the addresses of letters and packages in name, street and number, and yet the rapidity with which the mail thus sent reaches its destination is truly wonderful.

## CHAPTER II.

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SOCIALISTIC FEATURES OF SOME OF THE STATES,  
As Embodied In Their Constitutions.

The original intention, or purpose, of a written constitution was to outline the form of government in general terms and thus make more stable and rigid the general features and principles of that government. Thus the early constitutions, as they conformed closely to this principle, were short and general in their character. Recent constitutions have departed very much from this principle and embody much in their pages which should be left to legislative enactment. The newer constitutions contain much that is Socialistic, and a study of some of these constitutions will show the general trend towards Socialism.

The evils resulting from lotteries and the sale of lottery tickets have so impressed the people that in many of the newer constitutions we find preventions enacted against the establishment of lotteries.

The constitution of California provides that "The legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this state, of lottery and gift enterprise tickets, or tickets in any scheme in the nature of a lottery." In the new constitution of New York we find the words: "Nor shall any lottery nor the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling hereafter be authorized or allowed in this state." In the South Dakota constitution we find this provision: "The legislature shall not authorize any game of chance,

lottery, or gift enterprise under any pretense or for any purpose whatever."

So, also the state constitution of Utah contains this provision: "The legislature shall not authorize any game of chance lottery or gift enterprise under any pretense or for any purpose." These provisions are distinctively socialistic as they hinder the right of free contract and give the state absolute control over gambling. To make the prevention still more certain and to make the provisions more rigid and difficult of change or revision this prohibition has been placed in the constitutions of these states.

Our common school system is the pride and glory of our republic. The safety and efficiency of a government depends upon the enlightenment and intelligence of its people. It is never safe or wise for an ignorant,

superstitious people to govern itself. Such an attempt always leads to destructive revolutions, wars of violence, and in the end anarchy, tyranny or both. Our school system has been socialized. That is, it is regulated by the state governments and is not left to the caprice of individuals. Public schools, open to all alike, and free of tuition are so common that we hardly ever think of them as being socialistic, yet the fact is that they are such. The state itself enters the field of education and competes with the private tutor in the business of educating its people. It is a principle of the state, however, that only the common branches shall be taught in the public schools, and that schools of higher learning shall be operated by private individuals or corporations. The act establishing Agricultural Colleges is

an exception to this general rule. This act provides for the establishment of one Agricultural College in each state to be partly maintained by the general government and partly by the state in which it is located. These Colleges teach the so called applied sciences: That is, Agriculture and Mechanics, together with all the sciences relating thereto.

In some states the attendance at the public schools is made compulsory for a certain length of time each year. The state claims the right, not only to establish and maintain public schools for its citizens, but the further right to compel them to attend the same whenever it is thought best to do so.

Compulsory education is growing in strength and favor with the people and it is altogether probable that before long all the states will

adopt compulsory education.

The constitution of South Dakota declares that "The stability of the republican form of government depending upon the morality and intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools wherein tuition shall be without charge and equally open to all, and to adopt all suitable means to secure to the people the advantages and opportunities of education." It further provides for the maintenance of the schools by the interest on a fund derived from the sale and rental of the public lands which have been granted to the state by the general government, or which may hereafter be granted; and that the interest and rental of this land, together with the net proceeds of all fines for the violation of

state laws, shall be apportioned among the several school corporations in proportion to the number of pupils of school age in each. And that the principal shall never be reduced, but may be increased, and that it shall always be kept as a trust fund for the schools of the state.

The Utah constitution declares that "The legislature shall provide for the establishment and maintenance of a uniform system of public schools which shall be open to all the children of the state and free from sectarian control." It then provides that the public school system shall include kindergarten schools; common schools; high schools; one agricultural college; one university; and such other schools as the legislature may provide, and that the common schools shall be free. It also provides for the establishment of a

school fund by the sale of public lands, etc. Also for the establishment of institutions for the Deaf and Dumb, and Blind. And that neither religious nor partisan test or qualification shall be required of any person as a condition of admission as teacher or student into any public educational institution of the state.

## CHAPTER III.

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GROWING BELIEF IN STATE CONTROL  
OF CERTAIN MONOPOLIES.

The government ownership and control of the Railroads of the United State is fast growing in favor and popularity, especially in the West and in Agricultural Districts. So strong has this sentiment become that it has been adopted as a principle of one of the National parties which is winning recognition in the West and South. Owing to exorbitant freight and passenger rates, on one hand, and to the apparent success of state management in those countries which own and control their Railroads, on the other hand, this principle of government ownership is receiving a great deal of attention at the present time.

It is said by a Railroad president that were the Railroads operated as a unit in the United States it would result in the annual saving of two hundred million dollars. This statement coming from a Railroad manager is worthy of some attention. If it is true that the operation of our Railroad system as a unit would save two hundred million dollars annually, it is only reasonable to suppose that government control would result in a very much larger saving, in view of the fact that the system would then be operated at cost, while at the present time it is operated for profit. Also there are many improvements which should be adopted by Railroad companies but which they neglect or refuse to adopt on the ground of expense. However, government ownership or control is a problem for the future. Yet many states have

adopted laws for the partial control of the system and to prevent too great abuse in the way of reasonable freight and passenger charges. The constitution of South Dakota declares that no Railroad corporation shall do business in the state without maintaining a public office in which shall be kept for inspection certain books having the names of stock holders and the amounts owned by them respectively; the amount of assets and liabilities, and in this place the business of the company shall be transacted. Also that no Railroad corporation shall consolidate its stock with another Railroad corporation owning a competing line. Also that the Railroads of the state are declared to be common carriers and subject to legislative control, and that legislatures shall have power to regulate freight and passenger charges from one point to another in the state.

Also that the legislature shall pass laws to prevent abuses and extortion in freight and passenger rates and shall enforce such laws by adequate penalties. The state constitution of Utah contains almos exactly similar provisions in regard to the consolidation of stock and the establishment of reasonable freight and passenger rates, legislative control, etc. The constitution of California provides that if a Railway company, for the purpose of competing with another common carrier, reduces rates or transportation charges, such reduced rates shall not be again raised without the consent of the government authorities in which shall be vested power to regulate fares and freight. Also that no Railroad or other corporation shall grant free passes, or passes or tickets at a discount, to any per-

son holding any office of trust or profit in the state and that an acceptance of such pass by any officer shall work a forfeiture of his office. These attempts to regulate the affairs of Railway traffic and transportation by the constitutions of the several states are an indication of a growing sentiment among many people in favor of public control or regulation of many monopolies especially Railroads. As has been indicated the success of state ownership in other countries together with certain abuses practiced by them in the way of exorbitant freight and passenger rates, the controlling of large landed interests, etc., have led to a growing feeling that it would be wise, proper, and for the best interest of every one if the government should own and control railroads and tele-

graphs. Those men who favor government ownership of Railroads point to the great success of the Postal system and argue from this a success fully as great or greater in regard to the Railroad and Telegraph lines. It is said that the lives and messages of the people are of more importance than their mail. That it is of greater importance to the people that they have safe, efficient and rapid means of transit themselves than that their mail should be delivered quickly and safely. That were the Railroads owned by the government and operated at cost and as a unit it would amount to a saving of millions of dollars annually and would greatly increase the efficiency, safety and general usefulness of the whole system. To the objection that it would be impossible for the government to purchase

all the roads in the United States which would amount to billions of dollars, they reply, that were the government to purchase or build several main or trunk lines and operate them at cost they would compel the companies to sell to the government at a reasonable figure.

In many of our large cities municipal ownership, of water, gas and electric light plants is growing in favor with the people. A large number of our largest cities now own such corporations and the advantages derived seem to favor such ownership and control. Citizens take much more interest in such corporations and are very much more particular as to their operation. They are more ready to complain if everything is not in good shape and for this reason such municipal corporations are much more apt to be kept in perfect order

and to give more satisfaction than private ones. Also their cheapness as compared with private corporations is a very great inducement for the state to own such undertakings. Many evils arising from private corporations as strikes of their workmen causing great inconvenience if not actual damage to the citizens, the support of two competing lines where one would do the work just as well, poor accommodations, unreliable officials and many other disadvantages which might be mentioned are all avoided by state regulation of these monopolies. In the great majority of cases where the state once adopts control of one or more of these industries it becomes so attached to the system that it does not care to change, so that the number of these socialized industries is great-

ly increasing and we may look forward to the time when these particular industries together with many others shall be socialized.

## CHAPTER IV.

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GROWING TENDENCY TO PARTICULARIZE IN STATE  
CONSTITUTIONS.

There has grown up in this republic a very general distrust of the legislative and executive branches of government, but more especially the legislative. Owing to the great abuses of power by the legislative bodies of many of the states, to the bad laws passed, to the frequency of laws passed and then repealed, to legislative "jobbery", "bossism", "log-rolling", and the many forms of political corruption at the present time, the people have come to mistrust the legislative and executive and to endeavor to curb their power and to retain as much as possible for themselves. In view of this fact we have laws passed curb-

ing these bodies in many ways, such as depriving them of powers heretofore exercised, shortening their terms of office, etc. There are enacted in the South Dakota constitution fourteen direct prohibitory clauses which prevent the legislature from enacting private or special laws in many cases. The sessions are made biennial and the time of sitting is limited to sixty days; the term of office of the members is but two years; all amendments to the constitution must be submitted to the people for their approval. The constitution of Utah contains eighteen prohibitions against the passing of private or special laws; the regular sessions are held biennially; the term of office is also two years and all amendments must be submitted to the people for their approval. In these four constitutions studied

namely: South Dakota, Utah, California, and New York, stringent laws have been passed against bribery, and all legislators are required to take an oath to the effect that they have not given or accepted bribe, nor promised to use any political influence for support. The persons offering bribes are deemed guilty of felony and liable to punishment.

Many other special laws are adopted in the constitution which seem to be more fitly provisions for legislative enactment. Some of these are the regulation of Representative and Senatorial Districts; salaries of officers; regulation of the sale and manufacture of liquor; regulation of labor; the maximum limit of public indebtedness ; the appointment of public officers, as the Regents of Education. All this shows the present tendency to particularize in state constitutions, to make these

instruments more special in their nature,  
longer and more definite in their provisions.

## CHAPTER V.

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## EXEMPTIONS.

Special protection is afforded all debtors by our state government. Art. 21 Sec. IV. of the South Dakota constitution provides that "The right of the debtor to enjoy the comforts and necessities of life shall be recognized by wholesome laws: exempting from forced sale a homestead, the value of which shall be limited and defined by law, to all heads of families, and a reasonable amount of personal property, the kind and value to be fixed by general law." Sec. 5127 of the compiled laws of South Dakota absolutely exempts from levy, sale or execution all family pictures, and pew in any house of worship, lot or lots in any burial ground, family Bible and all school books used by the

family, and all other books used as a part of the famil library not exceeding in value one hundred dollars, all clothing of the debtor, provisions for the debtor and his family sufficient for one year and also fuel for one year, and a homestead. "The value of this homestead shall be of the value of \$5,000. Provided that if said homestead be found to be of the value of more than \$5,000 upon appraisal the debtor shall be required to pay all such surplus over and above \$5,000, or in case he fail to pay such surplus the said homestead may be sold and out of proceeds of such sale the officer shall pay said debtor the sum of \$5,000, and apply the balance on the debt." In addition to all these the debtor may select personal property to the value of \$1,500, which being selected and appraised will be exempt from all sale, execution or levy or any other process which may issue from

any court. It will be seen from these laws that it is very difficult to collect by law from any debtor not positively worth more than fifteen hundred dollars exclusive of above special exemptions. This would appear to be a very liberal law to the debtor classes and is meant to protect them from their creditors. The actual working of this law is not so satisfactory as it was supposed it would be. Where the creditor is not secured by mortgage he has no recourse against the debtor who is not absolutely worth more than fifteen hundred dollars. Yet the creditors have been too far seeing, too cautious to allow themselves to be swindled by unreliable persons. They have insisted upon good security in all cases of trust and in many cases security many times the value of the debt, and thus the debtor has been bound

by mortgages which, in case he could not pay, have been foreclosed resulting in the complete ruin of the debtor. Many farmers of the Northwest are so tied up with debts, secured by mortgages, that they are slaves to their creditors, and are forced to pay out in interest all that they can earn, so that there seems to be little prospect of their ever being able to pay off their mortgages. In this way the evils which the laws sought to remedy have been greatly aggravated and instead of aiding the debtor class have made matters much worse for them than before.

## CHAPTER VI.

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## LIQUOR LAW.

Art. 24 of the South Dakota constitution provides that "No person or corporation shall manufacture or aid in the manufacture for sale any intoxicating liquor; no person shall sell or keep for sale as a beverage any intoxicating liquor. The legislature shall by law prescribe regulations for the enforcement of the provisions of this section and provide suitable and adequate penalties for the violation thereof." In order to make the Temperance law more stable and less easily violated or changed this provision has been placed in the constitution. It has been a constant source of trouble, as the advocates of license have constantly endeavored to have this section

stricken from the constitution. This section is to be submitted to the people for their consideration, at the next general election.

Under this constitutional provision a statutory law was passed providing that any person who was convicted of selling, keeping for sale, or manufacturing for sale, in this state, any malt, vinous, fermented, spiritous, or other intoxicating liquor shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail not less than sixty days nor more than six months and for the second and every successive offence should be deemed guilty of a felony and be punished by imprisonment in States prison for a period of one year. Provided, though, that Registered Pharmacists may receive a permit to sell for medicinal purposes only.

Provided further that if any such person shall be found guilty and shall be convicted of such offence the second time the court shall order all his property seized and destroyed.

It is further provided that any wife, parent, guardian or ward may have cause of action against any persons selling intoxicating liquor to any person in their charge or upon whom they are dependent.

It is also required by law that special instruction shall be given in the public schools as to the nature and effect of alcoholic drinks and narcotics; and special instruction as to their effect upon the human system. Such subjects must be taught as thoroughly as mathematics and geography. Such instruction must be given orally to pupils who are not able to read, and shall be given by use of text-books to all pupils who are able to read.

Provided further that such text-books used shall give at least one-fourth of their whole space to the consideration of the nature and effects of alcoholic drinks and narcotics. and, provided further that no certificate shall be given to any teacher who has not passed a satisfactory examination in Physiology and Hygiene with special reference to the effects of alcoholic drinks, stimulants and narcotics.

This provision is a very good illustration of the power of the state to train its citizens in respect to moral, physical and mental attainments, etc. The state has the power, as illustrated by these provisions, to say that its citizens shall not be ignorant on those questions which may effect the future security of the government.

## CHAPTER VII.

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## ADULTERATION OF FOODS AND DRINKS.

It is also provided by law that whoever shall kill for sale any calf less than four weeks old or shall have in his possession any such meat for the purpose of selling it, may be imprisoned or fined or punished by both fine and imprisonment. And that any person making for sale or selling any imitation or filled cheese or imitation butter or oleomargarine or any substance for cheese or butter not made from the milk or cream of cows, without having such goods plainly marked so that there can be no mistake about their character, shall be imprisoned or fined, or both fined and imprisoned for every such offence. Also any person who dilutes or adulterates any food or drink, drug

or medicine, with the purpose of selling such food stuff as pure, is guilty of a misdemeanor. Or any person who knowingly keeps for sale any such diluted or adulterated food or drink is guilty of a misdemeanor. Or any person who keeps for sale any tainted, decayed or spoiled food, drink, drug or medicine is guilty of a misdemeanor. Or any person who willfully mixes any poison with any food, drink or medicine with the intent that the same shall be used by any person, or who willfully poisons any spring, well or reservoir of water is guilty of a misdemeanor. It will be seen by these prohibitory enactments that the right of individuals to freely contract or engage in any work or business or profit or otherwise is greatly restricted by the state. That the general good of the public and of individuals

who are less able to determine the condition of many of the products which they must use is promoted by governmental activity. The much used argument that men may eat or drink whatever they choose is not founded on the basis of the greatest good to the greatest number, and therefore is not reasonable. The state has the power to enact laws for the protection and good of its citizens and it has exercised this power in this particular. These laws are socialistic as they control certain industries by state action and limit the right of free contract in certain particulars. They broaden state activity and give to citizens greater protection, safety, security of lives, property, etc., and thus promote the general welfare and prosperity of the people.

## CHAPTER VIII.

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## USURY LAW.

"The highest rate of interest which it shall be lawful for any person to take, receive, retain or contract for in this state shall be twelve per cent per annum. The person taking, receiving, retaining or contracting for a higher rate of interest than twelve per cent per annum shall forfeit all the interest so taken."

This law is meant to protect debtors from the abuse of money lenders. It is believed that the rate of interest can be regulated by law, and thus the hardship which the debtors sometimes suffer on account of exorbitant rates of interest will be lessened. This law has really worked a hardship to the debtor, and in spite of the rigid preventions of the law it has not, in any way, served to abate or lessen the rate

of interest. Money lenders have in many cases broken the spirit of the law while they have kept it in letter only. They have ingeniously contrived to loan money at a higher rate of interest, and by the excuse that money was scarce have demanded a large bonus for the trouble of securing the money, and have in this way received as high as 4% a month or 48% per annum. They have carefully secured all money thus loaned by mortgages on property many times the value of the note. In this way the debtor has been so tied up with mortgages that he has been in no position to complain or, as is often the case, he has been placed in so embarrassing a position that the money has been a great help to him in spite of the high rate of interest. Whenever the risk of loans is great the rate of interest will necessarily be high to pro-

tect somewhat the risk taken. This law, together with the exemption laws, have tended to make the risk greater and therefore have raised the rate of interest. Owing to this law, together with the exemption law, capital has been made shy and it has been very difficult at times to get the capital needed for the development of the country and its resources. These two laws have worked seriously to the disadvantage of the speculator who was not in a position to develop his industry without the aid of borrowed capital. In this way too the capital so much needed for the development of the country has been kept away and the effect has been a poor market for all state securities, scarcity of money, and mortgaged farms, chattels, etc.

## CHAPTER IX.

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## LABOR MOVEMENT.

During the present century labor has been organizing, and securing for itself greater advantages through organized effort, and government aid. The number of working hours per day have been reduced from twelve to ten and on all public works in this country it has been reduced to eight. Laws regulating the employment of women and children in mines and factories have been passed. Laws prohibiting Sunday labor, except when necessary; laws compelling employers to take due precaution for the health of their employees, and laws placing safeguards around machinery have been passed. These laws have been thought necessary to protect the laborer and they have worked well in actual practice. It is the only way in which

the majority can be protected from an indifferent minority. If there be no laws regulating these laws a few will compel the greater number to conform to their terms. As in the case of Sunday work among barbers, where one man keeps open his shop on Sunday all the other barbers of the city must do the same in order to secure custom. This is the so called problem of the 20th man, where one man can force many others to enter into competition with him against their wills. This is true in very many other respects. A few may dictate the wages of the many, may regulate the number of hours per day, and in many ways tend to lower the standard of living.

The constitution of Utah declares that "the rights of labor shall have just protection by law." That the legislature shall provide

by law for a Board of Labor, Conciliation, and Arbitration, which shall fairly represent the interests of both capital and labor. That the legislature shall pass laws prohibiting the employment of women, and children under the age of fourteen years, in underground mines. The contract of convict labor; the labor of convicts outside of prison grounds, except on public works under the direction and control of the state; the political and commercial control of employees; the exchange of black lists by Railroad and other corporations are all prohibited. The right of action to recover injuries resulting in death shall never be abrogated and the amount recoverable shall never be subject to statutory limitation or control. Eight hours shall constitute a days labor on all works or undertakings carried on by the state,

county or municipal government. The legislature shall pass laws to provide for the health and safety of employees in factories, smelters and mines.

In the statutes of South Dakota it is provided that no person shall perform any labor on Sunday, except necessary labor and works of charity, and that any person performing such labor shall be punishable by a fine of one dollar for each and every such offence.

Also that any employer who shall compel any woman or child under eighteen years of age, or permit any child under fourteen years of age to work more than ten hours in any one day shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars nor less than ten dollars.

The contracting of foreign labor is prohi-

bited in the statutes of the United States, and in the state of California the constitution strictly prohibits the employment of Chinese by any company or corporation. These are a few of the provisions which tend to elevate labor and make the burdens lighter for the laboring classes; to dignify and elevate labor, and thus promote the happiness and prosperity of the laborer. We have many reasons to believe that these are but the beginnings of many such laws for the protection of labor and for the elevation of the lower classes; that state control will be exercised more and more and that by judicious, wholesome laws the working man will be elevated, educated, and made more independant, more capable and efficient; the standard of living will be greatly raised and thus the security and prosperity of the government will be advanced.

## CHAPTER X.

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## MUNICIPAL REGULATIONS.

City Ordinances are inclined to be more socialistic in their nature and extent than state regulations. It is of course more necessary that strict regulations should be made and enforced in large cities, for there the good of all depends upon the most exact obedience to very rigid laws. In all large cities strict sanitary regulations are adopted. Any ill smelling or obscene place, such as manure around barns, ill smelling out-houses, etc., must be removed. All kinds of rubbish around the premises must be cleaned up and anything that would tend to produce bad air or unhealthy conditions is carefully kept from accumulating.

On certain streets fast driving, which would tend to increase the liability of accident, is prohibited. Bicycle driving is prohibited on sidewalks. Another regulation growing in popularity is the Curfew Ordinance. This Ordinance provides for the ringing of a Curfew Bell at nine o'clock P.M. and requires all children under a certain age to keep off the streets. All children caught playing or loafing on the streets after nine o'clock shall be punished by imprisonment or fine or some such penalty. Sidewalks must be kept repaired and in good condition so that liability to accident may be lessened. Any person who may be injured accidentally on account of bad sidewalks has a right of action against the city for damages. Streets must be kept sprinkled in hot dusty times to prevent dust. Slaughter houses

must not be kept within the city limits nor within a certain distance of the city. Dogs cannot be kept without the payment of a dog tax, and the animal so kept must wear a collar with the owners name on the same.

These, together with many other regulations, are passed by city aldermen and strictly enforced, as is necessary for the good of the many people congregated in large cities.

## CHAPTER XI.

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A FEW STATUTORY PROVISIONS OF SOUTH DAKOTA  
WHICH BROADEN STATE CONTROL.

It is required by statutory law that noxious weeds must be destroyed along roads, on farms, and in all exposed places. Such weeds, the nature of which is to spread rapidly and be easily scattered, should be destroyed in all exposed or vacant places, as they rapidly spread and seed down the farms in their immediate vicinity and thus the weed is quickly introduced throughout the whole country. Such weeds as the Russian Thistle which have become a menace to the whole Northwest are causing much agitation by those who think the state should take up the work of eradicating the same. Not long ago a bill was introduced in Congress

a very prominent congressman from North Dakota, for the appropriation of one million dollars to be used for the distruction of the Russian Thistle. Although this measure did not become a law yet many prominent men from the Northwest are working along these lines, and while it may not be advisable for the National government to take up this measure, yet because of the magnitude of the evil and the amount of damage which has already been done to crops, and the effect they have had upon the settlement of the country, and the prices of land, it would seem to be advisable for the state to take up the work and do something for the eradication of this destructive weed.

It is provided by the legislature that all public buildings in the state over two stories high shall have fire escapes from all

rooms above the second story. Also that the doors of all public buildings shall open outward for the purpose of preventing danger in stampedes caused by fires or any other alarm.

Any person maliciously publishing or causing to be published any libelous matter which injures or tends to injure the person so libeled is guilty of a misdemeanor. Or any person maliciously slandering another is guilty of a misdemeanor. This restriction on the right of free speech, or the freedom of the press although not well enforced is certainly a good one as it serves to restrain newspapers from malicious attacks upon their enemies and also serves to protect innocent persons from the attacks of evil people who might seek to damage their reputations. In this day of ridiculous and coarse caricatures and cartoons

it is held that if the censorous article is directed against the office or other public trust and not maliciously against the individual it is not libelous. And further if it can be shown that the publication was truthful and published with good motives the author or publisher is not guilty of libel. So that there is this protection to all who are trying to correct evils of any kind by exposure.

It is also provided that a state oil inspector shall be appointed who shall inspect all illuminating and petroleum oils manufactured or sold in the state. Any person selling or offering for sale any oil not so inspected, or inspected and condemned by the state oil inspector shall be guilty of a misdemeanor and be liable to a fine of any sum not to exceed three hundred dollars.

All persons owning and operating steam threshers in this state are held liable for all fires set by them either while at work or in travel. Every person owning and operating such machinery must give bond of five hundred dollars, filed with the clerk of the county where he lives, if he is a resident of the state; if not where he is at work. Any owner of a steam thresher who shall not comply with this provision shall be guilty of a misdemeanor.

The construction of artesian wells is encouraged by law. All owners of artesian wells have the right of way over any land for the construction of their ditches and for the carrying away of all waste water. Provided that they make fair compensation for actual damages done to the property over which their ditches pass. The position of State Engineer of Irrigation has been created, and an engineer appoint-

who shall oversee and conduct experiments in irrigation. He shall also make analyses of water with special regard to their adaptibility to the soil. The president of the South Dakota Agricultural College shall cooperate with him for that purpose. He shall make negotiations with companies for the purpose of sinking artesian wells, and securing the lowest prices on such machinery as is needed in this work. He may establish experiment stations in any place which ~~he~~ may indicate and sink artesian wells for the purpose of experimentation. By these laws the government seeks to encourage irrigation within the state by means of artesian wells and in other ways where the necessary water may be obtained.

## CONCLUSION.

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The upward trend of civilization is slowly but surely taking place. As people become more highly civilized more laws are necessary for their protection and the regulations of their social actions. The great bulwark of English law has been built up slowly, yet a careful study of the rise of this law would be a study of the civilization of the English speaking race. The surest indication that we are progressing in civilization and morality would be, perhaps, a study of the development of our laws. As was said in the beginning of this work, all laws which have for their purpose state control are not socialistic, yet we have seen in this brief study that very many laws have

been passed which are socialistic, and that the tendency at the present time is for laws to become more socialistic in their character. This is sufficient proof that we are now drifting towards socialism. And it also indicates that we are becoming more highly civilized and more social and more laws are needed for the control and regulation of man's intercourse with man in his growing social relations.

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