

LAPSED POLICY CASE.*(Continued from page 657)*

"I do not wish to be understood as holding that the receipt of the premium after due date may not under certain circumstances constitute a waiver; but I do hold that in the present case the proof does not justify the application of the doctrine of waiver as applied to insurance policies. I am forced, in consequence, to dismiss the plaintiff's action, with costs."

COMPETITION OF CAPITAL AND LABOR.

There has not been entire harmony in the convention of the American Federation of Labor at Atlantic City, and it was hardly to be expected, with delegates from all sections of the country representing a great variety of industries. On the whole the more reasonable and far-seeing representatives have prevailed in actual statement of principles and methods of applying them. One thing has become conspicuous to the onlooker if not to those taking active part in the proceedings. That is the progress that has been made in the acceptance of competition as the effective stimulus to effort for securing the best results for all concerned, if it can be equitably adjusted. The experience of these last three or four years, which has demanded the utmost effort for securing important results on the part both of capital and labor, has been specially effective in causing this progress.

The largest and most beneficial results in all human action come from competitive efforts, if they are intelligently, wisely, and justly directed. The greatest difficulty is in securing these qualifications and having them applied. The degree of difference in human beings, in physical health and vigor, in mental capacity and development, and in moral sense and its application, is practically without limit. The difference is due in various degrees to birth, to early surroundings and opportunities, and to circumstances of experience as life advances. It is this range of inequality and difference that makes the problem of working in harmony for the best results so complex and difficult of solution and practical application. Self-interest and the selfish spirit of man is the chief spur to active effort, but it is difficult to control and guide with due regard for rights and the higher welfare.

It is inevitable, as a general rule, that those of more limited intelligence and mental capacity become laborers in the various fields of production. For the most part, in times past, they have been employed by the more capable in intellect and in the power to direct their conducts for the best results. It has occasioned the class distinction between employers and workingmen, with the power in the former to determine what is to be done and what shall be paid for labor. It has worked up from virtual slavery or dependence of workmen, to what has become the conflict between the forces of capital and labor, or of employers and employed, for a more equitable division of the

result of their joint efforts. While there has been a tendency in capital to get the utmost from labor at the least cost, and to gather wealth without due regard for personal rights or real justice toward labor, on the other hand labor has tended toward seeking the utmost in wages with the least effort for earning them. The policy, if it may be so called, has been a mistake on either side, and has hindered progress and prosperity.

It is natural that there should be a higher mental ability on the side of capital than that of labor, and one result has been the development and application of the principle of competition in production and the distribution of products, which has added greatly to the volume and value of that produced while reducing the cost. This has been the source of growing wealth and prosperity for individuals, communities and nations. To no small extent labor has benefitted by it, but workmen have felt that they were not receiving their share of the proceeds and have formed organizations to secure it by an exercise of power to stop work or check its activity where it secures profit of employers alone. But there has been quite generally a fundamental error in their organized efforts. They have been opposed to competition of workmen in their different industries, and have pursued a policy which limits production instead of expanding it and increases costs and prices instead of lessening them. It would be far better for them, in their various skilled trades and unskilled occupations, to be in competition by having wages adjusted like prices, according to the value of that paid for. It would give them a keener interest in what they are doing and appreciation that it is to their own advantage as well as that of employers to do their utmost for production in amount and quality.

Looked upon from either side, this has an obvious soundness in principle, but there is difficulty in putting it in practice which is not all on one side. There is a normal element, a principle of justice and fairness, which is not always recognized in trade, and is less so in employment. The employer has been apt to regard labor as an inanimate thing, a factor in production to be bought and paid for to the best advantage, regardless of personal or family considerations. On the other hand labor, while claiming consideration for personality and individual rights, has been apt to demand all it can get while limiting that which is to be paid for instead of giving it full value. It has sought to avoid competition in the labor forces for inducing the best results to be paid for. There, too, is an absence of the sense of justice and right, as a controlling influence in directing competitive forces. If both capital and labor would give place for a competition in their own forces for the best results, but strive to apply to it on both sides the moral influence of justice and fair dealing for the general benefit, a long step in progress might be made which would be worth more than its cost for all concerned.—New York Journal of Commerce.