

It was made under the authority of the city charter, which empowered the council to erect waterworks or to grant the right to do so to third parties. In making the grant the city council required the grantees to maintain a certain number of fire hydrants, for which the city was to pay a certain sum for the life of the grant—30 years. The grant was assigned to the Little Falls Electric and Water Co., which collected annually of the city the sum so specified for water hydrants. To put a stop to this a taxpayer of the name of Flynn sued the company for an injunction, claiming that there were more fire hydrants than the city needed, and that the price was grossly excessive. In the lower court he was defeated, but the highest court of the state decided in his favor. The water company rested its case upon its 30-year contract. In rendering the judgment of the higher court Judge Mitchell recognized the power of the city authorities to contract in relation to the matter in question, but held that this power does not carry with it by implication power to make a contract "which shall cede away, control or embarrass their legislative or governmental powers, or render the municipality unable in the future to control any municipal matter over which it has legislative power." It would be a very dangerous doctrine, he said, to hold that city councils may contract for any period of time they see fit; for if that doctrine were accepted, "the city council might have made a contract running 100 or even 500 years as well as 30 years;" and by reason of the incompetency or dishonesty of its officials "the power of a municipality might thus be bartered away for so long a period of time as to practically disable it from performing its public duties." For these reasons the fire hydrant clause under consideration—the only clause the court had any jurisdiction to pass upon, in the case before it—it was decided to be "as to time, unreasonable and void, as being beyond the scope of the authority of the municipal authorities." It is evident from Judge Mitchell's opin-

ion that the whole franchise would for the same reason have been swept away had the whole of it been involved in the case. The decision is published in full in the Northwestern Reporter for December 3.

That Minnesota decision is reassuring. Its general adoption would make the danger of long-franchise grants less menacing. Yet the principles of law upon which it rests are not novel. Before corporations began to pack the judicial bench with their lawyers, the principle that Judge Mitchell invokes was familiar and supposed to be firmly established in American jurisprudence—the principle, that is to say, that municipal legislatures cannot, under the guise of contract, legally tie up or obstruct their legislative functions. With the revival of this principle, the danger of long-time franchises would be greatly minimized. There would be much less temptation to bribe city officials. A franchise that might be abrogated as an unreasonable grant would hardly be worth spending bribe money for.

THE SERVANT GIRL QUESTION.

Not infrequently the servant girl question is a question of incompetent mistresses rather than one of incapable servants. If the servants' side of the question were heard, this would plainly enough appear; but as servants get no hearing, while mistresses swap their grievances at social gatherings and have their complaints dished up in newspapers and magazines, the servant alone is pilloried by public opinion as the offender. It is another version of the fable of the lion and the man. When servant girls write for the papers and magazines, you will hear a different story.

Not that all mistresses are incompetent or otherwise bad. Far from it. But a perfect mistress here and there cannot undo the harm that mistresses in general, if incompetent, can cause. It is to mistresses in general, therefore, and the relationship of mistress and servant as a whole, not to individual cases, that we have reference.

As a rule, mistresses are either wholly ignorant of housekeeping or

have only a partial or a theoretical knowledge of it. They have not, so to speak, been "brought up to the business." What constitutes good service would be a mystery to them if they had sufficient sense of responsibility to inquire into it. Few could take the place of the average servant and do as well. With what intelligence can such women either direct servants or rebuke them, commend or complain?

If men who undertake to manage businesses were as poorly equipped by experience as the generality of mistresses are for housekeeping, business men would complain as much of the incompetency of workmen as their wives do of household servants. Inexperienced and incompetent business men do.

Rich women escape much of the annoyance of the servant girl problem by employing housekeepers. Nor do they thereby merely shift the annoyance to others. The important thing they do is to substitute competency for incompetency in management.

Still another advantage in this connection is enjoyed by rich mistresses. Able to pay high wages, they secure not only trained and able housekeepers, but also trained subordinates. The servant girl question is not a burning one in aristocratic households. It is peculiarly a middle class question.

We must concede, however, that neither incompetent management nor the comparatively low wages that prevail in middle class households, fully explain the servant girl question. Even competent and considerate mistresses are baffled by it.

But it must be remembered, as we have already suggested, that competency and considerateness here and there cannot atone for the incompetency and lack of consideration which characterize mistresses in general.

Then there is the further consideration of wages. Though servants' wages be high in comparison with other wages, they are not high enough as a rule, in middle class households, to attract the better grades of trained servants. The best servants are drawn to households where wages are higher and conditions better. Con-

sequently the servants usually available to middle class mistresses come from the poorer grades of the servant class.

As that class is not large, relatively to the demand for servants, it is the one employee class in the whole range of modern industry, whose members can always get a job. There is seldom any occasion for their worrying about loss of employment. They can quit one place to-day and get another to-morrow with almost absolute certainty. In productive industry this would tend continually to raise wages; but in personal employments which are virtually non-productive, wages are limited by the private purse strings of employers. In the matter of pay, therefore, the excess of the demand for servants over the supply does little more than to keep wages stiff. But in the matter of independence, it operates freely. Servants are the most independent of all the lower paid wages classes.

Now, when independence of the servant class is coupled with wages fixed in the vast majority of households at a low limit by ability to pay, and the best of the class are "gobbled up" by rich households where wages are limited only by demand and not by ability to pay, most of the difficulties regarding household servants which have not already been explained upon the basis of incompetent mistresses are accounted for.

Middle class households being restricted for their servants to the poorer grades of the servant class, poorer both as to capability and sense of responsibility, and being also without any effective coercive power, such thriftlessness, incapacity and irresponsibility as may characterize servants in those grades has full freedom to display itself.

Recognizing this condition, some people are forever asking why the underpaid shop girls of cities do not become servant girls. They are quite capable of giving satisfaction, it is said, and they would be better paid, when the homes they would get were taken into consideration.

It should require no argument to prove that if servants' wages were in fact better than shop girls wages, they would fall with a "thud" as soon as any considerable number of shop girls

offered themselves as servants. All that keeps up servants' wages is the scarcity of servants. But all things considered, servants in middle class households, or for that matter in aristocratic households either, are not better paid than shop girls.

Wages cannot be measured by dollars alone; nor by dollars and bodily comforts together. In becoming a household servant, a shop girl would give up much for which the difference in wages and bodily comforts could not compensate.

For one thing she would give up regular hours and definiteness of duties. Her day would have a fixed beginning, but not a fixed end. Not an hour in the 24 would be absolutely her own. The whim of an inconsiderate mistress might call her even from her bed, while the ignorance of an incompetent one might impose useless labor upon her. And except for an occasional abbreviated afternoon out, she would know of no let up from week's end to week's end. This is not so in the factory or the store. Her duties there are laid out by competent superiors, and her day has an ending as rigid as its beginning.

As a servant, moreover, she would live always in a state of tutelage. The mistress would be her more or less considerate guardian, and her outgoings and her incomings, her visits and her visitors, would be subject to everlasting and not seldom impertinent scrutiny. This might be as much for the good of her own soul as for the peace of mind of the household; but at the best it would be patronizing and at the worst insulting. Few American women would patiently submit to it so long as work were to be had, even at low wages, in a factory or store, where the employer never meddles except to exact the work for which he contracts to pay.

And, with public opinion what it is, a shop girl upon becoming a servant would give up something more vital still; something she has a right to retain and the loss of which no wages could indemnify. She would give up every opportunity to meet congenial men with a view to marriage. This is every woman's birthright. But in the present disordered state of society, the girl of education and refinement could have no reasonable expectation, after becoming a household servant, of

ever marrying a man of like education and refinement. Shop girls know and appreciate this disqualification. One of them in an eastern city described it when asked by a well-meaning society woman why shop girls did not accept "homes" and better wages as household servants? The girl replied: "The men we hope to marry won't visit us in your kitchens."

The same public opinion that is disturbed by the servant girl question, classifies household service as menial. So long as this is done, few girls old enough to know what it means, and not already of the servant class, will become servants if they can help it. This fact points to what, after all, is the heart of the servant girl question — menialism.

The whole relation of mistress and servant is a false relation. It is a relation not of cooperation, but of servitude on one side and mastership on the other.

In any just and normal social condition, that relation could not exist any more than slavery could. No one would want to be a master, nor would any one consent to be a servant. Household work would of course be necessary even under the best conditions. But in normal conditions, legitimate household work would be done as a matter of business, as a matter of cooperation. Not cooperation in the narrow sense of communistic housekeeping, but in a sense suggested by the laundry which does away with wash day, and by professional methods of house cleaning which do away with the old-time cleaning days. Of service in the sense of servitude, there would be none.

While industrial conditions are what they are, however, and servitude, as distinguished from cooperation, characterizes household employment, we must be prepared to endure a servant question. Menialism and the servant girl problem are inseparable.

NEWS

Havana was evacuated by the Spanish, according to program, on the 1st. No disturbances occurred; and contrary to expectations the Cubans were encouraged to avoid making the day mournful.