

RAMSEY COUNTY

History

A Publication of the Ramsey County Historical Society

“Abide with Me”
Grace Craig Stork, 1916

Rebecca A. Ebnet-Mavencamp

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Fall 2016

Volume 51, Number 3

A Workplace Accident

John Anderson’s Fall from the High Bridge

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Towering above the Mississippi River flood plain, St. Paul’s Smith Avenue High Bridge, seen here in a 1905 postcard, connected the city’s oldest residential neighborhood, West Seventh Street, with its newest at the time, Cherokee Heights, or the Upper West Side. John Anderson, a painter working on the bridge in 1902, fell and survived the accident. His story tells us much about the dangers in the workplace then and now. Photo by the Detroit Photographic Company, courtesy of the Minnesota Historical Society.

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RAMSEY COUNTY History

Volume 51, Number 3

Fall 2016

THE MISSION STATEMENT OF THE RAMSEY COUNTY HISTORICAL SOCIETY
ADOPTED BY THE BOARD OF DIRECTORS ON JANUARY 25, 2016:

Preserving our past, informing our present, inspiring our future

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Publication of Ramsey County History is supported in part by a gift from Clara M. Claussen and Frieda H. Claussen in memory of Henry H. Cowie Jr. and by a contribution from the late Reuel D. Harmon

A Message from the Editorial Board

In this issue, we are reminded how workplace conditions in Ramsey County reflect social and political realities. Brian McMahon gives us a look at St. Paul's Ford Assembly Plant during World War II, when the facility was retooled for the war effort. Many workers, including women, were hired to manufacture parts for Pratt & Whitney airplane engines and the M-8 armored car. John Sielaff details the story of John Anderson, a painter who suffered severe injuries in a fall when he was painting the High Bridge in 1902. In the days before Workers' Compensation was enacted in Minnesota, Anderson's legal claim against his employer took a convoluted journey through the court system. Rebecca Ebnnet-Mavencamp shares a social history of the Stork family, who lived on Cleveland Avenue. Although Clinton Stork worked at the H.B. Fuller Company, this story concentrates on family, especially the debilitating illness of Grace Stork, examined through compassionate diary entries of her daughter.

As a final note, don't forget we have podcasts available too. Paul Nelson has a wonderful interview with former Mayor George Latimer, and his latest podcast takes a look at one of our earliest and most interesting settlers, Harriet Bishop. Check them out at www.rchs.com.

Anne Cowie
Chair, Editorial Board

A Workplace Accident

John Anderson's Fall from the High Bridge

John T. Sielaff

On May 20, 1902, John Anderson, a painter working as part of a crew repainting the St. Paul High Bridge, fell 125 feet into the Mississippi River. Miraculously, though both legs and his hip were broken and his forehead was cut open as he hit the bridges' footing, he survived the fall and was able to swim to safety. Local newspapers dramatized the story, adding details, some of which later proved false. The *St. Paul Pioneer Press* reported that, as Anderson stepped over a can of paint on a plank that was suspended under the bridge, the board broke. The *St. Paul Globe* repeated the broken-plank story and added that it appeared that the painter was preparing to "take the water in the accepted sailor fashion" but a strong wind blew him off course and he hit an iron girder on the way down, as well as the stone pier at the bottom of the bridge.

Surfacing immediately, Anderson started swimming for shore as his fellow painters began shouting to men on the bank to rescue their comrade. A swift current carried him 100 yards down river while several rowboats were launched, and he was pulled out of the water just before his strength gave out. Before passing

out, Anderson told his rescuers that his mother was not to be informed. She had recently been hospitalized, and he was afraid the shock would kill her.¹

Both the *Pioneer Press* and the *Globe* stated that Anderson was 28 years old and had been a sailor in the U.S. Navy, serving aboard the battleship U.S.S. *Oregon*

in 1898 when that ship made a famous 14,000-mile voyage from the West to East coast to join the Atlantic fleet at the outset of the Spanish-American War. The *Oregon* participated in the Battle of Santiago, Cuba, on July 3, 1898, where the Spanish navy suffered a decisive defeat. There are, in fact, two John Andersons found on the crew list for the *Oregon* at that time, one a sailmaker and one a seaman.²

John Anderson's Origins

Born in February of 1874, Anderson had first gone to sea at the age of 14. He joined the U.S. Navy in September of 1895, and between then and his discharge in October 1901, he had been stationed in ports the world over including the Brooklyn Naval Yard, Australia, San Francisco, Hong Kong, and Shanghai.

In 1900 Anderson saw action during the Philippine-American War and he is found in the 1900 U.S. Census in Manila Bay on board the U.S.S. *Culgoa*, a refrigerator ship responsible for supplying the U.S. Army in the Philippines with beef from Australia.³ Working at sea and in high places had, perhaps, prepared him better than his fellow painters for the accident, and he "was considered to be the coolest head at his business on the job."⁴

The *Globe* also reported that Anderson lived at 616 Maryland Avenue with his mother, and that he had been visited in the hospital by his stepfather, George Nelson. The 1902 *St. Paul City Directory* listed John Anderson and George Nelson, both painters, living at that address. George Nelson, born in Sweden in 1848, is found in the 1900 U.S. and 1905 Minnesota censuses, but Anderson was not part of his household in those years. Anderson claimed that he had only been in Minnesota for four months prior to the accident.



In early May 1902, the *Pioneer Press* published an article about the men who were painting the High Bridge which included this photo of John Anderson, number 4, along with three of his fellow workers. After Anderson's accident and his remarkable rescue from the river, the newspaper reprinted the photo on May 21st along with a long account of the incident. Photo courtesy of the Minnesota Historical Society.



This 1889 photo taken from the Upper Levee flats on the north side of the Mississippi shows how the High Bridge rises at a continuous 4% grade. Photo by the Northwestern Photo Company, courtesy of the Minnesota Historical Society.

Anderson's mother, Emma Nelson, was born in Sweden in 1849 and, according to the 1900 Census, had emigrated in 1895. Although John Anderson claimed in his 1900 Census listing that he was born in Minnesota, he may have actually been born in Sweden. His death record identifies him as a Swede, and both Twin Cities Swedish newspapers reported the accident as if it would be of interest to their readers. The identity of Anderson's birth father, the town where he was born, and where John lived before he went to sea at the age of 14 is a mystery.⁵

Handling Workplace Accidents in 1902

Today we would find it outrageous if an employer required its workers to paint wrought-iron bridge girders at a 125-foot height with no fall protection or accident insurance, but of course, this was common practice in 1902. Before Minnesota first enacted Workers' Compensation Insurance in 1913, most workers were on their own to deal with the consequences of workplace injuries. A few large companies, such as Carnegie Steel Company in Pittsburg, instituted insurance for its employees to foster company loyalty and as a paternalistic tactic to thwart union agitation. For companies not occupying a dominant place in their industry, however, competition made the cost of insuring employees prohibitive. Some smaller firms

provided insurance either on a voluntary or compulsory basis, with the cost passed on by an unpopular 1½ or 2 per cent assessment. Participation in such insurance also required the employee to waive the right to sue if injured, which made such programs doubly detested.⁶

In the 1870s John Hancock Mutual Life Insurance and others began marketing life insurance to lower-income families to be paid with weekly payments of as little as five cents; however, the intent of this protection was only to cover funeral expenses. Many fraternal and ethnic organizations also offered cooperative insurance, and between 1880 and 1900 nearly one third of American workers subscribed to some form of cooperative insurance. Some of these organizations, such as the Ancient Order of United Workmen, focused on life insurance and, like the commercial firms, premiums and payments were modest. Others, such as the Independent Order of Odd Fellows and the Knights of Pythias, featured temporary sickness and disability benefits for members.⁷

In St. Paul by 1900 most, though not all, unions also provided sick and death benefits to members. Sick funds typically paid from \$3 to \$7 per week for a maximum of 13 weeks. Death benefits ranged from \$50 to \$200, with the Brotherhood of Rail Road Trainmen's payout of \$1,200 being the only one to go well beyond

what was needed for funeral expenses. Many local unions were close-knit groups of friends and also sponsored fundraisers to benefit the families of deceased members. For example, in addition to having a \$100 death benefit, the Journeymen Stonecutters Union local would customarily raffle off the tool kit of the late member for the benefit of the widow.⁸

Beyond this patchwork system, families of workers disabled or killed on the job were left to fend for themselves, and the courts were long considered the appropriate place for workers to bring claims when businesses were negligent. Unfortunately for the victims of many workplace accidents, the law also protected employers from paying for injuries they had not directly caused. Whenever there was an accident in which the cause could not clearly be determined, the loss, it was said, "must lie where it falls." That is, the liability must remain with the victim and could not be transferred to an employer or anyone else.

If an injury or death resulted in a lawsuit, employers were allowed to avoid being held responsible by using the three common law defenses: "assumption-of-risk" (that is, the worker had assumed the risks when he took the job); "contributory-negligence" (the injury was partially the result of the worker's own negligence); and "fellow-servant" (the injury was the fault of a co-worker). As

the industrial revolution progressed, this system was increasingly seen to be inadequate in dealing with the large number of “faultless” accidents in the mines, factories, and on the nation’s railroads.

Social scientist Crystal Eastman, in a pioneering study done in 1906–1907, examined 410 work fatalities in the Pittsburgh, Pennsylvania, area and found that only 117 could have been, in any part, the fault of the victim. In addition, many of these so-called self-inflicted accidents could be explained by poor training caused by inexperience, ignorance, or inability to communicate in English.

Eastman contrasted this evidence with the common assertion of the employers and managers she had met that 95% of all work accidents were the result of worker carelessness. She also discovered that workers and their families bore most of the cost of work accidents. In over half of the accidents which resulted in death or disability, the employer paid either nothing or less than \$100. She observed that with so little liability, the employer had little incentive to prevent accidents.⁹ Some social reformers compared victims of the industrial revolution to Civil War casualties and a consciousness began to emerge that society had an obligation to the families who were left impoverished by workplace accidents.¹⁰

In 1902 when John Anderson’s fall occurred, however, if an injured worker felt a mishap was not his or her fault, their only recourse was to go to court to sue an employer who would be quick to deny responsibility for the accident. Three days after Anderson’s fall, the *Globe* reported:

Bridge Engineer Edmonstone, of the city engineering department, has investigated the accident and arrived at the conclusion that it was entirely due to Anderson’s carelessness in tying his knots. The foreman of the painting crew claims that only a half an hour before the accident occurred he threatened to discharge Anderson if he did not use more care in protecting himself.

Edmonstone’s “investigation” evidently consisted of an interview with the contractor’s foreman.¹¹

Anderson, being a new resident of the city, had no network outside his family to help him financially through this crisis.

His employers, Michael F. Fielding and Louis E. Shepley of Fielding and Shepley, well connected in the local business community, were not painting contractors as such, but their firm specialized in contract work for the city of St. Paul. Over the sixteen years they had been in business, they had done garbage collection, as well as street paving and repair. In the awarding of city contracts, aldermen were heavily lobbied by organized labor (with mixed results), to hire only firms friendly to unions. Earlier that year, when the contract for repainting the Selby Avenue and Fort Snelling bridges was awarded, Fielding and Shepley agreed to hire union painters “if possible.”¹² However, in a newspaper interview a week before the accident, H.H. Thompson, foreman of the High Bridge job, said that all of the twenty-two men working on the bridge were iron workers rather than painters, since painters were unaccustomed to working at such heights.¹³

St. Paul’s labor newspaper, the *Minnesota Union Advocate*, regularly reported on the meetings of Painters’ Local 61, and they made no mention of the accident. So probably Anderson was not a union member. Moreover, the Painters’ Union, unlike stronger organizations such as that of the carpenters, did not have a sick fund.¹⁴ Incredibly, H.H. Thompson, the foreman for Fielding and Shepley, supposedly organized a “riverboat excursion” fundraiser

for the injured painter, but in December the *Globe* reported that the excursion had never taken place and Anderson had asked the City Prosecutor to arrest Thompson, who had apparently sold tickets and simply kept the money.¹⁵

In August of 1902 Anderson initiated a lawsuit in Ramsey County District Court against Fielding and Shepley, suing his employer for \$15,000 claiming the equipment he had been forced to work with was unsafe. The suit was initially thrown out by Judge Edwin Jaggard “for failure of the proof to conform to the pleadings,” but Anderson’s lawyers, S.C. Olmsted and Charles H. Taylor, were allowed to resubmit the case.

The new suit, now for \$25,000 (or \$20,000 in some accounts) was tried before a jury in January of 1903 with Judge Grier M. Orr presiding. Orr, just elected to the District Court, had for the previous eight years been a popular judge in St. Paul Municipal Court. He would go on to be re-elected at the District level until retiring in 1930. Anderson was fortunate to have the judge grant him a jury trial, and his lawyer spent an entire day in carefully choosing his jury. In cases where workers were pitted against their bosses, “bench trials,” decided by a judge were notoriously known to favor business owners; whereas jury trials almost always favored the employee.¹⁶



In about 1891 photographer Frank Jay Haynes took this photo of the West Seventh Street neighborhood in St. Paul with the High Bridge in the middle background. The bridge connected the newly annexed Upper West Side to the older parts of the city. Photo courtesy of the Minnesota Historical Society.

Anderson's Case at Trial

The trial featured “scaffolding, pulleys, rope ladders,” and an eight-foot replica of the St. Paul High Bridge. Nineteen witnesses were called to the stand in the trial. They included Anderson and many of his fellow workers for the plaintiff while the defendants called Louis H. Shepley, partner in the defendants’ firm; H.H. Thompson, his foreman; and several other contractors as “expert witnesses.” Trial testimony diverged from the earlier newspaper story in some respects, but it helped to clarify what had happened in the May accident.

Anderson had been suspended under the High Bridge sitting on a boatswain’s

chair (boson’s chair), a simple device consisting of a board with holes drilled in each end to make a kind of swing for the worker to sit on. This chair was rigged with a block and tackle pulley system that was fastened to a secure part of the bridge above where he was painting. The block and tackle allowed Anderson to raise or lower himself as he worked on the iron girders under the bridge. To paint all sides of the girders, the painter was required to swing himself around the supports, often wrapping his legs around the members of the bridge to hold himself in position. While performing one of these contortions, Anderson’s pulley system came unhooked. The boatswain’s chair and Anderson fell

together, but the chair was still fastened to a 120-foot rope, and when it and Anderson came to the end of the rope, there was a tremendous jerk which evidently broke the painter’s legs and threw him off on a course towards the stone pier supporting the structure of the bridge.¹⁷

Anderson contended that the block and tackle provided by the contractor was unsafe: it had a single hook and he had always used a double-hook tackle when painting ships while he was a sailor. The defense claimed that the single-hook system was perfectly safe and the only type in use in the painting industry. Anderson had done quite a bit of painting, but since he had spent almost his entire adult life

St. Paul's High Bridge: 1889–1985

St. Paul’s High Bridge, 182 feet above the Mississippi and extending over a half mile, was considered the highest bridge of such length in the world when it opened in 1889. It joined the earlier bridges at Wabasha Street (first built of wood in 1856) and Robert Street (1886), linking the businesses and factories of downtown St. Paul with the more residential West Side. The \$500,000 High Bridge, by far the most expensive bridge the city had undertaken, was also considered beneficial in giving farmers in Dakota County to the south a more efficient method of getting their produce to the city.

Much of the credit—and blame—for getting the bridge built goes to Robert A. Smith who championed the cause simultaneously as mayor of St. Paul and as a state senator. Charging that the structure was extravagant and mainly benefited West Side property owners, Republicans were able to defeat the Democrat Smith in the 1892 mayoral election.

Work on the bridge’s stone piers was subcontracted to McMullen and Miller of Minneapolis, but to provide the superstructure consisting of nearly a million pieces of wrought iron riveted together, the St. Paul Council chose Andrew Carnegie’s Keystone Bridge

Company of Pittsburgh, Pennsylvania. The design called for a series of spans ranging from 40 to 250 feet. The longer spans used a truss system of equilateral



St. Paul Mayor (1887–1892) and Minnesota State Senator (1886–1890) Robert A. Smith convinced the legislature to authorize St. Paul to issue \$500,000 in bonds to pay for the building of the High Bridge and the City Council to back constructing the bridge. Charles A. Zimmerman photo. Photo courtesy of the Minnesota Historical Society.

triangles to transfer the weight to the piers, whereas lattice or plate girders were sufficient for shorter spans.

Like all iron structures, the High Bridge needed ongoing inspection and maintenance. Major reconstruction was required in 1904 when winds measured in excess of 180 mph destroyed the southernmost 600 feet of the bridge. In 1958 the old wood deck was replaced with concrete, and engineers decided that the periodic sandblasting and repainting be discontinued as it was doing more harm than good, and also masking structural problems. During the 1970s and ’80s several hundred thousand dollars were spent on maintenance, but in July 1984 the bridge was declared unsafe and it was permanently closed. On Sunday, February 24, 1985, thousands of St. Paulites watched as strategically placed explosives demolished the old High Bridge to make way for the present structure.¹

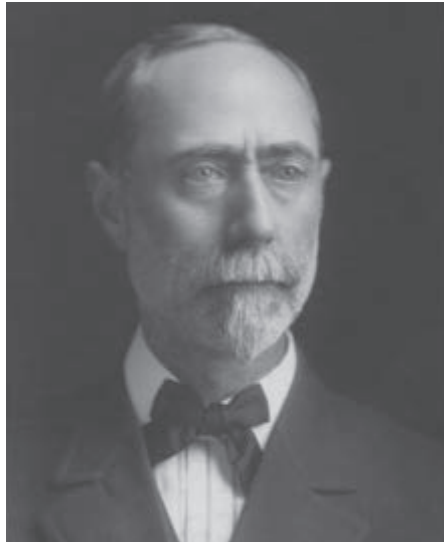
Note

1. *St. Paul Globe*, September 14, 1889, p. 2; August 31, 1902, p. 23; Michael R. Louis, *The Significance of the High Bridge in the Early Development of St. Paul* (Oakdale, Minn.: Minnesota Department of Transportation, Oakdale District Office, 1979), 4, 5; *St. Paul's High Bridge 1889–1985: A Photo-Essay of the History of a St. Paul Landmark* (Oakdale, Minn.: Minnesota Department of Transportation District Nine, 1985), 8, 13–14, 18–21, 41.

at sea, most of his work was shipboard. He had worked for the St. Paul painting contractor, Bazille and Partridge, for two weeks just prior to the High Bridge job, but this was his only experience painting on land. Thus the sailor's familiarity and competence to work with equipment common to the on-land painting industry was questioned. Ironically, as mentioned earlier, virtually none of the men working on the bridge were painters by trade.¹⁸

To bolster their case, Anderson's lawyer called other painters who had used the double-hook system working in high places. Anderson also claimed that he had requested, and the foreman, H. H. Thompson, had promised, that he would obtain a double-hook block and tackle as soon as possible. The promise would have constituted both an admission on the contractor's part of the efficacy of the double-hook system and, more importunately, shown that Anderson, since he had been promised safer equipment, had not assumed the risk of using the single hook. Thompson denied having made the promise and said that he had noticed that Anderson was careless in tying his knots and had warned him to be more cautious. The foreman claimed that this sloppiness was the cause of the accident. Several of the other painters corroborated Anderson's account, calling into question the honesty of the foreman.¹⁹

After a week in court, the jury deliberated and awarded Anderson \$4,000. Judge Orr might have been surprised by the verdict, since in his charge to the jury he explained that legally the contractors only "were required to furnish a reasonably safe and proper appliance . . . , and were not required to select and furnish the safest or most approved appliance in general use." Before the case went to the jury, the contractors' attorneys had asked Judge Orr for a "directed verdict" in their favor contending that, contrary to Anderson's opinion, the single-hook block and tackle was perfectly safe and widely used in the painting industry. This had been denied; however, Fielding and Shepley were granted a stay of 60 days in paying the \$4,000 judgement.



Judge Grier M. Orr, seen here in 1914, presided at the 1903 jury trial of John Anderson's lawsuit for damages from his accident. Photo courtesy of the Minnesota Historical Society.

An Error in the Trial

Then in April of 1903, in a huge setback for Anderson, the contractors requested and were granted a new trial by Judge Orr on the grounds that there was "an error in the exclusion of expert testimony." During the trial, the judge had ruled much of the contractors' witnesses' testimony inadmissible, and now he appeared to be reconsidering. Orr had just recently been elected district court judge and this was his first case. After all, to impress the judge and jury, the defense had called Oliver Crosby, the widely known president of American Hoist and Derrick Company in St. Paul, as an expert witness.

Although Crosby's testimony may have strengthened the contractors' case, Fielding and Shepley, though they carried no insurance for their employees, had prudently opted to protect themselves in advance of undertaking this painting contract with liability insurance and were protected by a "contract of indemnity." Perhaps this policy, which would have covered the \$4,000, required them to contest the jury's verdict.²⁰

Both parties subsequently appealed Judge Orr's orders, and the case went to the Minnesota Supreme Court, which was not scheduled to meet until the following year. The defendants appealed the denial of the directed verdict and the plaintiffs,

Anderson and his lawyer, appealed the granting of a new trial to the defendants.²¹

According to a coroner's report filed in Ramsey County, John Anderson died on September 25, 1903, of peritonitis. He never lived to know the Supreme Court's ruling. The report identified him as a Swede of 30 years age and his occupation is given as "marine." As if to add a final insult, the *Globe* on October 2, 1903, mistakenly listed his death as "Mrs. John Anderson, Bethesda Hospital, 30 yrs., Sept. 25."²² Given the state of medical knowledge at the turn of the twentieth century, Anderson's "peritonitis" may have been the result of internal injuries caused by his fall or perhaps the attending physician may have misdiagnosed the cause of death. There is no evidence that an autopsy was performed. Whatever the case, Anderson never saw any of the \$4,000 which the jury had awarded him.²³

Anderson died intestate; however, a probate was filed in Ramsey County on October 9, 1903, by his widow, Bothilda Anderson for the estate which consisted of belongings valued at less than \$10 and "a claim against Fielding and Shepley for personal injuries." Where did this wife come from? In the 1900 Military Census, Anderson stated that he had been married since 1898, but when he was asked for a U.S. address he gave that of his mother and stepfather in St. Paul.

We learn from the probate filing that Bothilda lived in New York City and had requested that John's brother, Charles, be appointed administrator of the estate. At the trial, while reviewing his naval career, Anderson said that he was discharged from the service at the Brooklyn Naval Yard on September 9, 1898, but then reenlisted on the 15th, only six days later. This seems to be the only possible period during which he could have gotten married. Did he have a whirlwind romance at that time? Had he previously known Bothilda? Did he re-up for another four years in the navy trying to support his new wife or to escape from an uncomfortable situation?²⁴

On December 31, 1903, Judge Orr allowed John Anderson's brother, Charles A. Anderson, administrator of his will, to be substituted as plaintiff since, "the case is in the Supreme Court on the appeal, and a live plaintiff was deemed necessary."²⁵ Finally,

How Minnesota Adopted Workers' Compensation

John Anderson's case was just one of thousands of uncompensated injuries suffered by American wage earners in 1902. Though sad, it dramatically illustrates the situation for workers and employers under the traditional negligence liability system, and why groups representing both sides worked to change the system.

Employees rarely resorted to the courts against wealthy and powerful bosses. In a 1907–1908 survey done in the Pittsburgh area, out of 355 work fatalities only 27 resulted in law suits.¹ However, in cases of severe injury or death, and if a lawyer was willing to work on a fee-contingency basis, a worker or his survivors had little left to lose in going to court. Though the laws had traditionally favored business, by 1908 the Minnesota State Bar Association and other groups were proposing the elimination of the traditional common-law defenses. While workers like Anderson were at disadvantage in long-term litigation against business owners, legal action was costly for bosses also, and the courts were becoming less reliable for employers when cases were tried before juries.²

One might think organized labor spearheaded the effort to enact workers' compensation, but this was not the case. The unions' experience with both major political parties initially led them to oppose change, believing that any new legislation would favor employers over workers.

After 1905 though, when change seemed inevitable, labor got on board. In 1909 Governor John A. Johnson appointed a nonpartisan commission made up of representatives from business, labor, and the Bar Association that was charged with developing a compensation system to present to the legislature. It took several years to resolve differences, and the law was not enacted until 1913. William McEwen, who rep-

resented the Minnesota State Federation of Labor on the commission, admitted that the legislation fell "far short of our ideal;" while other unionists said "the compensation law is a joke, if a pathetic one."³

In comparison to the twenty-one other states with workers' compensation laws in 1913, Minnesota's law was one of the stingiest, but improvements were made over the next few years, and by 1921, when workers in almost all states were covered, Minnesota had the tenth most generous system. Most notably, the payout was raised from half to two thirds of the claimant's wage and insurers were required to cover all medical costs rather than a limited amount.

On one point, though, unions were unable to make any progress. By 1919 North Dakota, Ohio, West Virginia, and several other states had government-funded workers' compensation systems, which labor saw as both more economical and friendly to the injured worker than for-profit insurance. On the issue of state insurance, unions were unable to defeat the business lobby and Minnesota workers' compensation is primarily provided by private insurance companies to this day.⁴

Notes

1. Crystal Eastman, *Work-Accidents and the Law* (New York: Charities Publications Committee, 1910), 121–22.
2. Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, Massachusetts: Harvard University Press, 1992), 289.
3. *Minneapolis Labor Review*, April 25, 1913, p.1 (quotation); *Minnesota Union Advocate*, November 8, 1908, pp. 1, 8; March 21, 1913, p. 1; June 20, 1913, p.1.
4. Shawn Everett Kantor and Price W. Fishback, "How Minnesota Adopted Workers' Compensation," *The Independent*, 2:4 (Spring 1998), found online at: http://www.independent.org/pdf/tir/tir_02_4_kantor.pdf, 562, 563, 567, 569, 574.

in April 1904, almost two years after the accident, Minnesota Supreme Court Justice W.B. Douglas: (1) affirmed the denial of the defendant's motion for a directed verdict; and (2) affirmed the granting of a new trial. Thus, the Supreme Court, agreed with the contention of the contractors' lawyers that the "expert testimony" of their witnesses had been unfairly excluded, remanded the matter back to the District Court, and stated that the proceeding there would be "as if there had never been any trial."²⁶

On August 25, 1904, lawyer Olmstead refiled the amended case in Ramsey County Court, now with Charles Anderson as plaintiff, asking for a judgment of \$5,000 against Fielding and Shepley for the widowed Bothilda Anderson.²⁷ Since Anderson was dead, the case, however, could only be continued if his death was deemed to have been the result of the accident in May 1902. Olmstead's brief made this contention, but there is no evidence of the case being pursued further, which indicates that it was impossible for Olmstead to prove the death was caused by the fall.

Court documents describe Anderson's injuries in detail and include a compound hip fracture, four breaks in his right leg which resulted in it being shorter than the left, fractures of the left leg, a serious gash in his head, and numerous contusions and bruises. At the trial Anderson had testified that his weight had dropped from his regular 165 to only 138 and his health was "going down all the time." On the other hand, Dr. Arthur B. Ancker who treated Anderson during his 63-day hospitalization, testified as a witness for the defense that "at the end of a year the man should be in very good condition."²⁸ On September 30, 1903, John Anderson was laid to rest in St. Paul's Forest Cemetery. The fact that his grave is unmarked may be further evidence that no money was ever recovered by his family.²⁹

John Sielaff is a retired carpenter who has spent many hours researching the lives of Minnesota State Capitol construction workers. He has many thanks for the help he received from Mary Miller, an attorney who explained many of the legal mysteries of the Anderson case to him. This is his second article in this magazine.

Endnotes

1. *St. Paul Globe*, May 21, 1902, p. 2; *St. Paul Pioneer Press*, May 21, 1902, p. 2; Anderson's mother, Emma Nelson, did, in fact die on September 5, 1902 (*St. Paul Globe*, September 9, 1902, p. 10). The account of the accident given in the Swedish-language *Svenska Amerikanska Posten* on May 30, 1902, was shorter though more accurate than the earlier stories. The *Minneapolis Tidende*, May 23, 1902 (also Swedish), simply translated the *Pioneer Press* story.
2. "Voyage of the USS *Oregon*," Patrick McSherry, found at www.spanamwar.com
3. Ramsey County District Court Civil Files, *John Anderson vs. Fielding & Shepley*, Case #86824, January 1903, 1–2, 49–53 (hereinafter cited as *Anderson v. Fielding*); 12th Census of the United States 1900, Military and Naval Population, U.S.S. *Culgoa*, Manila, Philippine Islands, Sheet No. 1A.
4. *St. Paul Globe*, May 21, 1902, p. 2.
5. *St. Paul Globe*, May 22, 1902, p. 2; *St. Paul City Directory 1902*; *Anderson v. Fielding*, 1–2; 12th Census of the United States 1900, Enumeration District 65, Sheet 10. In this report George and Emma Nelson are misidentified as "Nelson Nelson" and "Emily Nelson" and are living at 622 Maryland with their 11-year-old son, Martin. John Anderson gave the same address for his U.S. home in the 1900 Census. The report also claims that "Emily" had only given birth to one child which, if true, means that she was not the birth mother of both Martin Nelson and John Anderson; *Svenska Amerikanska Posten* on May 30, 1902; *Minneapolis Tidende*, May 23, 1902.
6. John Fabian Witt, *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law* (Cambridge, Mass.: Harvard University Press, 2004), 114–16; John O'Donnell, Ninth Biennial Report of the Bureau of Labor of the State of Minnesota (St. Paul: Great Western Printing Company, 1904), 16, 133.
7. Witt, 71–102. Cooperative insurance traced its origins to the Ancient Order of United Workman founded in Pennsylvania in 1868. Early leaders in this movement saw cooperative insurance as part of a larger movement to usher in a cooperative commonwealth of economic institutions.
8. Martin F. McHale, *Seventh Biennial Report of the Bureau of Labor of the State of Minnesota 1899–1900* (St. Paul: Pioneer Press Co., 1900), 301–4; *1890 Constitution and By-Laws of the Journeymen Stonecutters' Association of North America*, (St. Paul: L.M. Fisher, 1890), 24–5; *St. Paul Globe*, October 1, 1899, p. 12.
9. Crystal Eastman, *Work-Accidents and the Law* (New York: Charities Publications Committee, 1910), 86, 119–131, 165.
10. Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, Mass.: Harvard University Press, 1992), 291; Witt, 43–45.
11. *St. Paul Globe*, May 23, 1902, p. 2.
12. *St. Paul Globe*, February 19, 1902, p. 3; *Anderson v. Fielding*, 1; *St. Paul Globe*, July 24, 1896, p. 7; October 4, 1898, p. 3; February 19, 1902, p. 3; February 22, 1902, p. 2.
13. *Pioneer Press*, May 14, 1902.
14. John O'Donnell, *Eighth Biennial Report of the Bureau of Labor of the State of Minnesota* (St. Paul: Pioneer Press Co., 1902), 462, 474–5.
15. *St. Paul Globe*, December 10, 1902, p. 2.
16. *St. Paul Globe*, January 7, 1903, p. 6; Skocpol, 289–90. For Grier M. Orr: *St. Paul Globe*, November 5, 1902; *Union Advocate*, September 1, 1914, p. 4b, November 13, 1930, p. 2; *The Appeal*, April 9, 1898, p. 4.
17. *Anderson v. Fielding*, 35.
18. *Anderson v. Fielding*, 17–18; *Pioneer Press*, May 14, 1902.
19. *Anderson v. Fielding*, 117, 119, 120, 132, 142, 145, and 168.
20. *Anderson v. Fielding*, 254–5; *St. Paul Globe*, August 24, 1902, p. 7; October 28, 1902, p. 3; October 29, 1902, p. 2; January 7, 1903, p. 6; January 8, 1903, p. 4, January 10, 1903, p. 10; January 13, 1903, p. 10; January 14, 1903, p. 10.
21. *Globe*, April 21, 1903, p. 2.
22. Death Record, John Anderson, September 25, 1903, Ramsey County; *St. Paul Globe*, October 2, 1903, p. 10.
23. *St. Paul Globe*, January 3, 1904, p. 11; April 30, 1904, p. 2; *Minneapolis Journal*, April 29, 1904, p. 9.
24. 1900 Census; *Anderson v. Fielding*, 53; Probate for John Anderson, #12650, Ramsey County. Filed September 2, 1904.
25. *St. Paul Globe*, January 3, 1904, p. 11.
26. Supreme Court of Minnesota, *Anderson v. Fielding et al.*, 92 Minn. 42 (1904), (two cases). April 29, 1904. "The law of this state is that a negligent act will not be excused by the fact that it is customary. Proof of custom, however, is evidence, but not conclusive as to whether the act is negligent. This rule applies to the act of selecting and furnishing tools and appliances for the use of employees It is further ordered that the order of the trial court be affirmed on both appeals, and the case be remanded to the district court for further proceedings in accordance with this opinion."
27. There was a \$5,000 limit on such claims, set out in the statute that allowed an Administrator to be substituted for a deceased plaintiff.
28. *Anderson v. Fielding*, 36–43, 246–7.
29. Forest Lawn Memorial Park, St. Paul, records, John Anderson, Interment No. 2676. Forest Cemetery is now known as Forest Lawn Memorial Park.