DEPARTMENT OF COMMERCE AND LABOR

BULLETIN

OF THE

BUREAU OF LABOR

No. 89—JULY, 1910

ISSUED EVERY OTHER MONTH

WASHINGTON
GOVERNMENT PRINTING OFFICE
1910

CONTENTS.

BULLETIN

OF THE

BUREAU OF LABOR.

No. 89. WASHINGTON. JULY, 1910.

CHILD-LABOR LEGISLATION IN EUROPE.

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INTRODUCTION.

This study of the legal regulation of child labor covers the six continental European nations of most importance and of the greatest interest for the United States—Austria, Belgium, France, Germany, Italy, and Switzerland.(a) After Great Britain, these are the chief industrial countries of Europe. They have all recognized the existence of a "child-labor problem." All have attempted to solve that problem by means of legislation restricting the gainful employment of children and by providing a corps of officials whose special task it is to secure compliance with the terms of this legislation. The experience of the German Empire and of the Swiss Confederation is of peculiar interest, because these countries exhibit a division of legislative and administrative powers between the central government and a series of local governments which bears a striking resemblance to the federal system of the United States.

The first object of the investigation was to determine the law upon the subject—to make a statement of the prevailing legal limitations upon child labor. This was not so simple a matter as it may seem. Not only are the prevailing limitations upon child labor usually scattered in several laws, but the laws themselves often constitute merely a framework which must be filled out by means of numerous decrees, ordinances, police regulations, and other legislative or administrative measures. These measures, moreover, sometimes constitute a relaxation of the general rules laid down by statute; when, for instance, the administrative authorities are given far-reaching powers to set up "exceptions" to and "exemptions" from the operation of the laws, and exercise this power in such a manner and on such a scale as partially to abrogate the law. Sometimes, on the other hand, these administrative measures may become tantamount to a much stricter regulation of child labor than appears on the face of the law.

[a] Bulletin No. 80 of the Bureau of Labor (January, 1909) contains an article entitled "Woman and child wage-earners in Great Britain."

The second purpose of the investigation was to learn what provisions have been made to secure the observance of the measures regulating the gainful employment of children. The experience of all nations that have experimented with labor laws furnishes abundant testimony—if such testimony were needed—to the fact that it is one thing to pass a child-labor law and quite another and a different thing to secure the enforcement of that law. A new law is easily inscribed upon the statute books of a nation, but old and firmly established practices in economic life are not so readily set aside. It is, in fact, less difficult to enact an excellent child-labor law than to enforce successfully a moderately good child-labor law. For this reason it was felt that a mere statement of the enacted regulations concerning the employment of children possesses little more than an academic interest, and needs to be supplemented and vitalized by a description of the agencies which have been provided to carry out these regulations in the world of business. Inasmuch as these agencies consist mainly of "labor" inspectors or "factory" inspectors and their collaborators, the organization and work of these officials fall naturally within the scope of the investigation.

But no matter how numerous and well-chosen the inspectors, and no matter how zealous and efficient they may be in the detection of violations of the labor laws, their work will be of little avail unless offenders against the laws are promptly and adequately punished. Hence, wherever possible, information has been collected with regard to the frequency and severity of punishment inflicted by the courts upon violators of the labor laws, particularly violators of the provisions that concern children.

Any study of the regulation of child labor by law, no matter how superficial it may be, leads inevitably to the conclusion that the problem of child labor can not successfully be solved without taking into account its connection with the problem of education. The school laws and the labor laws stand, or should stand, in the closest possible relationship. Moreover, the regulation of certain forms of child labor is practically impossible without systematic cooperation between the labor inspectors and the school authorities. This aspect of the problem has therefore not been entirely overlooked in the present investigation.

Finally, wherever reliable and recent data were available with regard to the extent of child labor in the countries concerned and with regard to its effects upon the children themselves, a summary of this information has been added.(a)

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a The entire investigation was carried on during the first half of the year 1909. For this reason the latest available statistics were usually for the year 1908, and in some cases for the year 1907. Here and there, however, information of more recent date was inserted while the proof sheets were being read.

AUSTRIA.

EARLIER CHILD-LABOR LEGISLATION.

During the eighteenth century the Austrian Government encouraged the employment of children as one of the means of developing the industries of the Empire. Statesmen of the mercantile school, as well as theoretical economists of the period, held that industrial development and prosperity depend in part upon a large supply of cheap labor and that such labor is readily furnished by children, women, and the aged. The noted economist, Justi, in his treatise on Manufactures and Factories ([a]) contended that the "genius" of manufactures can be developed only by encouraging the industrial employment of young children. According to Justi:

In countries that exhibit a special genius for commerce and manufactures, children are taught labor and industry in their earliest years. In Holland and England one sees children between 4 and 6 years performing all kinds of work suited to their age; in nations that lack the genius of business affairs, they grow up in play and idleness. Undoubtedly it should be the duty of teachers in churches and schools, as well as parents, to admonish and teach the children that labor alone leads to happiness in civil society. * * * All children should learn in their youth to be industrious, to acquire the habit of work and to love it. * * * There are hundreds of kinds of labor that children 5 and 6 years old are capable of performing, and by means of which work may be made natural for them and prevent them from ever becoming idlers.([b])

This argument for child labor sounded somewhat less convincing when employed by factory owners like the Stockerau manufacturer, Gabriel Metsch, who declared that he had built his mill "out of love for the general welfare and to exterminate the disgraceful habit of idleness that is shockingly prevalent among our children."([c])

The Government made special efforts to require regular productive labor of the inmates of orphan asylums and homes for soldiers' children, on the ground that children should not only be taught habits of industry but that they should also contribute to the cost of maintaining these institutions. It must be admitted, however, that the financial consideration was not always the more important, for the Government did not hesitate to make expenditures for the purpose of encouraging child labor. Thus, for instance, an imperial order under date of October 19, 1764, provided that "girls learning to

[a] Justi: Vollständige Abhandlung von denen Manufakturen und Fabriken. 2te Ausgabe, Berlin, 1780.

[b] Idem, Vol. I, p. 181; and also Die Grundfeste zu der Macht und der Glückseligkeit der Staaten, etc., Vol. I, p. 697, and Vol. II, p. 117. Königsberg and Leipzig, 1760.

[c] Quoted by Ludwig von Mises, "Zur Geschichte der österreichischen Fabrikgesetzgebung," in Zeitschrift für Volkswirtschaft, Sozialpolitik und Verwaltung, vol. 14, p. 211.

make taffeta shall receive a bonus of 12 florins ($5.78) a year for the three years of their apprenticeship, if they are too poor to get the necessary clothing."(a) But the people seem to have hesitated to subject their children to the exacting régime of the factory, for the Government found it necessary to issue orders to the local authorities enjoining them to "place capable children of both sexes at the disposal of the factory owners." And inasmuch as "the children that love freedom too much" took every opportunity to run away from the factories, magistrates and administrative officials were required to help manufacturers to prevent the escape of their apprentices.(b) Not until the first quarter of the nineteenth century did the view seem to prevail that the State ought not actively to encourage industrial child labor.

Even during the period in which the Government encouraged child labor, however, it was recognized that their employment involved certain dangers and evils. Hence the enactment during the eighteenth century of apprenticeship laws which provided that masters must not maltreat their young charges nor require them to perform work not connected with the trade they were learning. In 1786 the impaired health and the wretched physical condition of children living in the so-called apprentices' "homes" connected with many factories led to an ordinance which declared that the dormitories for boys and girls must be separated; that each child must have a separate bed, and that clean bed linen must be provided every week. This ordinance does not seem to have been enforced, for in 1816 most of its terms were reenacted, and the municipal and circuit physicians instructed to supervise the physical condition of factory children because of "the great danger of their being crippled and neglected."

The detrimental effects of excessively long periods of work led to the decree of 1787, providing that factory children should receive "indispensable instruction." The Government, it declared, could not permit so many of the factory children "to grow up in the crass ignorance that is the mother of shiftlessness and immorality;" but it did not propose "to deprive the factories of the hands they need, nor the poorer classes of part of their earnings." This decree provided that "before children begin their ninth year they must not be employed in factories save in cases of necessity."

Apart from the measures passed during Metternich's régime (c) to provide for Sunday rest (prompted by religious considerations), no

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a Codex Austriacus, VI, p. 602.

b Kopetz: Allgemeine österreichische Gewerbsgesetzkunde, Vol. I, p. 115. Wien, 1829, 1830.

c A Lombardian decree in 1816 fixed the age of admission to factories at 9 years; for dangerous labor at 14 years; it forbade night work for children under 12; fixed the maximum workday at 10 hours for children under 12, and 12 hours for those between 12 and 14. These provisions applied only to factories.

labor legislation of any significance was enacted during the ensuing period until the decree of June 11, 1842. According to this decree (really the first child-labor law in Austria) no child under 12 years of age could be employed in a factory; but the local authorities were empowered to permit the employment of children 9 years old if they had completed 3 years' school attendance. Children 9 to 12 years old were not allowed to work more than 10 hours a day; those 12 to 16 years old might work 12 hours a day. There must be at least 1 hour for rest during the workday. Night work (work between 9 p. m. and 5 a. m.) was forbidden all persons under 16 years of age. Employers were required to keep a list of their child laborers. Violations of the law were punishable by a fine of 2 to 100 gulden (96.4 cents to $48.20); and for repeated offenses the right to employ children under 12 years of age might be withdrawn. The enforcement of the law was intrusted to the local administrative authorities, to the district school superintendents, and to the local clergy.

The provincial government of Upper Austria went somewhat further by decreeing, on January 16, 1846, that in this Province the admission of children under 12 years of age to factories should not be tolerated, and that before any children be admitted to work therein they should be subjected to a medical examination. But the influence of the factory owners was sufficient to lead to the suspension of these provisions a few months after their enactment.

The enforcement of the law of 1842 was not at all satisfactory. Cotton printing mills were reported as employing children under 8 years of age without the slightest hesitation. The paper mills and cotton mills in 1845 contained 38,124 laborers, of which 5,590, or 14.7 per cent, were children of school age (12 years or less). In Vorarlberg children 7 and 8 years old worked 13 hours a day, and in times of exceptional industrial activity 3 or 4 hours longer. Although such flagrant violations of the law and reckless exploitation of children was objected to by the local authorities, yet as a rule the abuses continued, and the provisions concerning child labor came to be regarded as part and parcel of the old and obsolete legislation of the so-called "reactionary" era.

Mention should be made of the decree of September 3, 1846, concerning laborers employed in the manufacture of matches, an industry started in Austria in the thirties and which soon attained considerable importance. An Austrian physician, Dr. F. W. Lorinzer, appears to have been the first to recognize the injurious effects of this occupation and to diagnose phosphorus necrosis. An official investigation that disclosed the awful ravages of this disease in match factories led to the prohibition of the employment of children in making phosphorus paste and in rooms in which the "drying" process was carried on.

A further step was taken by the enactment of an industrial ordinance (*Gewerbeordnung*), on December 20, 1859, which forbade the employment of children under 10 years of age in "larger industrial enterprises;" that is to say, in those "comprising as a rule more than 20 laborers." Children between 10 and 12 years of age were allowed to work therein only when provided with a permit granted at the request of the child's parents or guardian by the local authorities (*Gemeindevorstand*). They could not be employed at work injurious to their health or apt to hinder their physical development. The local authorities were enjoined not to grant the above permit unless the work in which it was proposed to employ the child was compatible with regular attendance at school, or unless the employer himself provided educational facilities approved by the local school authorities.

For persons under 14 years of age the maximum workday was fixed at 10 hours; for those between 14 and 16 it was 12 hours. In both cases the workday should be interrupted by "sufficient pauses for rest." Night work (work after 9 p. m. or before 5 a. m.) was forbidden persons under 16 years of age, but in establishments operated both day and night, and in which production would otherwise be seriously interfered with, the local authorities could permit night work for persons under 16, but not for those under 14 years of age, on condition that the laborers alternate between night work and work by day. Moreover, in times of great demand the authorities might permit children under 16 years of age to work 2 hours longer than the usual maximum for a period not exceeding 4 weeks.

All "larger industrial enterprises" were required to have a register of their employees, subject at all times to the inspection of the authorities, and a working schedule, posted in the places of work, indicating the kinds of work performed by the women and children employees, the hours of labor, and the school arrangements for the children of school age. Violations of the provisions concerning children were subject to a fine of 10 to 100 florins ($4.82 to $48.20). Infractions so serious as to indicate the undesirability of permitting a manufacturer to have children in his employ could be punished by the withdrawal of this right, either for a fixed period or permanently.

The imperial school law of May 14, 1869, provides that when children employed in factories or "larger industrial enterprises" are unable to attend the commercial schools, employers must provide for their education in accordance with the standards established for public schools. In these so-called "factory schools," moreover, the hours of instruction must not fall below 12 hours per week and must be divided among the several days of the week "as equally as possible;" they must fall between 7 a. m. and 6 p. m. (excluding the noon hour).

The ordinance of 1859, combined with the school law of 1869, undoubtedly constituted a step beyond previous legislation. But in the absence of any satisfactory provision for enforcement, the law remained practically a dead letter. The public officials intrusted with the execution of the school law and the industrial ordinance were already too heavily burdened with other tasks to give any attention to what took place in factories and workshops. The few officials that might have taken time for the work of inspection were dominated by the manufacturers. The manufacturers, moreover, successfully opposed all plans for the appointment of special inspectors. Indeed, as long as the Liberal party remained in power every effort to provide for the enforcement of the labor laws failed; and it was not until the fall of the German Liberal party that the law of June 17, 1883, providing for the appointment of special factory inspectors, was passed. Meanwhile it was a secret for no one that the laws concerning child labor were systematically and regularly violated. The chamber of trade and commerce at Reichenberg declared officially in 1870:

"It is known generally that, contrary to the express provisions of the industrial ordinance, children from 8 to 14 years of age work in factories just as long as adults."(a)

In 1868, when a new labor law was proposed in Parliament, it was stated as a simple and familiar fact that the provisions concerning the labor of children were insufficient, unenforced, and incompatible with the law requiring 8 years' attendance at school. Doctor Roser, the author of the proposed law, declared that "the violations and excesses for which employers are responsible can be done away with only by the introduction of regular factory inspection, like in England and in France." But the proposed measure was buried by the committee to which it had been intrusted; and several subsequent legislative proposals met a similar fate until a new industrial code (*Gewerbeordnung*) was slowly elaborated and put into effect in 1885. The provisions of this code and of the other labor laws and decrees now in force, as far as they affect the employment of children, constitute the subject of the following section.

PRESENT REGULATIONS AFFECTING CHILD LABOR.

The Austrian industrial code of 1885, apart from subsequent modifications and supplementary enactments, contains 10 chapters and 152 articles, forming a rather voluminous instrument; but the provisions which it contains in regard to the labor of children are not numerous. Nor can it be said that during the quarter of a century which has elapsed since the promulgation of the code much of special note has been accomplished in the way of additional legislative intervention in behalf of child workers. Moreover, as we shall have occasion to

(a) Braf: Studien über nordböhmische Varhältnisse, p. 138. Prague, 1881.

point out later, the reports of the industrial inspectors contain relatively little information upon the subject of child labor in the establishments subject to the labor laws.

Austrian labor legislation may be said to consist of two sets of fairly distinct measures: those which regulate industrial labor generally, wherever and whenever it is regulated at all, and those which concern labor in mines.

The nucleus of the first group of measures consists of the Industrial Code of 1885. To this should be added the law of March 15, 1883; the law of June 17, 1883, providing for the appointment of inspectors; the laws of January 16, 1895, August 28, 1895, and July 18, 1905, concerning work on Sundays and holidays; and the laws of February 23, 1897, February 25, 1902, July 22, 1902, and February 5, 1907, introducing certain modifications of the Industrial Code.

The second group of measures consists principally of the laws and ordinances under date of June 21, 1884 (concerning women and children); December 31, 1893; December 17, 1895; May 3, 1896; June 27, 1901; and June 8, 1907 (concerning child laborers).

The Civil Code and the Commercial Code also contain provisions which to some extent regulate the conditions of employment; but they are of minor significance, particularly as regards the employment of children.

Like the code of 1859, the "Gewerbeordnung" of 1885 does not apply to agriculture or forestry or to the industrial occupations connected therewith, whenever these occupations consist in the manipulation of the immediate products of agriculture or forestry; nor does it apply to ordinary unskilled manual labor, to domestic service, to industrial occupations carried on by the members of the employer's family, to transportation by rail or by ship, to navigation by sea, canals, or rivers, nor to sea fishing. Its provisions do apply, however, to commercial establishments, i. e., to shops and stores.

For the purposes of the present report the sixth chapter of the code is of most importance. This chapter contains the provisions concerning industrial employees generally (*gewerbliches Hilfspersonal*) and most of the special provisions affecting children and women employees.

Industrial employees (*Hilfsarbeiter*) are divided into four groups: (*a*) Helpers (commercial employees, journeymen, waiters, drivers of wagons, etc.); (*b*) factory laborers; (*c*) apprentices; (*d*) laborers employed to assist in a subordinate capacity in industrial processes, but not engaged in any of the occupations excluded from the scope of the law. But if the persons in charge of excluded occupations also carry on processes subject to the Industrial Code, then the laborers employed in the latter processes are regarded as industrial employees and are likewise subject to the code. It is specifically provided, how-

ever, that persons employed to perform services of a higher grade, and who receive as a rule a monthly or annual salary—such as superintendents, agents, bookkeepers, cashiers, designers, chemists—are not to be regarded as industrial employees in the sense of the law.

It is manifest that the provisions of the law for the protection of all so-called industrial employees redound to the benefit of child laborers as well as adult employees. The labor laws of Austria regard persons over 16 years of age as adults and recognize no need of special measures for male minors beyond that age. Adult women, however, enjoy a certain amount of protection; they may not be employed at underground work in mines, nor may mothers be employed in industrial establishments during the four weeks following confinement, nor may women "as a rule" work at night in factories.

The main provisions for the protection of industrial laborers generally—whether adults or minors—are briefly summarized in the following paragraphs. While these provisions of course involve benefits for children as well as adults, a detailed statement of them lies beyond the scope of the present report.

SUNDAY WORK.

It is provided by the code of 1885 (modified by the laws of 1895 and 1905) that industrial labor shall, as a rule, cease on Sunday. Sunday rest shall begin not later than 6 a. m. and must be simultaneous for all the laborers in each establishment subject to the law. It shall last 24 hours. These general provisions, however, are not absolute; the law provides the following exceptions:

1. The provisions concerning Sunday rest do not apply to the labor of the employer himself if done privately and without the aid of employees.

2. They do not apply to work that can not be postponed, or to the work of cleaning and repairing that could not be carried on at other times without danger to employees or without serious interference with the business of the establishment or of other establishments.

3. They do not apply to the work of watch people and caretakers of industrial establishments.

4. They do not apply to temporary work that can not be postponed and that is required by the public interest, considerations of public safety, or circumstances of necessity.

5. For the purpose of taking an inventory the Sunday regulations may be suspended once a year.

6. In mercantile establishments Sunday work is permitted for a period of not longer than 4 hours. The provincial authorities may, however, further curtail this provision. On certain Sundays during

periods of exceptional activity (like Christmas) work may be allowed by way of exception for 8 hours.

7. In certain occupations in which an interruption of activity is impracticable, or in which the needs of the public make work on Sunday necessary, public ordinances may permit Sunday work. Administrative ordinances have enumerated over fifty industries or occupations in which under certain stipulated conditions employees may work on Sundays.

The industries and occupations exempted partly or entirely from the prohibition of Sunday work include certain metallurgical establishments, truck gardening, glass works, potteries, brick manufactories, tanneries, bleaching and dye works, flour mills, chemical plants engaged in the manufacture of certain enumerated products, malthouses and breweries, sugar manufactories, wine cellars, the manufacture of artificial ice, certain illumination and transportation enterprises, bath houses, hotels and restaurants, and many others.[a] In most of these occupations and establishments, however, the employees who work on a Sunday must be given the next following Sunday for rest. Thus, for example, in hotels and restaurants the employees who work more than 3 hours on Sunday must be given 24 hours off on the following Sunday or on some week day, or else 6 hours on each of two week days. Especially in hotels and restaurants, however, this requirement has been so frequently ignored that in May, 1909, the minister of commerce complained to the local authorities and urged a better enforcement of the law.

The metallurgical establishments partially exempted from the terms of the Sunday law are of four kinds: (*a*) Blast furnaces, including roasting works; (*b*) Bessemer and Martin steel works directely connected with blast furnaces; (*c*) Bessemer and Martin steel works not directly connected with blast furnaces; also crucible-steel works and rolling mills supplied from puddling furnaces and welding furnaces; (*d*) puddling works and rolling mills.

In establishments under (*a*) it is permitted on Sundays to supply coal, coke, ore, and flux; to operate the water supply, the blast engines and air-heating apparatus; to charge the furnaces and to tap the metal; to remove the slag; to mold the pig iron and remove it to the storing place. In establishments under (*b*) it is permitted on Sunday to bring the molten iron to the converters; to bring the intermediate products to the open-hearth furnaces; to operate the generators and blast engines; to charge the furnaces and carry on the smelting processes in converters and open-hearth furnaces; to tap the

[a] Vorschrifen über die Sonntagsruhe im gewerblichen Betriebe Österreichs. Herausgegeben vom k. k. Arbeitsstatischen Amt im Handelsministerium. Wien, 1909.

finished products; to case harden and remove it; and to remove the slag. For both groups of establishments, the laborers who are employed longer than 3 hours on Sundays must be given 24 hours off on alternate Sundays, if operations can be interrupted for at least 6 hours on Sunday, or if, at the weekly change of shifts, a single reserve shift can be provided for on Sunday. But in the latter case the workers in the relieving shift must not be employed during the 12 hours preceding or following their regular employment, and they must have a compensatory resting period at least equal to that of the workers whose places they take. If peculiar conditions in the establishment make it impossible to grant the above resting periods, the 18 hours of rest allowed at the change of weekly shifts may be regarded as equivalent.

The establishments under (*c*) are permitted to reduce the period of Sunday rest to 12 hours by arranging that the feeding of the furnaces shall be begun—according to the time the shifts change—either at noon or at 6 p. m. The processes that may be carried on are substantially the same as those enumerated under (*b*). All the laborers thus employed for more than 3 hours on Sunday must have 24 hours free on alternate Sundays. In the establishments under (*d*) it is provided that if operations have been suspended during the week for a period of at least 24 hours this period may be "made up" by work on the following Sunday, upon the condition that the proper authorities be notified, in advance, of the cause and duration of the interruption and the number of laborers affected. Unless there has been an interruption of 24 hours in the work during the preceding week, the laborers in these establishments who work more than 3 hours on any Sunday must have 24 hours off on the next following Sunday.

The whole subject of Sunday legislation, however, is in a chaotic condition, for in the 13 administrative subdivisions of the Empire 58 local ordinances on the subject were passed in the years 1905 to 1909, establishing approximately a thousand different régimes for different occupations and localities. Hence the Council of Labor (*Arbeitsbeirat*) declared that "in the matter of a uniform and adequate enforcement of the provisions concerning Sunday rest, much remains to be accomplished." The bewildering multiplicity and variety of regulations leads to a very objectionable state of affairs in the regions bordering on districts having different sets of rules concerning Sunday work.

Employers who benefit by the exceptions numbered 2, 3, 4, and 5 are required to keep a list of the laborers employed each Sunday, indicating the names of such laborers, and the place, nature, and duration of their employment.

If work on Sunday lasts longer than 3 hours the employee is entitled to a compensatory day of rest on the succeeding Sunday or two half days' rest on week days.

The provisions concerning Sunday rest were extended to huckstering and peddling by the law of April 28, 1895. It should be added that similar provisions apply to labor in mines, save that these provisions are suspended whenever their observation involves danger to life or health or property.

HYGIENE AND SAFETY.[a]

Every employer is obliged, at his own expense, to provide such safety appliances and to adopt such measures as may be necessary to protect the life, limb, and health of his employees against dangers arising from the occupation in which they are employed. The work places must be kept clean and as free from dust as the nature of the industry permits. If an employer furnishes lodging for his laborers, the rooms for this purpose must not be unhealthful. If he employs women or persons under 18 years of age, he is required to make such provisions and arrangements as may be necessary to safeguard their morality.

MAXIMUM WORKDAY AND REST PERIODS.

In industrial establishments possessing the character of factories (a term which is defined later on) the maximum duration of the workday must not exceed 11 hours in 24, not counting intervals of rest. In all industrial establishments there must be intervals of rest amounting to 1½ hours. This total period of rest shall include at least 1 full hour at midday unless the nature of the industry does not permit it. The minister of commerce may, after consultation with the minister of the interior and the chambers of commerce and industry, permit a modification of the rules concerning intervals of rest in certain industries, particularly those in which the interruption of work is impracticable. He may also determine the industries in which, upon proof of necessity, the maximum workday may be raised from 11 to 12 hours in factories. This list must be revised every 3 years. After the same preliminaries the minister of commerce may designate the kinds of industries in which continuous operation is permitted by means of shifts of laborers. Whenever work is stopped by forces beyond human control or by accidents, or whenever it is necessary to increase the output, the authorities in charge of the enforcement of the industrial laws may permit a temporary prolongation of the work-

[a] Numerous ordinances have been issued upon this subject, concerning such matters as light, ventilation, stairs, fire escapes, heating, steam boilers, dangerous machinery, elevators, toilet rooms, scaffolding used in building trades, etc.

day in particular branches of industry for a total period of not more than 3 weeks; the right to grant this privilege for a longer period belongs to the provincial administration. In cases of urgent necessity the working period may be prolonged for a period of not more than 3 days in any single month by simply notifying the local authorities in charge of the enforcement of the industrial laws.

The above provisions limiting the duration of the workday do not apply to auxiliary tasks that form no part of the industrial process proper—such as getting up steam, illumination, cleaning—unless these processes are carried on by laborers under 16 years of age.

The right to work 12 hours per day instead of 11 was granted to a considerable number of industries by the ordinance of May 27, 1885, but has been subsequently withdrawn from a number of the most important ones, such as wool and cotton spinning. Frequent abuses of the right to work overtime led to the passage of an ordinance (December 12, 1895) which provided that permission to prolong the workday beyond 11 hours be not granted for a longer period than 15 weeks in any year, nor to the owners of establishments not fulfilling the requirements of hygiene, nor to employers who have employed their laborers overtime without first obtaining the requisite authorization.

On January 14, 1910, a law was passed regulating the hours of rest in mercantile establishments, shops, stores, and concerns for the carrying and forwarding of goods. Laborers (*Hilfsarbeiter*) in these occupations must have 11 hours for rest out of 24, except wagon drivers in the carrying and forwarding trade, for whom the minimum is 10 hours. The midday rest period must as a rule amount to 1½ hours. Shops for the sale of goods, and the offices connected therewith, must close from 8 p. m. to 5 a. m., except those selling food products, which may remain open until 9 p. m. The local authorities may prescribe longer rest periods. Seats must be provided for laborers in the workplaces. The rest periods may be curtailed, however, in the following cases: When inventories are made; when a concern is started or moved; when fairs or markets are visited; when work is imperative to keep goods from spoiling, or for like reasons; and, besides, on a total of not more than 30 days in the year. These rules may be set aside entirely at health resorts during the so-called "season."

WORKSHOP AND FACTORY REGULATIONS.

Factories and industrial establishments with more than 20 employees(a) must have a set of working regulations, approved by the

a These provisions concerning workshop regulations apply also to the construction of railways and to building trades generally whenever the number of laborers exceeds 20.

public authorities, and containing the following information: The kinds of laborers employed and the nature of the work performed by female and child employees; the arrangements that have been made to provide child employees with the requisite schooling; the workdays, the time at which daily work begins and ends, and when the pauses are given; the time and methods of wage payment;[a] the powers and duties of foremen and superintendents; what is done for sick and injured employees; the nature, amount, and uses of fines imposed upon laborers who violate the rules of the establishment; the rules concerning the dismissal of employees.

WORK BOOKS.

No employer may engage a laborer who is not provided with a work book, which must indicate the full name, date and place of birth, religion, civil status, and occupation of the owner, and must contain his signature. This book is delivered for a fixed fee by the local authorities of the laborer's place of residence, and must bear the official seal.

At the time of employment the employer takes charge of the work book and must be prepared to exhibit it upon requisition to the proper authorities. At the termination of employment it must be returned to the owner after the employer has entered upon it the date on which the laborer left his employ.

So much for the provisions concerning laborers generally, whether adults or minors. Attention will now be given to the special provisions concerning children (according to the Industrial Code, persons between 12 and 14 years of age) and young persons (those between 14 and 16 years of age).

CHILD LABOR.

Children under 12 years of age may not be employed regularly in industrial establishments. Those between 12 and 14 years of age may be thus employed only to the extent that the labor in which they engage is not detrimental to their health or to their physical development and does not interfere with their attendance at school during the period fixed by law; nor may they work more than 8 hours per day. Moreover, the minister of commerce, in conjunction with the minister of the interior and with the advice of the chambers of commerce and industry, is empowered to issue ordinances designating the industrial occupations that involve danger to the life, limb, or health of those employed therein, and in which women and children may therefore either not engage at all or only under certain specified conditions.

[a] As in most countries, wages must be paid in legal tender.

There is no general ordinance giving a list of these occupations. There are, however, several ordinances that have been issued in conformity with paragraph 74 of the Industrial Code, which concerns measures that must be taken to safeguard laborers from industrial diseases and accidents. One of these ordinances (under date of April 15, 1908) applies to persons engaged in painting and lacquering, and forbids the employment of women and children in the industrial use of white lead and lead compounds. Moreover, a law under date of July 13, 1909, absolutely forbids the manufacture and sale of matches made of white or yellow phosphorus.

A law of July 28, 1902, forbade the employment of girls under 16 at all, and of boys after 8 p. m. or before 6 a. m., in certain branches of railway service; it also forbade overtime work for boys under 16 in the same occupations.

Children under 14 years of age may not peddle or huckster goods, and the employment of girls under 18 at this occupation may be restricted or forbidden by the industrial authorities (*Gewerbebehörden*).

A decree of 1824 forbids the employment of large numbers of children in ballets and pantomimes, and seeks to confine their employment within "necessary limits."

Children under 16 years of age must not be employed at night (between 8 p. m. and 5 a. m.) in establishments subject to the law. But the minister of commerce, in consultation with the minister of the interior, is empowered to issue ordinances modifying this provision concerning night work or to exempt certain categories of occupations from compliance with it by reason of climatic circumstances or of "other important considerations;" he may, furthermore, permit the employment of children between 14 and 16 years of age at night in factories in which continuous operation is imperative or in which the temporary requirements of the industry make it necessary to employ alternating relays of laborers.

In conformity with the powers thus conferred upon the minister of commerce the prohibition of night work for children was suspended (*a*) in all industrial establishments engaged in certain specified industries, and (*b*) in "factories" in certain other specified industries.

Under (*a*) the enumerated industries are: Scythe manufacturing, in which male persons under 16 years of age may be employed at night to help take care of the fires, provided they alternate from night shifts to day shifts at reasonable periods; silk throwing, in which male and female employees under 16 may be employed before 5 a. m. or after 8 p. m. if the midday pause is lengthened proportionately; hotels and restaurants, in which male waiters and similar employees under 16 may work until 12 o'clock at night; white bread

and pastry bakeries, in which male apprentices under 16 may be employed for 4 consecutive hours at night at so-called "table work" (cutting dough, etc.), provided the hours are indicated by a notice posted in the work place.

Under (*b*) the following are enumerated: Ironworks, in which males under 16 may work at night as casters, oilers, helpers, etc., in those parts of the establishment in which work is continuous, such as blast furnaces, coke ovens, rolling mills; glassworks, in which males under 16 may be employed to open and close molds and to perform auxiliary services as common laborers; paper and "half-stuff" mills, in which males and females under 16 may be employed in connection with the drying processes and supervising bleaching; sugar manufactories, in which males and females under 16 may be employed in all processes carried on continuously by night and day; canning and preserving establishments, in which persons under 16 may be employed whenever work can not be postponed without subjecting goods to the danger of deterioration; manufactories of enameled ware, in which persons under 16 may be employed in "burning-in," "laying-on," "removing burrs," and in carrying goods and implements, provided the laborers are divided into three shifts working 8 hours each, in which case the work of young persons may be continued not later than 9 p. m.(a)

Employers of children under 16 years of age in industrial establishments must keep a list of the children in their employ, indicating the name, age, and place of residence of these children; the name and residence of their parents or guardians; and the date of the beginning and termination of their employment. Such lists must be kept ready for examination by the inspectors.

Apart from the above general provisions concerning the employment of children in any of the establishments subject to the law there are additional regulations with regard to children employed in those industrial establishments that possess the character of "factories" (*fabrikmässig betriebene Gewerbsunternehmungen*).(b)

It was manifestly the object of these provisions to create a more stringent régime for larger industrial establishments, and to give a privileged position to the smaller concerns. Unfortunately, however,

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a Females above 16 years of age may be employed at night in "driving" and "finishing" bed feathers; in manufactures of lace by machine, they may be employed at night to put the bobbins in the "carriages;" in making smoking caps (fezzes) they may work until 10 p. m., provided their workday does not exceed 11 hours.

b It must be kept in mind that the term "factory" has a peculiar and arbitrary meaning in Austrian law, and that throughout the section of this report devoted to Austria the term is employed in the sense of the law and not in its current American significance.

the definition of what constitutes a " factory " in the sense of the law, set forth by a ministerial decree of July 18, 1883, was neither very clear nor concise. According to this decree the term " factory " comprises establishments in which industrial merchandise is produced or subjected to further modification in inclosed work places containing as a rule more than 20 laborers working outside of their own homes; in such establishments, moreover, the work must as a rule be carried on with the aid of machines and by means of a division of labor. Further distinctive characteristics of a " factory " are stated to consist in the direction of the enterprise by a person not himself participating in manual labor therein; in the payment of larger taxes; in the possession of a firm name; and in the absence of the usual features of ordinary handicrafts.

In establishments thus elaborately but unsatisfactorily described, and in the construction of railways and other building enterprises employing more than 20 laborers, it is provided by the Industrial Code that children under 14 years of age shall not be regularly employed at all; and that children between 14 and 16 years of age may be employed only at such lighter occupations as will not injure their health or their physical development.

Boys under 16 and female laborers shall not be employed therein at night, but ministerial ordinances may designate classes of factories to which this rule shall not apply, because of the nature of the work or the imperative necessity for the employment of relays to keep the plants in continuous operation.

The Industrial Code contains a number of provisions regarding the employment of apprentices. These have been modified by several laws, the most recent of which is that of February 5, 1907. As the law now stands, it provides that industrial employees under 18 years of age must be permitted to attend the industrial continuation schools (*Fortbildungsschulen*) at such times as are fixed by the schedules of these schools. If there are no such schools for female employees the latter shall be permitted to attend domestic science schools wherever such schools exist.

LABOR IN MINES.

It has already been stated that a number of special measures have been enacted concerning labor in mines.[a] The most recent of these and the one that particularly concerns the labor of children is the ordinance of June 8, 1907.

[a] In 1904, the most recent year for which figures could be obtained, there were nearly 6,000 children under 16 years of age employed in Austrian mines (excluding salt mines), amounting to over 4 per cent of the total number of mining laborers (135,564).

For all laborers alike, the maximum duration of employment, according to the law of June 21, 1884, is 12 hours per day, including pauses for rest, and 10 hours of actual work in the mine. The 12 hours include the time of descent and ascent. Exceptions may be granted by the minister of agriculture in favor of mines at high altitudes in the alpine region, but the total number of hours of work therein must not exceed 60 per week. The administrative officials having supervision of mines (*Berghauptmannschaft*) may in cases of "extraordinary occurrences" or "temporary necessity" grant a prolongation (within certain limits) of the maximum workday.

The law of June 27, 1901, concerning coal mines, provides that laborers employed in mining the coal must not be employed more than 9 hours a day, including pauses while they are underground. This limitation, however, does not apply to mines in which the working period was longer than 9 hours at the time the law went into effect; for such mines the usual limit of 12 hours, or 10 hours of actual work, is valid. The minister of agriculture may also grant exceptions for coal mines at high altitudes in the alpine region, though the total number of hours' work therein must not exceed 54 per week; and the mining officials may likewise extend the maximum limit up to 12 hours a day in the event of "extraordinary occurrences" or "temporary necessity." The reports of the mining officials indicate, however, that very few children under 14 are employed overtime.

Children under 14 years of age may not be employed as laborers in mines. But by way of exception the authorities may, upon the petition of parents or guardians, grant permission to employ children between 12 and 14 years of age at light work above ground provided it does not interfere with the performance of their school duties. Petitions to permit the employment of children between 12 and 14 years of age must state the days of the week on which it is proposed to have them work, the time of beginning and ending work each day, the exact time for pauses, and the kind of work in which they are to engage. Before granting such petitions the officials in charge of the supervision of mines must carefully investigate whether the nature and duration of the work and the pauses are commensurate with the child's physical condition; and also whether the schedule of working hours is compatible with attendance at school. The authorities must see to it that the hours of work for these children do not exceed, and the hours for rest do not fall short of, those fixed by law for children over 14 years of age; if necessary they shall confer with the health officers and the school officials. In no event may children be employed on Sunday or at night (with one exception, referred to hereafter).

Laborers between 14 and 16 years of age may be employed only at work that is not beyond their strength and not injurious to their

physical development; girls under 18 years of age must not be employed underground at all. Certain kinds of work—such as pushing wagons up slanting galleries and moving heavily loaded wagons—are specifically enumerated as forbidden for boys under 16 and girls under 18 years of age; likewise work underground at a temperature above 25° C. (77° F.) or under conditions likely to produce noxious gases, or unhealthful dust, or offering exceptional liability to accident or disease.

Nor may laborers under 16 years of age (or girls under 18) as a rule work between 8 p. m. and 5 a. m. But in mines employing two shifts per day, males under 16 may be employed until 11 p. m.

In cases of imminent danger to life, health, or property, children may be employed overtime or at night when adult laborers are not available for extra work under such circumstances.

Boys under 16 and girls under 18 years of age must have regular pauses for rest amounting to at least 1 hour more than those allowed adult laborers. The pauses must be so arranged that no actual working period shall exceed 4 hours; any other arrangement is permissible only when made necessary by the operation of the mine or in the interest of the laborers themselves. Whenever young persons are employed on Sundays by way of exceptions provided for by law, they must be given a compensatory day of rest during the week following.

Exceptions to the legal provisions regarding night work, pauses, and length of the working period may be granted with regard to young persons of the male sex only when a physician acceptable to the authorities has furnished a certificate indicating the precise kind of work in which it is proposed to employ the child and stating that such employment is neither detrimental to his physical development nor involves danger to his health. Whenever, upon the basis of such a certificate, young persons are permitted to work at night, the alternation of shifts must be such that they change from night work to day work, or vice versa, at least every week.

In every mine in which young persons are employed a list must be kept of all such persons working therein, giving their name, age, and place of residence, the name and place of residence of their parents or guardians, the kinds of work in which they are employed, the hour at which each shift begins and stops working, the pauses granted, and the date upon which employment began. Whenever young persons are concerned in exemptions from the usual provisions of the law the precise nature of these exemptions must be indicated in the aforesaid list; and in the case of children under 14 years of age it must also indicate the time and number of hours of daily attendance at school, as well as the date and number which the official permit bears. These lists are always subject to the inspection of the officials in charge of the supervision of mines.

SCHOOL LAWS.

In general, the present school laws require 8 years' attendance at school. Inasmuch as Austria since 1774 has had compulsory primary education for children over 6 years of age, it would appear that all children under 14 years of age attend school regularly. There are, however, all manner of arrangements for shortening the school period from 8 to 6 years in many Provinces. In most of the Provinces, moreover, the seventh and eighth school years need not involve more than 3 or 4 months' attendance during the year nor more than 3 or 4 hours per week during these months. In not a few of the Provinces it is still considered sufficient if the instruction the children receive consists of "religion, reading, writing, and arithmetic."

PENALTIES.

In terminating this section it is necessary to summarize the provisions of the labor laws with regard to the penalties that may be imposed for violations of these laws. Five sorts of punishments are enumerated: (*a*) Admonitions; (*b*) fines up to 1,000 crowns ($203); (*c*) imprisonment up to 3 months; (*d*) the temporary or permanent withdrawal of the right to have apprentices or employees under 16 years of age; and (*e*) the temporary or permanent withdrawal of the right to conduct an industrial establishment. With regard to fines, the code enumerates two groups of offenses—for one group the fine may be not less than 5 ($1.02) nor more than 500 crowns ($101.50); for the other it may be not less than 20 ($4.06) nor more than 1,000 crowns ($203). The right to have apprentices or laborers under 16 years of age may be withdrawn from employers who employ children under 12 years of age in industrial establishments generally, or children under 14 years of age in factories; or who are repeatedly found guilty of employing them for other work or for a longer workday than the law allows; or who violate the regulations concerning the employment of children in dangerous or unhealthful industries, occupations, or processes; or who repeatedly violate the provisions concerning the night work of persons under 16 years of age; or who persist, in spite of repeated offenses, in breaking the rules concerning the employment and dismissal of apprentices, or in preventing apprentices from attending school in accordance with the law.

It is expressly stipulated that as a rule the penalty for violating the industrial code shall consist of fines, and a sentence of imprisonment shall be passed only in cases presenting especially aggravating circumstances or in which repeated fines have been of no effect.

When the guilty party is unable to pay the fine to which he has been sentenced, imprisonment may be substituted at the rate of 1 day's imprisonment for every 10 crowns ($2.03); but the total period

of imprisonment must not exceed 3 months. For fines under 10 crowns ($2.03) imprisonment for 24 hours or less may be substituted.

If violations of the law are committed by agents or lessees, the latter shall be subject to fine or imprisonment. But the owner shall also be responsible if the offense was committed with his knowledge, or if he was guilty of negligence in supervising the establishment or in the appointment of his agent. Should the legal penalty for the offense consist of the withdrawal of the right to conduct an industrial establishment, this penalty shall be inflicted only if the owner of the establishment knew of the offense and was in a position to prevent its occurrence.

Not only may the tribunals as a penalty for violations of the law withdraw the right to employ persons under 16 years of age, but the administrative authorities are likewise empowered upon their own initiative to inflict the same penalty upon employers found guilty of gross neglect of their duties toward persons under 16 years of age in their employ, and upon employers who are known to be morally unfit to employ such persons.

The right to prosecute for violations of the labor laws expires by limitation in 6 months after the date of the offense, unless the offense is punishable at criminal law.

Tribunals of the first instance for dealing with infractions of the labor laws are the local political administrative authorities. The political authorities of the Province constitute the tribunals of the next higher degree, and the highest court for these offenses is the Ministry of Commerce. Appeals from tribunals of the first instance must be filed within 2 weeks and from the tribunals of second instance within 4 weeks.

Fines of not more than 30 crowns ($6.09) may be imposed without trial by the courts of first instance for infractions witnessed by public officials engaged in the performance of their duty. The offending party may, however, within 8 days after notification of the imposition of such a fine ask for a trial according to the usual procedure.

The Ministry of Commerce has the right to reduce, for sufficient reasons, the penalties imposed. In the event that offenders fail to comply with the sentence of the courts, the necessary steps may be taken to secure compliance—such as the seizure of goods and implements, stopping machinery, or the compulsory closing of the establishment.

ORGANIZATION AND WORK OF THE INSPECTORS.

There were practically no inspectors and hence no real enforcement of the labor laws in Austria before the law of June 17, 1883, went into effect. This law was the outcome of nearly 15 years of

agitation and discussion in which some of the parliamentary representatives of the laboring classes themselves manifested but little enthusiasm for the proposed law. They urged the somewhat contradictory reasons that inspectors appointed by the Government would simply represent an expansion of bureaucracy, and that the number of inspectors would probably be insufficient to accomplish anything worth while. The editor of a leading socialistic labor organ declared that no matter how well disposed the inspectors might be they would be unable to prevent violations of the law because the fear of dismissal would prevent laborers from giving information. A leading employer is reported as having said that if one of his laborers should take the liberty of reporting infractions of the labor laws to the inspectors, he would be discharged within half an hour following the discovery of such an act.[a]

The labor inspectors, or, as the Austrian law designates them, industrial inspectors (*Gewerbe-Inspektoren*), are responsible ultimately to the Ministry of Commerce;[b] in matters of discipline, however, they are subject to the administrative authorities of the Province in which their district lies. Regarding the qualifications which they must possess, the law simply provides that no one shall be appointed to the office of inspector who does not possess "the requisite technical training and a knowledge of the languages employed in the district to which he is assigned." As a matter of fact, almost all of the present inspectors have been specially trained in engineering and chemistry.

In securing the enforcement of the law the local political administrative authorities cooperate with the inspectors. Since 1889 the latter are assisted by so-called "commissioners of industrial inspection," subordinate to the inspectors, whose duty consists in seeing that the law is enforced in the territory intrusted to them by the inspector to whose jurisdiction they are assigned and by whose authority they exercise the functions of the inspector within this area.

At the head of the staff of inspectors is a central industrial inspector who belongs to the Ministry of Commerce and thus furnishes the connecting link with the central administration. Curiously enough, the law contains no provision whatever regarding the functions of this official. His rights and duties have therefore been determined by administrative ordinance, according to which he is designated as the specialist in industrial matters of the ministerial department of commerce, and charged with general supervision of the application of the industrial laws. He is required to keep in touch with matters of interest and importance arising from the application of these laws, to render an account of the reports of the inspectors with

[a] Lukinac: Die Gewerbe-Inspektion in Österreich, p. 22. Wien, 1908.

[b] A decree under date of June 20, 1908, established a "social-political" section of the Ministry of Commerce, to have charge of questions concerning labor.

regard to the consequences of their enforcement, and to make such suggestions in regard thereto as may appear to require action on the part of the central administration or to call for further legislative measures.

Under this central official are the inspectors, whose activity, it should be noted, is not confined to factories but extends as a general rule to all enterprises affected by the industrial code.

The service of inspection is organized on the territorial principle; that is to say, each inspector has charge of a definite area assigned to him by the minister of commerce. Nine inspection circuits were established in 1883, and the inspectors in charge thereof began their activities on February 1, 1884. Subsequent ordinances have gradually increased this number to 35.[a] The territorial principle is modified to the extent that the minister of commerce is empowered to single out certain branches of industry and place them under the jurisdiction of "special inspectors," whose territory may thus overlap that of a number of circuit inspectors and may even be coextensive with that of the whole Empire. Thus far, four such special inspectors have been provided for. One of them has charge of ship transportation on inland waterways, the second is intrusted with the inspection of public transportation enterprises in Vienna, and the remaining two have charge of the construction of waterways.[b]

Apart from the special inspectors and three clerical officials, the staff now consists of 1 central inspector, 9 chief inspectors, 39 inspectors, 1 female assistant, and 35 commissioners, making a total of 85 officials. Besides a regular salary, the amount of which, however, is exceedingly small when compared with the salaries of corresponding officials in France and England, these officials receive traveling expenses, office expenses, and certain other allowances for heating, light, periodicals, etc. The total expenditure in 1908 was 718,820 crowns ($145,920), exclusive of the salaries of the special inspectors.

The duties of the inspectors consist, generally speaking, in the enforcement of all industrial labor laws. In other words, they have charge of the application of the regulations concerning (1) the measures which employers must adopt to protect the life and health of their laborers; (2) the employment of laborers, the working period, and intervals for rest: (3) the lists of employees, workshop or factory rules, the payment of wages, and laborers' work books or certificates;

[a] An ordinance of April 6, 1909, raised the number to 38.

[b] In the latter part of 1909 the minister of commerce appointed two laboring men to positions on the inspectorial staff as assistant inspectors in the first circuit of Vienna. Both of these men were stone polishers; one of them for many years was an official of the stone masons' union. They will devote their attention especially to the inspection of labor in the building trades. Four women, moreover, were appointed as assistants to the inspectors at Prague, Graz, Brünn, and Lemberg; and a "consulting hygienist" designated.

and (4) the industrial training of apprentices. The official instructions provide as follows:

In the performance of their work the inspectors shall strive by means of sympathetic supervision not only to secure for laborers the benefits of the law, but also to cooperate tactfully with employers in securing the fulfillment of the obligations which the law imposes upon them.

For the performance of their official duties the inspectors must not accept remuneration of any kind whatsoever from employers or employees, and they shall refuse all offers of hospitality made by employers or employees. * * * They have no right to inspect the books, business records, or correspondence of employers. * * * They shall place the emphasis of their activity upon the de visu inspection of work places and personal oral intercourse with employers and laborers.

Inspectors are entitled to visit during the daytime all work places subject to the law, as well as the homes of the laborers when these homes are provided by the employer. For this purpose they must be equipped with cards made out annually by the chief administrative official of the Province. They may visit the work places at night only when work is being carried on therein.

The employer or his representative is entitled to accompany the inspector while visiting an industrial establishment. The inspector has the right to question any person in the establishment with regard to matters affecting the enforcement of the law, including the employer or his representative. This may be done in the absence of witnesses, but should be done without unnecessarily disturbing business operations. Refusal to permit the inspector to inspect an establishment or any part thereof, refusal to answer legitimate questions, giving false information, refusal to exhibit documents subject to the inspector's examination, and constraining other persons to impart false information are all subject to punishment by law.

Should the inspector detect failures to comply with the law, he shall request immediate compliance, and in the event of a refusal he shall report to the local authorities and ask that steps be taken to secure the imposition of the penalties provided for by law. The inspector's work ends here, except in the event that the decision of these authorities does not appear to be well founded, in which case he may secure an appeal to the next higher tribunal. If the decision of this tribunal appears to him unsatisfactory, he may set in motion the complex and slow machinery of an appeal to the imperial administrative authorities through the central inspector, a process requiring not only abundant time and incalculable "red tape," but an almost incredible amount of correspondence on the part of the inspector.[a]

[a] Lukinac; Die Gewerbe-Inspektion in Österreich, p. 37, Wien, 1908.

Inspectors are of course obligated not to divulge industrial secrets which come to their knowledge; the penalties for violating this obligation are severe and may amount to imprisonment for a period of 2 years. They must not be connected as employer or employee or beneficiary with any industrial enterprise.

Since the passage of the law of 1883 the inspectors have been burdened with several functions and tasks not imposed upon them originally, such as the investigation of causes of industrial accidents and the preparation of reports on certain assigned topics, e. g., on the hours of work in factories, on home industries, etc. Most critics agree that the amount of clerical work that devolves upon these officials constitutes a serious interference with the performance of their more important duties.

So much for the organization and functions of the inspectors. With regard to their activity, the principal source of official information consists of their reports,(a) issued annually since 1884.

The number of inspected establishments has increased from 2,564 in 1884 to 24,504 in 1908. This increase is largely due to the increased number of inspectors, of which there are now 85, whereas in 1884 there were only 9.

The following table furnishes a general survey of the activities of the inspectors since 1896:

NUMBER OF INDUSTRIAL ESTABLISHMENTS INSPECTED, NUMBER OF LABORERS IN SUCH ESTABLISHMENTS, AND NUMBER OF SAID LABORERS WHO ARE UNDER 16 YEARS OF AGE, 1897 TO 1908.

Year.	Total number of inspected establishments.	Factories inspected.	Number of laborers—	
			In inspected establishments.	Under 16 years of age.
1897	11,680	4,473	518,341	31,513
1898	11,057	4,724	561,941	33,971
1899	11,383	5,104	628,523	38,894
1900	15,393	6,315	702,855	42,261
1901	17,213	6,613	713,593	44,841
1902	16,733	7,711	773,356	44,948
1903	19,949	7,956	789,883	45,619
1904	21,242	8,435	893,463	51,630
1905	22,677	8,729	923,502	53,972
1906	22,493	8,343	884,448	51,822
1907	23,451	8,528	922,677	55,708
1908	24,504	9,126	983,553	59,840

How small a proportion of the children under 16 years of age employed in industrial concerns are comprised in the establishments inspected is disclosed by the following table, based on the industrial census of 1903, which shows that only one-fourth of the children under 16 actually employed in industrial concerns have the benefit of an inspector's visit during any single year.

a Berichte der k. k. Gewerbe-Inspektion, Wien, Verlag der Staatsdruckerei.

TOTAL EMPLOYEES AND NUMBER AND PER CENT OF MALE AND FEMALE EMPLOYEES UNDER 16 YEARS OF AGE, BY GROUPS OF INDUSTRIES.

Group of industries.	Total number of employees.	Employees under 16 years of age.			
		Male.	Female.	Total.	Per cent.
Slight modification of raw materials	172,750	4,216	609	4,825	2.8
Extraction of metals from ores	8,557	180	45	225	2.6
Stone, pottery, and glassware	233,949	10,083	2,856	12,939	5.5
Metal wares	260,094	21,449	1,580	23,029	8.9
Machines	144,424	9,178	122	9,300	6.4
Wood manufactures	240,149	15,591	1,687	17,278	7.2
Rubber manufactures	4,790	113	108	221	4.6
Leather, hair, and feather goods	44,759	2,873	140	3,013	6.7
Textiles	549,694	13,025	20,645	33,670	6.1
Papering and upholstering	6,671	872	14	886	13.2
Clothing trades	536,303	30,510	15,043	45,553	8.5
Paper	57,032	2,243	1,619	3,862	6.8
Food products	329,323	15,505	2,664	18,169	5.5
Hotels and taverns	283,072	5,818	3,729	9,547	3.4
Chemicals	55,059	597	470	1,067	1.9
Building trades	320,241	12,159	301	12,460	3.9
Graphic industries (printing, etc.)	35,135	2,119	533	2,652	7.5
Light and power plants	4,491	112	.....	112	2.5
Wandering trades	1,562	37	1	38	2.4
Total	3,286,955	146,680	52,166	198,846	6.0

A large proportion of the establishments visited by the inspectors are subject to the accident-insurance law and are inspected mainly by reason of that law—either for the purpose of making an investigation into the circumstances surrounding accidents that have taken place or with a view to seeing that the requisite precautions have been taken to prevent accidents. Thus, since 1900 approximately 80 per cent of the establishments inspected were subject to the accident-insurance law. Many of these, to be sure, were also subject to other laws designed to benefit the laboring classes. But it is none the less true that a large part of the work of the inspectors may be said to consist in securing the proper enforcement of the accident-insurance law, which applied in 1908 to 120,311 industrial establishments.

It has already been remarked that an undue share of the attention of the inspectors is taken up by clerical work. Thus, in 1908 the inspectors handled 167,214 "pieces" of correspondence, consisting of reports to higher officials, complaints to tribunals, letters of admonition to employers, answers to requests for permits, etc., an average of approximately 2,000 per inspector. While many of these were largely of a formal character, they included 17,789 consultations with, and reports to, various public authorities; some of the reports not only were lengthy but involved a considerable amount of personal investigation.

The number of instances in which the inspectors had occasion to admonish employers for noncompliance with the law and to demand its observance, and the number of cases in which violations were brought to the attention of the judicial authorities for judgment, has been as follows since 1899:

ADMONITIONS TO EMPLOYERS FOR VIOLATION OF THE CHILD-LABOR LAWS AND PROSECUTIONS DUE TO INSPECTORS, 1899 TO 1906.

Year.	Number of admonitions.	Prosecutions due to inspectors.(a)	Year.	Number of admonitions.	Prosecutions due to inspectors.(a)
1899	4,077	547	1903	5,375	732
1900	4,399	613	1904	4,799	641
1901	4,094	551	1905	4,617	753
1902	4,909	559	1906	4,076	811

[a] See p. 38 for the number due to outside sources.

The important point to be noted, however, is the activity of the inspectors in detecting violations of the provisions of the law concerning the employment of children. Upon this point the next table, concerning the illegal employment of persons under 16 years of age (and in some cases under 18 years of age) is instructive.

TOTAL CHILDREN INDUSTRIALLY EMPLOYED AND NUMBER EMPLOYED ILLEGALLY IN FACTORIES AND IN OTHER ESTABLISHMENTS, 1897 TO 1908.

Year.	Children illegally employed—		Total number of children employed industrially.	Year.	Children illegally employed—		Total number of children employed industrially.
	In factories.	In other establishments.			In factories.	In other establishments.	
1897	664	343	31,513	1903	812	409	45,619
1898	878	448	33,971	1904	982	385	51,630
1899	1,140	347	38,894	1905	1,008	236	53,972
1900	1,175	337	42,261	1906	927	307	51,822
1901	864	399	44,841	1907	798	434	55,708
1902	793	281	44,948	1908	968	423	59,840

It has already been noted, in stating the provisions of the labor laws, that so-called "factories" are subjected to a severer régime than the smaller industrial establishments. There were two principal reasons for this. In the first place, it was felt that the smaller concerns should be given an advantage over large-scale concerns. In the second place, it was believed that the obligatory corporate organization of the smaller concerns (*gewerbliche Genossenschaften*) could be relied upon to compel the observance of measures dictated by a reasonable regard for the rights of their employees. Experience has demonstrated the futility of this belief.

All of the provisions in behalf of the laboring classes [says Lukinac in his study of labor inspection in Austria] (a) are much more poorly observed in small industrial concerns than in factories. This is probably because factory laborers are better organized than those of the smaller concerns, and more apt to insist upon the observance of the laws in their behalf. But it often happens even in the fac-

[a] Die Gewerbe-Inspektion in Österreich, p. 79. Wien, 1908.

tories, and with the ready consent of the laborers themselves, that the provisions concerning the duration of work, pauses, changes of shifts, and the labor of children are not strictly observed.

Take, for instance, the prohibition of night work for children. Although persons under 14 years of age may not work in factories at all, while in other establishments they may be employed at the age of 12 years, and although violations of the law are much more likely to escape detection in the latter establishments than in the former, the illegal employment of persons under 16 years of age at night is more frequent in the smaller concerns than in the factories. In a careful study of the employment of children at night, Inspector Karl Hauck (a) states that—

in factories the prohibition of child labor between 8 o'clock at night and 5 o'clock in the morning gives rise to comparatively few violations of the law, whereas in small industrial plants a large number of infractions of this rule are noted. If we take the figures for the five years 1901 to 1905, we find that the average number of young persons employed illegally at night in factories is 44 per year, while in other industrial establishments the number is 124. * * * Approximately 0.35 per cent of all young persons employed industrially are discovered working at night contrary to the law. The actual proportion of violations of this provision of the law, however, is probably much larger, for the small industrial concerns are inspected less frequently than the factories. * * * The average number of laborers per establishment inspected was 42, which shows that the factories preponderated. * * * The inspectors visit, above all, the factories. * * * If they inspected the small concerns as often as the larger ones, the number of detected violations of the prohibition of night work would be legion. This state of affairs is aggravated by the fact that the small establishments are usually not satisfied with detaining their young employees half an hour or an hour after 8 p. m., but frequently continue work late in the night; at times it is carried on throughout the entire night and occasionally throughout the succeeding day as well. (b)

In my opinion [says the same writer], this excessive employment of children at night is a gross abuse. It must be borne in mind that the law fixes no maximum workday for smaller industrial establishments, and merely provides that young persons under 16 years of age shall not be employed earlier than 5 a. m. nor later than 8 p. m. These concerns thus enjoy a privilege so great that the permanent or temporary employment of young persons after 8 p. m. constitutes an unjustifiable exploitation. (c)

Another group of offenses of which the smaller concerns are found guilty more frequently than the larger establishments consists in the

a Die Nachtarbeit der Jugendlichen in der österreichischen Industrie, p. 9. Wien, 1907.

b Idem, p. 14.

c Idem, p. 15.

illegal treatment of apprentices. The inspectors complain every year that the owners of smaller plants are too often incapable of training their apprentices properly. The conditions of their employment were reported in 1902 as "very unfortunate." In addition to being used to perform all manner of services not connected with the occupation they are supposed to be learning, the insanitary condition of the places in which the children sleep, the gross treatment to which they are subjected, the moral dangers to which they are exposed, their frequent employment at night and the excessively long and illegal periods of work are the items most frequently noted in the reports of the inspectors for 1889, 1894, 1895, 1898, and 1904.

The places in which apprentices sleep are characterized thus in the general report for 1899: "Dark and badly ventilated workrooms, kitchens, garrets, dark and damp cellars, are considered good enough to serve as sleeping places for young employees." In bakeries, it is reported, the journeymen and apprentices sometimes sleep in the rooms where the flour is stored, or in apartments immediately adjoining the bake ovens. One master potter had his apprentice sleep in the winter in an empty oven; and in Budweis the inspector discovered that an apprentice had been assigned to the kitchen as his sleeping room and shared it with the maid of all work.

In 1906 one inspector reported that 8 cabinetmakers' apprentices slept in two beds; that a wagon builder had his apprentice sleep on a shelf hung from the ceiling of a workroom and accessible by means of a ladder; that among shoemakers' apprentices the workrooms serve frequently not only as kitchens, but as sleeping rooms for several employees and members of the master's family. The inspector at Kromotau found that a fairly satisfactory room, previously assigned at his suggestion to an apprentice to sleep in, had been rented to the local branch of a society for the prevention of tuberculosis, and the apprentice forced to resume his old night quarters in a sort of improvised bunk in the workshop. In tanneries, journeymen and apprentices often sleep in the drying and currying rooms.[a]

Both the general and the technical education of the apprentices is reported as sadly neglected. Masters, regardless of the law, do not grant the time necessary to attend the "continuation schools." A tailor in Kärnten (Carinthia) refused to let his two apprentices go to school unless they made up the "lost time" by additional work. A cabinetmaker considered it superfluous to send his apprentice to school, because the boy was "too stupid anyway." The apprentices themselves appear to profit relatively little by their attendance at continuation schools—which is comprehensible, in view of the fact that

[a] Berichte der k. k. Gewerbe-Inspektion, 1906, pp. xcii, etc.

the schools meet at night when the children are tired out by the day's work. Especially in "factories," apprentices are often engaged without the contract required by law. The inspector at Lemberg found an apprentice in 1905 who had served 12 years with various master cabinetmakers without ever having had a contract with any of them. This is, of course, an exceptional case. Not so, however, the apprenticeship of children in factories in which the division of labor is so detailed that the simple work they are required to perform day in and day out is of next to no value as a form of industrial training, and the very term "apprentice" is little more than a pathetic anachronism.

The Austrian inspectors do not seem to have obtained the same degree of cooperation on the part of laborers as that of which their French and Swiss colleagues boast, although of recent years some socialistic labor organizations have undertaken to keep the inspectors informed of violations of the law. An interesting development of the past few years, moreover, consists of the organization of young laborers, particularly apprentices, into associations designed to secure better working conditions, better general and technical education, and, above all, political influence. These organizations are divided into two main groups, one under the control of the so-called "Christian Social" party, the other under socialistic domination.([a])

But as a rule the inspectors count little upon the cooperation of the laborers themselves. Says Inspector Karl Hauck in a special report on night work which has already been quoted:

> It might be supposed that the laborers themselves could be persuaded to exercise a sort of supervision with regard to the enforcement of the laws; for example, by having the important provisions of the law posted conspicuously in the work places. * * * But experience teaches that the help of the laborers is little to be counted upon, particularly when they derive no direct personal benefits therefrom. A journeyman shoemaker once told me, when I complained of the excessive hours that his apprentice worked, "You don't suppose that I ought to let him stroll about the streets at 8 o'clock while I, the journeyman, have to remain here and work until late at night because he is not here to help me?" He expressed the opinion of 99 per cent of his class, for hardly ever do the authorities receive information from journeymen with regard to the illegal employment of apprentices, unless the former have been discharged by their employer.([b])

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[a] The socialistic organizations publish a monthly periodical, Der Jugendliche Arbeiter, and have undertaken an active campaign in behalf of apprentices. Consult: Lehrlingschutz. Eine Sammlung von Gesuchen und Klagen nebst Erläuterangen, by Dr. Fritz Winter, Wien, 1909, and the article on "Österreichische Jugendorganization" in the socialist periodical Der Kampf of August 1, 1908.

[b] Hauck: Die Nachtarbeit der Jugendlichen in der österreichischen Industrie, p. 16. Wien, 1907.

The same writer makes the statement that the provisions of the law concerning apprentices in mercantile establishments "are very little observed, especially in the smaller cities."(a)

Regarding the widespread illegal employment of children at night in bakeries he declares: "I do not remember a single case in which a laborer has called my attention to a violation of the rules regarding apprentices while he was still in the employ of the master he denounced. Even the cases in which discharged laborers in quest of vengeance have reported such infractions are rare." For the average laborer the sweetest fat is that which clings to his own bones; and the journeyman finds no objection to having the apprentice perform certain tasks that lighten his own work, whether they are allowed by law or not.(b)

The difficulties of enforcing the law in establishments carrying on work at night, particularly in small bakeries, are as great as the reluctance of employers to observe its provisions. In bakeries, it will be remembered, boys under 16 may be employed at night for 4 hours at so-called "table work" (cutting dough, etc.). But it is hard for the inspector to gain prompt admission to the shops; and when, after repeated knocks and much shouting, he is admitted, it sometimes happens that the apprentice has meanwhile been put into bed—even with his clothes on—or that he is hurriedly called away from the work of carrying coal, chopping wood, sieving flour, etc., and put to work at the "table."

The infrequency with which the smaller establishments are visited is partly due to the fact that they are scattered over a large area. Inspecting them involves a great expenditure of time on the part of the inspectors, for the sake of a relatively small number of "protected" persons. It is due, furthermore, to the insufficient number of inspectors. During the years 1900 to 1906 the average number of "factories" was 12,438, and the number inspected annually was approximately 65 per cent of this total. In other words, each factory is visited on the average once in 18 months. During the 9 years 1898 to 1906 the average number of smaller industrial establishments inspected annually was 10,419; and inasmuch as the number of establishments subject to the labor laws in 1902—the middle date of the period considered—was 617,855, it follows that 1.68 per cent of them are visited annually by the inspectors. Under present circumstances, therefore, it would take more than 59 years for the inspectors to visit every industrial establishment.(c) To be sure, many of the unvisited

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a Die Nachtarbeit der Jugendlichen in der österreichischen Industrie, p. 18. Wien, 1907.

b Idem, p. 30.

c A few of the establishments inspected are visited more than once. Thus, in 1908, 1,208 were visited twice and 179 were visited three or more times. Also, there were 209 night visits of inspection and 341 visits made on Sundays.

establishments are small and employ few laborers, but these laborers are entitled to the benefits of the law as well as those in the larger enterprises. Certainly there can be little question of the desirability of providing at least for the regular inspection of the establishments using mechanical motive power, in which the danger of accidents is as a rule greater than in other concerns. Yet only 8.16 per cent of these establishments are inspected annually; hence it would take over 12 years, at the present rate of inspection, to visit them all at least once.[a] It is manifest that under existing circumstances, and without a considerable increase in the staff of inspection officials, the service of inspection is practically nonexistent for a large number of concerns nominally subject to the labor laws. Some improvement could be achieved by relieving the inspectors of the burdensome and time-consuming clerical labor to which reference has already been made.

The inadequacy of the present number of inspectors, the excessive burden of work that now devolves upon them, and the difficulties they experience in detecting violations of the provisions of the law in favor of child workers should be kept in mind in considering the number of infractions [b] reported from year to year by the inspectors, which we shall discuss in the following paragraphs.

The five important groups of offenses to be considered in this connection are: (1) Violations of the provisions concerning the age of admission; (2) violations of the rules concerning the maximum number of hours' work and the duration of pauses for rest; (3) violations of the prohibition or limitation of night work; (4) violations of the rules regarding the employment of children in dangerous or unhealthful industries, occupations, or processes; (5) violations of the provisions concerning apprentices. These five groups of offenses will be discussed in the order named, with particular reference to recent reports of the inspectors.

(1) As regards the age of admission of children to industrial labor, the law sets up two standards. In " factories "—which may be briefly but imperfectly defined as including those establishments subject to the law in which more than 20 laborers are employed—the age of admission is 14 years. But in other industrial establishments subject to the law the age of admission is 12 years.

It has already been said that the inspectors can not possibly discover all the violations of the law. A rather convincing proof of this

[a] Lukinac: Op. cit., p. 87. The average number of plants using mechanical motive power for the years 1901 to 1906 was 89,590; the average number visited annually was 7,315.

[b] The total number of violations of the provisions concerning child labor is given in the table on p. 38.

statement, with regard to the employment of children under the legal age of admission, is furnished by the results of an unofficial investigation (p. 39) made in 1900 by a national organization of schoolteachers. This investigation disclosed that in the second circuit alone, in 1900, 30 children of school age were found working in peat bogs that employed more than 20 laborers, and therefore fell under the head of "factories," in which children under 14 years of age can not legally be employed. The inspector knew nothing of this, although 16 of the children were 13 years old, 5 were 12 years old, 4 were 11 years old, 3 were 10 years old, 1 was 9, and another 7 years old; 20 had begun to work before the age of 10 years, and 11 at the age of 6 years.

The industries in which children under the legal age are most numerously employed are the manufacture of bricks, tiles, glassware, and pottery. This group of industries (among the factories) furnishes more than 50 per cent of the offenses. Next come the textile industries, metal manufactures, and the manufacture of food products.

In brick and tile works the inspectors every year find young children at work with their parents. Many of them are of Italian birth. At the age of 8 or 10 years they are considered fit to help, and during the busy season the children, like their parents, frequently work, with short interruptions, from 5 o'clock in the morning until 8 at night. In 1899, the inspector of the second circuit, to which reference has just been made, found 2 Italian children under 12, and 23 between 12 and 14 years of age, employed in large brick works. In 1900, a teachers' investigation ([a]) found 288 school children working in six localities in the second circuit; 40 began work at the age of 6 years, 50 at the age of 7, 28 at the age of 8, 34 at the age of 9, and 41 at 10 years of age; 77 worked on Sundays and holidays. Their school attendance was very unsatisfactory. Two hundred and seventy-two of these children were absent for a total of 5,339 half-day sessions in the period between February 15 and May 15. Similar facts from other parts of the Empire led Kraus to declare, in the report from which the above data are taken: "There seem to be no brick works in Austria in which children are not employed. ([b])

The employers disclaim all responsibility for the presence of the children under admissible age, and the parents declare that the children are employed to take care of their younger brothers and sisters and not to do any real work. Nevertheless, employers in many localities use their influence to hasten the closing of schools in the summer.

[a] Kraus. Kinderarbeit und gesetzlicher Kinderschutz in Österreich, p. 89. Wien, 1903.

[b] Idem, p. 91.

Conditions are similar in glassworks, save that the work at which young children are frequently employed therein is more dangerous, more exhausting, and more apt to retard physical development.

The extent of the illegal employment of children under age is indicated by the following table:

NUMBER OF CASES OF ILLEGAL EMPLOYMENT OF CHILDREN UNDER THE AGE OF ADMISSION.

Year.	Cases of illegal employment of children.			
	Under 12 years, in factories.	Under 12 years, in other establishments.	Under 14 years, in factories.	Total.
1901	78	54	366	498
1902	36	19	439	494
1903	69	52	322	443
1904	32	55	368	455
1905	34	19	308	361
1906	20	45	286	351
1907	25	81	427	533
1908	51	46	480	577

Among the children under 14 years of age employed illegally were 26 girls under 14, who worked 10½ hours a day in a silk factory; 4 of them were under 11 years of age. In a Bohemian brick works a boy 7 years old was employed as a laborer. Several 9-year-old boys were found working in leather and celluloid factories.

The industries most frequently detected violating the provisions concerning the age of admission were the following:

NUMBER OF CASES OF ILLEGAL EMPLOYMENT OF CHILDREN UNDER THE AGE OF ADMISSION IN EACH INDUSTRIAL GROUP, 1901 TO 1908.

Industrial group.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.
Pottery, glassware, etc.	294	302	288	190	228	177	296	335
Textiles	15	84	29	48	28	47	48	68
Building trades	1	.....	2	22	25	12	19	9
Clothing trades	7	10	35	49	2	42	56	44
Food products (bakeries, etc.)	31	63	32	84	8	21	22	22
Paper	11	9	6	12	4	6	27	13
Other	139	26	51	55	66	46	65	86
Total	498	494	443	455	361	351	533	577

(2) Concerning the hours of work and the duration of pauses for rest, it is provided that in establishments not included under the term " factories " children between 12 and 14 years of age may not be employed at work that will injure their health, retard their physical development, or interfere with their attendance at school; that they may not work more than eight hours a day; and that there shall be pauses for rest amounting to 1½ hours per work day.

The violations of these provisions since 1901 and the main industrial groups concerned therein have been as follows:

NUMBER OF CASES OF VIOLATIONS OF THE PROVISIONS OF THE LAW RELATIVE TO INJURY TO HEALTH, PAUSES FOR REST, ETC., IN EACH INDUSTRIAL GROUP, 1901 TO 1908.

Industrial group.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.
Pottery, glassware, etc	62	32	37	32	29	31	38	44
Textiles	.....	8	4	12	14	14	32	11
Clothing trades	24	1	38	49	2	43	32	62
Food products	8	3	23	10	8	.....	25	16
Building trades	17	13	27	.....	2	4	11	19
Paper	11	.....	2	1	8	.....	8	3
Other	36	6	24	38	30	21	26	39
Total	158	63	155	142	93	113	172	194

(3) Reference has already been made to illegal night work as an example of the difficulties encountered by the inspectors in performing their duties. Hence little need be added on this subject. From the very beginning of regular official inspection, in 1884, the annual reports indicate that infractions of these provisions are most numerous in the smaller concerns, especially in bakeries (classified under "food products") and mercantile establishments (*Handelsgewerbe*), as the following table shows:

CHILDREN UNDER 16 YEARS OF AGE EMPLOYED ILLEGALLY AT NIGHT IN EACH INDUSTRIAL GROUP, 1901 TO 1907.

Industrial group.	1901.		1902.		1903.		1904.		1905.		1906.		1907.	
	Factories.	Other establishm'ts.	Factories.	Other establishm'ts.	Factories.	Other establishm'ts.	Factories.	Other establishm'ts.	Factories.	Other establishm'ts.	Factories.	Other establishm'ts.	Factories.	Other establishm'ts.
Food products	.....	110	.....	86	4	116	.....	123	.....	58	.....	79	4	96
Clothing trades	.....	7	.....	12	.....	9	.....	16	.....	19	.....	2	.....	6
Metal manufactures	.....	.....	5	3	32	2	7	6	4	1	13	.....	74	.....
Hotels and taverns	.....	5	.....	4	.....	1	.....	2	.....	3	.....	2	.....	3
Pottery, glassware, etc	12	2	2	.....	5	.....	20	.....	9	3	15	10	85	7
Paper	2	.....	.....	.....	.....	.....	31	.....	15	.....	2	.....	11	.....
Chemicals	.....	.....	1	.....	6	.....	14	.....	2	.....	.....	.....	5	.....
Other	10	5	6	2	8	2	6	.....	16	16	18	19	58	24
Total	24	129	14	107	55	130	78	147	46	100	48	112	237	136
	153		121		185		225		146		160		373	

The exceptionally large number of children found working illegally at night in pottery and glass works in 1907 is mainly due to the discovery of 62 girls under age employed in a bottle manufactory in the Tetschen district; these girls were divided into two shifts, one working from 4.30 a. m. to 1.30 p. m., the other from 2 p. m. until 11.30 p. m. or until midnight. In the manufacture of wire rope children are reported as frequently working at night.

(4) Concerning the illegal employment of children in dangerous or unhealthful occupations, the following violations of the law were discovered:

CHILDREN UNDER 16 YEARS OF AGE EMPLOYED ILLEGALLY IN DANGEROUS OR UNHEALTHFUL OCCUPATIONS, 1901 TO 1908.

Year.	Children employed illegally.			Year.	Children employed illegally.		
	In factories.	In other establishments.	Total.		In factories.	In other establishments.	Total.
1901	250	24	274	1905	175	8	183
1902	166	38	204	1906	185	15	200
1903	131	38	269	1907	107	40	147
1904	197	31	228	1908	108	23	131

The main offenders in this respect are indicated in the next table:

CHILDREN UNDER 16 YEARS OF AGE EMPLOYED ILLEGALLY IN DANGEROUS OR UNHEALTHFUL OCCUPATIONS, BY INDUSTRIES, 1901 TO 1908.

Industry.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.
Chemicals	130	64	76	130	83	144	75	38
Leather, hair, and feather goods	13	15	11	.....	1	3	34	1
Pottery, glassware, etc	21	50	29	39	67	21	9	17
Wood manufactures	21	39	18	18	11	10	9	13
Printing, engraving, etc	2	6	1	12	1	.....	11	5
Other	87	30	133	29	20	22	9	57
Total	274	204	269	228	183	200	147	131

(5) Reference has already been made to the unfortunate conditions under which apprentices live. The conditions of their employment as regards wages, hours of work, etc., are no more satisfactory. There are, to be sure, establishments, especially among the larger ones, which not only comply fully with the terms of the law, but which have upon their own initiative provided their apprentices and young employees with comforts and advantages far beyond the measure of the law. Thus, for example, a machine manufacturer in Brunn fitted up a model workshop in connection with the continuation school and equipped it with up-to-date machines; and in Prague an excellent technical school for bookbinders' apprentices has been established and all the apprentices in the trade are enabled to acquire a practical knowledge of all branches of bookbinding.(a)

But in many places the technical training of female apprentices is insufficiently provided for, because of the absence of suitable schools for this purpose. Some establishments, to remedy this defect, have established technical continuation schools at their own expense.

[a] Berichte der k. k. Gewerbe-Inspektion, 1907, p. cxxvii.

In many occupations, however, little or nothing is done to provide apprentices with the requisite training; and some of the inspectors report that evening trade schools have taken the place of afternoon schools, upon the insistence of employers.

Violations of the provision that masters must see to it that their apprentices are properly trained and subjected neither to excessive work nor to immoral influences are difficult to detect. Very few are reported by the inspectors. The maltreatment of apprentices is, however, no uncommon occurrence, and frequently leads to criminal prosecution of masters and journeymen.

Concerning the penalties imposed for violations of the law the reports of the inspectors furnish lamentably little information. Such information as is available indicates (1) that the proverbial "law's delay" is exceedingly common in cases concerning the infraction of the labor laws; (2) that the fines imposed are as a rule very low; (3) that severe penalties for frequently repeated violations of the law by the same employer are extremely uncommon.(a)

The procrastination of the authorities in punishing offenders became so common and so flagrant that in 1896 the minister of commerce found it necessary to urge prompter action, particularly with regard to punishing violations of the provisions concerning the protection of the health and safety of employees. Unfortunately this intervention led to very little improvement in the subsequent years.

The conditions reported in 1906 and 1907, hereafter summarized, are fairly typical of the action of the authorities upon repeated violations of the law.

In 1906, 811 cases were brought before the tribunals and at the end of the year 418 had been acted upon. In 205 of these cases employers were compelled to carry out the measures demanded by the inspectors (with regard to safety appliances, etc.). In 32 cases the offenders were "admonished" and usually threatened with a fine if the admonition should not be heeded. In 123 cases fines were imposed, amounting in all to 6,737 crowns ($1,367.61), or an average of 54.77 crowns ($11.12) per case. In one case the penalty was imprisonment for 48 hours. In 4 cases the establishment was closed by order of the authorities. In 49 cases it was proved that the law had been complied with since the complaint was filed. In 4 cases no action was taken.

The corresponding data for 1907 are as follows: Cases brought to the attention of the authorities, 582; reported as acted upon at the end of the year, 322. In 161 cases the courts ordered employers to comply with the demands of the inspectors. Admonitions and threats of fine in case of continued violation of the law, 14 cases. In 106 cases fines

(a) Thus the compulsory closing of an establishment for grave and repeated offenses occurred in only 4 cases in 1906, and in 8 cases in 1907.

were imposed, amounting in all to 4,370 crowns ($887.11), or an average of 41.23 crowns ($8.37) per case. In 8 cases the establishment was compulsorily closed by the courts. In 24 cases the demands of the inspectors had been complied with since complaint was filed. In 9 cases no action was taken (because of the death of the employer, etc.).

It must be noted that in the above figures the number of offenses does not coincide with the number of "cases"—a single case usually involves several offenses and may involve any number. Hence the average fine per "case" by no means coincides with the average penalty per violation of the law. As a matter of fact, the average fine per violation is very small, as the inspectors frequently complain. For offenses that have been repeated two or three times penalties of 10 to 15 crowns ($2.03 to $3.05) are not at all uncommon.

The above data for 1906 and 1907, however, are not complete. They concern only the cases arising out of complaints made by the inspectors as the result of their own investigations, and do not include the cases brought to the attention of the authorities from other sources.

The number of cases thus reported is by no means inconsiderable when compared with those due to the exclusive efforts of the inspectors, as the following table indicates:

CASES OF VIOLATION OF CHILD-LABOR LAWS REPORTED FOR ACTION, 1896 TO 1907.

Year.	Cases due to—		Year.	Cases due to—	
	Inspectors.	Others.		Inspectors.	Others.
1896	853	174	1902	559	275
1897	676	95	1903	732	262
1898	495	96	1904	641	314
1899	547	94	1905	753	354
1900	613	135	1906	811	395
1901	551	160	1907	582	435

It is to be remarked that few of the cases due to outside sources concern the violation of the provisions of the law concerning children. Many of them, reported by the police authorities, have to do with infractions of the workmen's insurance laws and with the erection of establishments without having first obtained the requisite permission.

EXTENT AND NATURE OF CHILD LABOR.

Manifestly the number of children discovered by the inspectors in the course of their visits to establishments subject to the labor laws falls far short of the number of children actually engaged in gainful occupations. The labor laws apply only to certain groups of industrial establishments, and of these establishments not all are visited by the inspectors. Hence the reports of the inspectors furnish a very

incomplete picture of child-labor conditions. It needs to be completed by information concerning the children employed in establishments not visited, concerning the children in industrial establishments not subject to the labor laws, and concerning the children who work outside of industries—i. e., in agriculture, in commerce, in transportation, in domestic service. A complete presentation of the status of child labor, however, was never seriously undertaken in Austria until circumstances to which reference will presently be made led to the investigation of December 31, 1907, which is probably the most recent special official investigation of the kind carried on in continental Europe.

Previous to this undertaking an interesting though unofficial and fragmentary investigation was carried on in 1900 by Siegmund Kraus, with the aid of a national organization of school teachers, and the result published in 1904.(a) The Imperial Statistical Commission also made an investigation of the extent of child labor in 1900. In view of the much larger scope and the official character of the investigation of 1907, little space will be given to a summary of Kraus's report, so that more attention may be devoted to the results of the subsequent official investigation.

Kraus's investigation comprised 80,859 children, of whom 23,016 (28.5 per cent) were engaged in gainful occupations. Of those gainfully employed, 15,679 were engaged in agricultural labor, 2,646 in domestic service, 2,383 in industry, and the remainder in numerous other occupations. All of the children comprised in the investigation were under 14 years of age. Concerning 5,746, the exact age was not reported. Of the 17,270 working children whose age was given, 992, or 5.8 per cent, were under 8; 2,609, or 15.1 per cent, were between 8 and 10; 4,219, or 24.4 per cent, were between 10 and 12; and 9,450, or 54.7 per cent, were over 12 years of age.

The agitation for a new law (b) regulating the employment of children, and particularly the proposal to include in such a measure the regulation of child labor not only in factories, but also in home industries, in commerce, and even in agriculture, emphasized the desirability—not to say the necessity—of a careful investigation of the actual conditions of child labor in Austria. The Ministry of Commerce, therefore, in conjunction with other branches of the Imperial Government, planned such an investigation, some of the results of which have already been published in the Soziale Rundschau, the official monthly organ of the Austrian Bureau of Labor Statistics.

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[a] Siegmund Kraus: Kinderarbeit und gesetzlicher Kinderschutz in Österreich. Wien, 1904.

[b] In December, 1903, and again in 1909, Doctor Ofner, a member of the Lower House, introduced a child-labor bill. This bill is likely, after modification, soon to become a law.

This investigation is of particular interest because of the apparently careful and conscientious method by which it has been carried on and of the completeness and up-to-dateness of its results.

The investigation, however, is not complete in the sense of including the whole country, for it was decided not to extend the inquiry to all the working children in the Empire, but to select in the different Provinces certain typical regions—regions representing the greatest variety of economic conditions, such as large cities; industrial centers; centers of home industries; small towns and villages without noteworthy industries or home manufactures; regions mainly devoted to agriculture, to cattle raising, to forestry, and to wine, fruit, and vegetable culture. The field work was intrusted to the teachers and officials of primary and secondary schools, aided in some parts of the country by those of the "repetition" and "continuation" schools. The lists of questions, which relate to school children under 14 years of age, were prepared by the Bureau of Labor Statistics and consist of three series, a so-called "school" questionnaire, a "class" questionnaire, and an "individual" questionnaire.

The school questionnaire, to be filled out by the school directors, contains questions with regard to the organization of instruction, and furnishes an opportunity for these officials (after local conferences with each other, if possible) to express their opinions and state their experiences concerning the nature and extent of child labor in their respective jurisdictions. It was also planned that the school physician, or some other cooperating physician, should in this connection make a report concerning the effects of labor upon the health of the school children.

The class questionnaire is less detailed. Its principal object is to ascertain the number of children in each class, their age, and sex, and the number engaged in gainful occupations.

The most important list of questions is that contained in the individual questionnaire, to be filled out for every school child under 14 years of age that did any work during the school year 1907–8 or during the summer holidays preceding the school year, no matter what kind of work it may have been, regardless of the receipt or nonreceipt of wages for such work and whether the work was done at home or elsewhere. Teachers were instructed to fill out such a questionnaire in the case of every school child in their charge, except those that did no work whatever or only incidentally helped their parents, or the persons with whom they lived. The principal questions concern the age, sex, and family conditions of the child, the nature and hours of employment, the wages or other compensation received, the physical condition of the child, the regularity of school attendance, and the child's educational status.

In the selection of the regions drawn into the scope of the investigation, the bureau of labor statistics solicited detailed reports from local boards of trade and commerce, local agricultural organizations, and similar bodies. It was decided, moreover, to include all those sections of the Empire in which the employment of children is known to be carried on extensively or in which their labor is known to be especially intensive. In the selection of these sections use was made of such private or public partial investigations as had already been made upon this subject, especially the reports of the factory inspectors on home industries. The local school boards were likewise consulted and the reports of some of the trade unions. The Bureau of Labor Statistics furthermore specifically included children in orphanages and foundling asylums because "experience shows that these children are frequently compelled to work."(a)

The regions ultimately included within the scope of the investigation contain between 15 and 20 per cent of the total population of the Provinces to which they belong, and in all probability contain a like proportion of the total number of children in these Provinces.

In all, 438,249 circular lists of questions were sent out. Of these, over 400,000 were "individual" questionnaires. Over 300,000 answers have been received, and in the compilation of the results approximately two-thirds of these answers were used.

It is expected that the entire report upon the results of the investigation will be published before the end of the year 1910. Meanwhile, provisional results have been published, for certain Provinces,(b) in the "Soziale Rundschau" for October and November, 1908, and January, February, March, April, May, June, July, September, October, and November, 1909.

UPPER AUSTRIA.

The first results published were those concerning Upper Austria. In this Province there were, in 1900, 567 private and public elementary schools with 118,952 children. The child labor investigation covered 116 of these schools, containing approximately 24,500 pupils, 12,400 boys and 12,100 girls. The schools included were scattered throughout the Province—73 in country regions, 20 in villages, and 23 in towns. The answers to the "individual" questionnaires were complete and accurate enough to be used in the cases of 18,230 children—9,537 boys and 8,693 girls.

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[a] Soziale Rundschau, October, 1908, p. 354.

[b] Strictly speaking, the larger political subdivisions of the Austrian Empire are not all called Provinces. For the sake of convenience, however, this designation has been used throughout the section of this article which relates to Austria.

Of the 18,230 children thus concerned, 6,168, or 33.8 per cent, worked. The schoolboys who worked numbered 3,328, or 34.9 per cent of the total number of boys; and the schoolgirls, 2,840, or 32.7 per cent of the total number. But the proportion of working children varied considerably in different regions of the Province. In the city schools only 18.3 per cent of the pupils worked. In the country and village schools over 40 per cent worked.

Considering the family relations of children it is found that a larger proportion of the illegitimate children worked than of the legitimate or legitimatized children. The same is true of orphaned children compared with those whose parents are living, as the following table shows:

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	16,310	5,423	33.2
Both parents living	14,458	4,709	32.6
One parent living	1,700	646	38.0
Both parents dead	152	68	44.7
Illegitimate	1,920	745	38.8
Motherless	182	80	44.0

It is, of course, manifest that the age of the children influences the extent to which they are employed to work. Upon this point the investigation showed the following results:

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children.	Children at work.	
		Number.	Per cent.
6 to 8 years	5,912	893	15.1
9 to 10 years	4,664	1,451	31.1
11 to 12 years	5,056	2,420	47.9
13 to 14 years	2,598	1,404	54.0
Total	18,230	6,168	33.8

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION, BY SEX.

Occupation.	Children employed in each specified occupation.					
	Total.		Boys.		Girls.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Agriculture	1,651	26.8	1,186	35.6	465	16.4
Domestic service	1,819	29.5	663	19.9	1,156	40.7
Industry (including home industries)	174	2.8	142	4.3	32	1.1
Hotels, taverns, and restaurants	104	1.7	75	2.3	29	1.0
Trade and transportation	26	.4	13	.4	13	.5
Delivering goods	112	1.8	91	2.7	21	.8
Other occupations	21	.3	17	.5	4	.1
Agriculture and domestic service combined	1,892	30.7	892	26.8	1,000	35.2
Other combinations of the above occupations	369	6.0	249	7.5	120	4.2
Total	6,168	100.0	3,328	100.0	2,840	100.0

It appears from this table that in Upper Austria agriculture and domestic service, or a combination of both, are the main occupations of the school children who work, 87 per cent being engaged therein.

Of the school children employed in agriculture, 71.8 per cent were boys; of those employed in domestic service, 63.5 per cent were girls.

The answers to the question at what age children began to work in agriculture, domestic service, or a combination of both, showed, out of the total number of 5,362, the following:

NUMBER OF SCHOOL CHILDREN BEGINNING WORK AT SPECIFIED AGES.

Age at beginning work.	Number of children.	Age at beginning work.	Number of children.
4 years or earlier	14	10 years	733
5 years	305	11 years	336
6 years	1,274	12 years	289
7 years	1,125	13 years	32
8 years	712	14 years	1
9 years	541		

Thus it appears that half of the working school children began work before they were 8 years old and that a considerable number began work before they attained the school age of 6 years. These extremely young children were employed to carry wood and water, at domestic labor, in picking fruit and potatoes, cutting potatoes and beets, gardening, watching and feeding cattle, driving oxen, and "minding" children.

Important in connection with child labor is the question whether the children are employed by their own parents and relatives or by other persons. Concerning this aspect of the problem the following table is suggestive:

NUMBER AND PER CENT OF SCHOOL CHILDREN WHO WORK FOR RELATIVES AND FOR OTHER PERSONS, BY OCCUPATIONS.

Occupation.	Total children employed.	Children employed by relatives.		Children employed by others.		Children employed partly by relatives and partly by others.
		Number.	Per cent.	Number.	Per cent.	
Agriculture	1,651	1,218	73.8	383	23.2	50
Domestic service	1,819	1,642	90.3	129	7.1	48
Agriculture and domestic service combined	1,892	1,447	76.5	320	16.9	125

The practice of employing children 12 or 13 years of age as stable boys, farm hands, kitchen maids, and children's nurses in the service of outside persons (that is to say, not relatives) for terms of one year or for the school holidays is a fairly common one in Upper Austria. Usually the contract for such employment requires the children to begin work on May 1, as the school year usually closes at the end of April; and inasmuch as the seventh and eighth school years involve for most children fewer hours of attendance than the preceding years—3 to 7 hours a week instead of 24 to 30—many of them enter an employer's service immediately at the close of the sixth school year. It is not uncommon for children to migrate from the communes in which the school requirements are more severe to neighboring communes in which they are less severe with regard to the number of hours of attendance required after the sixth school year.

With regard to the wages paid children engaged in agriculture or domestic service or a combination of both, it was found that of the 5,362 school children engaged in these occupations 120 received money wages, 330 were paid in goods, and 553 were paid partly in money and partly in goods, whereas 4,359 received no wages at all. Only 26.8 per cent of the children employed in agriculture received any compensation for their services; this is largely due to the fact that these children usually work for their own parents. More of the boys, however, are employed by nonrelatives than of the girls; 31.1 per cent of the former receive wages and only 15.7 per cent of the latter. The children put down as "paid in goods" receive, as a rule, food, lodging, and some of their clothes. In domestic service a considerable proportion of the girls are employed by others than their parents, and 11.3 per cent of those thus employed receive wages, whereas only 5.9 per cent of the boys in domestic service are paid. The children under 12 years who work for other persons than their

own parents receive in exchange for their services, as a rule, only food and lodging and a few clothes; their parents are glad to have "one mouth less to feed," although these children occasionally get 1 or 2 crowns (20.3 to 40.6 cents) a month in money wages. Children in the seventh and eighth school years, not being required to attend school more than a few hours a week, receive more. When employed as domestic servants they usually receive, in addition to board and lodging, an "outfit" of clothes, and from 20 to 70 crowns ($4.06 to $14.21) a year.[a] The outfit consists generally of 1 or 2 pairs of shoes, 2 or 3 shirts, 1 suit of clothes, 2 aprons, 2 pairs of stockings, etc. Sometimes, though rarely, the employer pays for a child's services by giving the use of a portion of land to the child's parents.

Outside of agriculture and domestic service the wages of children are difficult to ascertain and to compare. They differ not only in amount, but also in the method of payment. For pasting 1,000 paper bags children get 10 to 30 hellers (2 to 6 cents); for delivering newspapers daily the pay is 2 to 7 crowns (40.6 cents to $1.42) a month; for delivering bread, 80 hellers (16 cents) a week; for furnishing music in taverns, 20 hellers to 1 crown (4 to 20.3 cents) per night and free meals; for setting up tenpins, 20 hellers (4 cents) per hour, 1 crown (20.3 cents) per afternoon, or 2 crowns (40.6 cents) per night, together with free beer. In many cases the children receive for smaller services, such as delivering goods, only a "tip."

With regard to the physical effects of child labor the Bureau of Labor Statistics reports that the results of the investigation were not so complete as had been anticipated. A considerable number of physicians, however, cooperated with the teachers and sent in valuable statements. Some of them, especially physicians in regions where children are largely employed in agriculture and light household services, report no evil consequences of child labor. The majority, however, note the harmful effects of excessive labor upon the child's bodily development, particularly arrested growth, and troubles of the heart which result in premature invalidity. It is expressly pointed out by some of them that the disadvantages of such invalidity for the community are much greater than the momentary economic gain obtained through the labor of the children. This is particularly true in the case of children whose strength is not only overtaxed, but whose food is insufficient and who live in unsuitable quarters—a combination of unfortunate circumstances very apt to occur among children of poor families. Fully as injurious, according to the school physicians, as insufficient food, overwork, and bad quarters is the habit of very early rising, common in agriculture; it robs the children

[a] The average is about 30 crowns ($6.09) in Upper Austria.

of the sleep they absolutely need. Late in the fall, moreover, when children are not provided with warm clothes and good shoes and are frequently employed to take care of cattle, they are particularly exposed to affections of the respiratory organs. Again, carrying burdens (like bearing children in their arms, or taking farm products to distant markets) often gives rise to curvature of the spine. Equally dangerous is the employing of young children for too long periods at threshing (because of the bent position they must occupy), and keeping them too long in cattle sheds and stables in an atmosphere the effects of which a child is less able to resist than an adult.

Some of the physicians emphasize the fact that it is difficult to express conclusive opinions upon the consequences of child labor, because the sickly appearance of the children and their fragility may also be due to hereditary influences or perhaps to malnutrition during infancy. Hence it is necessary to observe the children throughout a considerable period in order to determine precisely the effects of labor upon their physical condition. But in the main the medical testimony is unequivocal enough, and constitutes a remarkable mass of expert evidence on the effects of labor, especially agricultural labor, upon the development and the health of children. Although it is the large number and the unanimity of these reports that constitute the most convincing feature about them, it will not be amiss to quote from a few of them by way of example.

The early labor of children is injurious to physical development chiefly because it absorbs forces that are needed to build up the body. For this reason children who perform work beyond their strength, which is unfortunately very often the case, are stunted in their growth. Although work in the country, in the fresh, open air, untrammeled by tight clothes, is much less detrimental than labor in mills and shops, children under 15 years of age should never do any work requiring more energy than that involved in play.

It is surprising how many of the children have heart trouble, or at least exhibit a condition which in the absence of careful treatment leads later to pronounced heart troubles. This is due to premature overwork. There are instances in which children in the second or third year of school enter the employ of peasants, and must mind cattle early in the morning, then go to school, and when they get back they must again attend to the cattle. The peasants themselves would like to shorten the school period to six years with half-day attendance, so that, as they themselves declare, they may obtain cheap labor. They ignore that these poor children are retarded in their physical and mental growth, that they are injured morally, and that they frequently become burdens upon the community when they are barely 50 years old because of their incapacity to support themselves. This incapacity is in turn due to the arrested development of their inner organs.

Delivering milk before school in the morning must be condemned because it fatigues the children so that they become, to say the least, intellectually less receptive.

The pernicious effect of premature labor is as a rule not exhibited until the period of growth that begins at the age of 15 years, when laboring children have already been burdened with more work than they can support.

Many children in the employ of persons not belonging to the family must get up at 4.30 or 5 a. m. and work in the barn before going off to school, which is often far away.

All night work and occupations that involve a protracted sitting posture or that create dust should be avoided in the case of weak, anemic, and underfed children. Inasmuch as poverty, bad food, and child labor are closely connected, it follows that the very children who are badly fed, sickly, and anemic are those most often required to work.

According to the teachers' reports, the labor of children employed in agriculture and in domestic service or in a combination of both was responsible for unsatisfactory behavior in school (inattention, sleepiness, etc.) and for irregular attendance in 1,439 cases; whereas no such effects were noted in 3,823 cases. It is generally stated that the employment of school children does not affect their attendance nearly so much as their receptivity while in school, their behavior, their attitude, and the rate of their progress, particularly in the case of the children in the upper classes requiring but few hours of attendance per week. These children are frequently full-fledged laborers in the employ of nonrelatives. Contact with adult farm hands of both sexes, often given to coarse habits and coarser jests, is a poor substitute for moral training. Some of the school authorities contend that this contact is harmful not only to the children directly concerned, but to their school companions as well. A few such children soon demoralize a whole class. Setting up ten pins, peddling, furnishing music in saloons and restaurants, not only interfere with school attendance but are morally pernicious, especially when continued (as they often are) until late at night or early in the morning. In saloons and restaurants they are " treated " by the guests, they drink what is left in the glasses, and they hear and see things that are unsuitable, especially for young girls.

Says one school director:

The lack of labor in the country regions, so noticeable since ten years ago, has led to the increasing employment of children even at hard agricultural labor. From the farmer's standpoint the child is a help in time of need, and must engage in work altogether beyond its strength and apt to hinder its physical development.

When the children sleep in the same rooms and share the same beds with older laborers the danger of corrupting their minds and their manners attains pathetic proportions for boys and girls alike.(a)

[a] Soziale Rundschau, September, 1908, pp. 414 to 449.

SALZBURG.

The duchy of Salzburg, like the Province of Upper Austria, is mainly agricultural, and economic conditions here do not differ essentially from those that prevail in the latter Province. Salzburg contained 184 elementary schools in 1900; 50 were included in the child-labor investigation. Pupils in the 50 schools investigated numbered about 8,700 (4,300 boys and 4,400 girls), or 32.8 per cent of the school population of the duchy. Four of the schools were in cities, 6 in villages, and the remaining 40 in country districts. For parts of the investigation, however, the returns from only 19 schools were used, partly because of identical conditions, partly because of insufficiently detailed data. The desired information was complete with regard to 3,318 pupils (1,867 boys and 1,451 girls), or 12.5 per cent of the school population of the duchy. Of this total, 544 were in city schools, 563 in village schools, and 2,211 in country schools. The working children numbered 1,106, or 33.3 per cent, almost exactly the same proportion as in Upper Austria, and of these, 630 were boys and 476 were girls. That is to say, 33.7 per cent of the boys worked and 32.8 per cent of the girls.

Unlike Upper Austria, however, it was found that a larger proportion of the city school pupils than of those in country schools were employed in gainful occupations; for whereas 41.4 per cent of the city pupils in Salzburg worked, only 25 per cent in the village schools and 33.5 per cent in the country schools were laborers. The bureau attributes this difference between Upper Austria and Salzburg to the fact that the city schools included in the investigation—only four in number—were all situated in the single city of Hallein, which happens to contain a predominantly industrial population and a large number of laborers in all age groups.

The proportion of laboring children among the legitimate and illegitimate and those that have lost one or both parents is nearly the same as in Upper Austria.

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	2,766	917	33.2
Both parents living	2,367	725	30.6
One parent living	369	174	47.2
Both parents dead	30	18	60.0
Illegitimate	552	189	34.2
Motherless	39	21	53.8

The relation between the age of school children and their employment is as follows:

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children.	Children at work.	
		Number.	Per cent.
6 to 8 years	1,297	204	15.7
9 to 10 years	876	264	30.1
11 to 12 years	777	412	53.0
13 to 14 years	368	226	61.4
Total	3,318	1,106	33.3

As in Upper Austria, the proportion of school children that work is greater in the upper than in the lower classes at school.

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION, BY SEX.

Occupation.	Children employed in each specified occupation.					
	Total.		Boys.		Girls.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Agriculture	129	11.7	111	17.6	18	3.8
Domestic service	378	34.2	183	29.0	195	41.0
Industry (including home industries)	41	3.7	30	4.8	11	2.3
Hotels, taverns, and restaurants	15	1.4	14	2.2	1	.2
Delivering goods	9	.8	8	1.3	1	.2
Other occupations	5	.4	5	.8	.....	.....
Agriculture combined with domestic service	406	36.7	186	29.5	220	46.2
Other combinations of the above	123	11.1	93	14.8	30	6.3
Total	1,106	100.0	630	100.0	476	100.0

Agriculture, domestic service, or a combination of both constitute the occupations of 82.6 per cent of all the working children. Hence, as in Upper Austria, these occupations are considered somewhat more in detail because of their preponderance. In many respects conditions in these occupations are the same as in Upper Austria, e. g., boys are more numerous than girls in agriculture, whereas in domestic service the latter outnumber the former. Of the children employed in agriculture and those combining agriculture with domestic service more than one-third, and of those employed in domestic service alone more than one-half, are less than 11 years old.

NUMBER OF SCHOOL CHILDREN BEGINNING WORK IN AGRICULTURE AND DOMESTIC SERVICE AT EACH SPECIFIED AGE.

Age at beginning work.	Number of children.	Age at beginning work	Number of children.
4 years or earlier	4	9 or 10 years	234
5 or 6 years	418	11 or 12 years	35
7 or 8 years	220	13 or 14 years	2

That is to say, two-thirds of the children engaged in the three occupations named began their careers as laborers before attaining the age of 9 years. Twenty-three of the schools (in a total of 50 from which returns were received) reported that in their districts children not yet of school age, i. e., not yet 6 years old, are required to perform "light work" in agriculture or domestic service, such as minding younger children, helping in the kitchen, washing dishes, fetching wood and water, and running errands. In agriculture, children 4 and 5 years old are employed to attend to cattle and to do light work in connection with harvesting.

In agriculture 78.3 per cent of the children at work are employed by their parents or other relatives, 20.2 per cent by other persons, and 1.5 per cent partly by relatives and partly by other persons. The corresponding figures in domestic service are 91.3, 7.7, and 1 per cent, while of those combining both of these occupations 78.8 per cent are employed by relatives and 21.2 per cent by other persons.

With regard to the times of the year that the children work, it was found that 60.5 per cent of the school children engaged in agriculture work throughout the year, and 38 per cent during the summer; of the latter some work not only in the summer, but at other times of the year also, without, however, working the whole year round. Of the children engaged in domestic service, 95.5 per cent work the whole year, and of those combining agriculture and domestic service, 94.3 per cent. Furthermore, 98.4 per cent of the children employed in agriculture work during the long school vacation, 88.1 per cent of those employed in domestic service, and 96.3 per cent of those combining both occupations. The percentages of children in these three occupations who work on Sundays and holidays are 37.2, 35.2, and 27.6, respectively.

If the number of weeks' work per year is considered, the report shows that in agriculture 16.3 per cent of the children work from 2 to 10 weeks, 22.5 per cent work more than 10 weeks up to 30 weeks, and 61.2 per cent more than 30 weeks in the year. With regard to the number of days' work per week it was found that in agriculture 78.3 per cent, in domestic service 90.5 per cent, and combining both 86.5 per cent, work throughout the week; i. e., 6 or 7 days.

Still confining attention to the same occupations, it is found with regard to the hours of work per day, that in the winter approximately one-half of the child laborers work 2 hours or less per day, and most of the remainder work between 3 and 4 hours daily. In the summer season, however, the workday is in most cases lengthened, and the number of children working 4 to 6 hours daily—insignificant in the winter—increases considerably. If the children in the seventh and eighth school years, when attendance is in some schools reduced to a few hours a week during half the school year, are considered

particularly it appears that about one-third of those in the three groups of occupations named above work from 2 to 4 hours a day, and the remainder are about equally divided among those working 4 to 6, 6 to 8, and over 8 hours a day, respectively; the proportion of those working over 8 hours a day was for those in agriculture 11.3 per cent, in domestic service 17.9 per cent, and combining both 22.7 per cent. During the main school vacation 28.4 per cent of the children in agriculture and 31.2 per cent of those combining agriculture and domestic service work more than 8 hours a day.

Interesting are the disclosures concerning night work of school children; i. e., work between 8 p. m. and 6 a. m. In agriculture 27 children work occasionally at night, in domestic service 15, and of those combining both 76, making a total of 118 in these three groups of occupations. Of this total, about half (52) work at night during 10 to 30 weeks of the year. The "night work" is rarely longer than 2 hours, and most of it is really morning work; i. e., before 6 a. m.

It is remarked with some degree of appropriateness that in order to get a correct notion of the demands made upon the school children who work, the hours of school attendance should be added to the hours of labor. As a rule, school attendance during the "full-day" period is from 20 to 32 hours a week, only one-eighth of the children having less than 20 hours. In some schools attendance is reduced or dispensed with altogether at certain seasons of the year for all pupils in the upper classes, or for all pupils during the summer season, or for individual pupils under certain conditions. During the period of regular attendance in winter, most of the working children do not have more than 50 hours of school attendance and work combined. But in summer 23.6 per cent of those in agriculture, 19.2 per cent of those in domestic service, and 36.2 per cent of those combining both occupations have more than 50 hours a week. Bearing in mind, however, that one-third of the working children are employed on Sundays, the report indicates that a considerable proportion of the school children that work devote more than 8 hours a day to school and work.

In the total of 913 engaged in the three occupations considered, 150 receive wages; and of these in turn, 8 receive money wages, 113 receive wages "in kind," and 29 are paid partly in money and partly "in kind." The children that receive a stipulated wage (in money or in kind) are almost always in the employ of other persons than their parents or relatives. As a rule, the younger children employed by nonrelatives as farm hands or domestic servants receive—in addition to food, lodging, and some wearing apparel—occasional small gifts of money. Those that are 13 or 14 years old, however, not infrequently receive a regular money wage that is usually between 15 and 30 crowns ($3.05 to $6.09) a year, although some get as much as 70 crowns ($14.21) a year. For delivering bread or newspapers, the

remuneration varies from 20 to 50 hellers (4 to 10 cents) a day. At setting up tenpins some children earn as much as 2 crowns (40.6 cents) a day.

Concerning the effects of labor upon the physical development of the 913 children engaged in the three occupations particularly considered, it was reported that the health of 618 was satisfactory and of 229 unsatisfactory. There were no reports regarding the remaining 66. But it is not justifiable to attribute the unsatisfactory health of these 229 children to the single fact that they work; for the physical condition of a child is manifestly determined by a multiplicity of circumstances, such as heredity, nutrition, housing, etc. Only four physicians sent reports, all of them to the effect that light agricultural and domestic work is beneficial and that few children are overworked. The school directors, however, report that in some cases children employed on farms are required to rise at 3 or 4 o'clock in the morning, after insufficient sleep, and that setting up tenpins keeps others up very late at night. It was furthermore reported that the children of poor parents, often underfed and insufficiently clothed, are more apt to suffer from the effects of labor than other children.

Finally, with regard to school attendance, behavior in school, and the mental and moral development of the children that work in the three main occupations named above, teachers attribute unsatisfactory attendance and behavior in 338 cases to the employment of these children as laborers. In more than half of these cases (184) the children combine agricultural employment with domestic service. Some of the school authorities insist that regular labor possesses a distinct moral value, but lament the pernicious influences of the contact of children with coarse adult laborers and with the habitués of taverns and places of amusement.[a]

LOWER AUSTRIA.

In 1900 there were 1,866 elementary schools in Lower Austria, with 400,646 pupils. The child-labor investigation of December 31, 1907, included 452 of these schools, with approximately 104,000 pupils—53,000 boys and 51,000 girls. The schools included in the investigation are well scattered throughout the Province; 89 are in cities (53 in Vienna), 69 in villages, and 294 in country districts. In compiling the results all the school questionnaires were employed, but it was decided to use the individual returns of only 165 schools, partly because of the incompleteness of the data for the others, and partly because it did not appear desirable to make a more intensive study of Lower Austria than of the other Provinces. A large number of the unused returns, moreover, indicate conditions precisely identical

[a] Soziale Rundschau, November, 1908, pp. 560 to 613.

with those of the schools whose reports were compiled, and care was taken to include typical schools in the compilation. The 165 schools concerning which all the returns were employed contained 40,743 children (23,532 boys and 17,211 girls), or 10.2 per cent of the school population of the Province. The country schools included in this total had 13,774 pupils, the village schools 9,416, and the city schools 17,553.

It was found that 11,266 of these children work, or 27.7 per cent of the total reported, 25.8 per cent of the boys and 30.1 per cent of the girls. The comparative prevalence of labor in country and city is indicated in the next table.

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY LOCATION OF SCHOOLS.

Location of schools.	Total children.	Children at work.	
		Number.	Per cent.
Cities	17,553	2,950	16.8
Villages	9,416	3,089	32.8
Country districts	13,774	5,227	37.9
Total	40,743	11,266	27.7

The country districts have the largest proportion of school children that work. This is attributed not only to the scarcity of labor in agriculture, which leads to the employment of many children, but also to the fact that in Lower Austria home industries are extensively carried on in the country.

The relations between illegitimacy of birth and the frequency of child labor, and the frequency with which orphaned children are found working, are substantially the same as in Upper Austria and in Salzburg, as the following table shows:

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	37,828	10,364	27.4
Both parents living	33,271	8,932	26.8
One parent living	4,182	1,321	31.6
Both parents dead	375	111	29.6
Illegitimate	2,915	902	30.9
Motherless	461	154	33.4

As for the contribution of the several age groups to the army of child laborers, conditions in Lower Austria are similar to those in the Provinces already referred to, as the next table indicates:

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children reported.	Children at work.	
		Number.	Per cent.
6 to 8 years	15,135	1,950	12.9
9 to 10 years	10,636	3,050	28.7
11 to 12 years	9,983	4,268	42.8
13 to 14 years	4,989	1,998	40.0
Total	40,743	11,266	27.7

As the children get older the proportion of those that work increases, except for those 13 to 14 years of age. The somewhat smaller percentage in this age group than in the one immediately preceding it is attributed to the fact that many of the working children leave school before the age of 13 years, while those who do not work, especially the children of well-to-do residents of the cities, remain in school longer.

The main occupations in which children engage are as follows:

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION.

Occupation.	Children employed in each specified occupation.	
	Number.	Per cent.
Domestic service	3,383	30.0
Agriculture	1,710	15.2
Industry (including home industries)	1,376	12.2
Hotels, taverns, and restaurants	155	1.4
Trade and transportation	131	1.2
Delivering goods	380	3.4
Other occupations	27	.2
Domestic service combined with agriculture	2,568	22.8
Other combinations of the above	1,536	13.6

Two occupations which in Lower Austria occupy a larger proportion of school children than in Upper Austria and Salzburg are industries and delivering goods, both of which are more largely carried on in cities than in the country. While the proportion employed in agriculture, domestic service, or in a combination of both of these occupations, is not quite so large as in the other two Provinces, these occupations nevertheless employ 68 per cent of all the children that work. Naturally, as in the other Provinces, girls predominate in domestic service (1,268 boys to 2,115 girls) whereas the boys predominate in agriculture (1,283 boys to 427 girls).

The above table indicates that 1,536 children, or 13.6 per cent of all school children that work, combine two or more of the enumerated occupations (apart from "domestic service combined with agriculture"). Among the most frequent of these combinations are "industry and domestic service" and "industry and agriculture."

With regard to the kinds of agricultural labor required of school children, it was found that of the 1,710 children thus employed 492 were reported as engaged in the more difficult varieties of farm labor, such as cleaning stables, digging potatoes, threshing, and sawing and chopping wood.

The following table concerning the industrial employment of children includes those also who combine with industrial employment some other occupation:

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED INDUSTRIAL GROUP.

Industrial group.	Children employed.	
	Number.	Per cent.
Pottery, glassware, and stone	228	10.0
Metals	145	6.4
Wood and basketry	112	4.9
Leather	165	7.3
Textiles	1,218	53.7
Clothing	163	7.2
Paper	67	3.0
Food products	50	2.2
Other industries	119	5.3
Total	2,267	100.0

The 228 children employed in making stone, clay, and glass products include 135 employed exclusively in these occupations and 93 who carry on other work besides, generally domestic service or farm labor. Most important in this group are brickmaking and glass works. The children engaged in making metal products are largely employed in button factories and in polishing metal wares. Those employed in wood manufactures make baskets, wooden bowls, pipes, cigar holders, etc. In the leather industry most of the children make pocketbooks; they fasten the leather, usually cut in pieces before it reaches them, to the metallic parts, and also stamp designs upon the leather.

More than half of the children employed industrially are engaged in making textile goods, especially in winding yarn for parents who weave at home, or for textile mills, and in sewing buttons on cards. In some regions they sew together the parts of clothes, woolen gloves, etc. In others they help at hand embroidering, and the larger girls even at machine embroidering.

In the clothing trades, which in the table include shoemaking and laundering, children are employed in a great variety of operations, such as sewing underwear, sewing on buttons, collars, cuffs, etc., ironing clothes, and making artificial flowers.

In the paper industry they are largely employed in making pasteboard boxes, making packages of cigarette paper, pasting paper bags, and gumming envelopes.

Referring now to the other main occupations in which school children are employed outside of industry proper, the report shows that those working in taverns and restaurants are mainly engaged in setting up tenpins, in serving drinks, arranging and cleaning off the tables, washing dishes, and tapping beer. Those working in trade and transportation usually help wait on customers in their parents' stores; a number, however, sell flowers, shoe laces, etc., or huckster bread, butter, and eggs, or carry passengers' baggage to and from railway stations. Most of those put down as delivering goods are engaged in delivering bread, milk, newspapers, and washing.

Reverting to the subject of the age of the children employed in gainful occupations, the following table indicates the proportion in each occupation belonging to each of four age groups on December 31, 1907:

PER CENT OF SCHOOL CHILDREN EMPLOYED IN SPECIFIED OCCUPATIONS IN EACH AGE GROUP.

Occupation.	6 to 8 years.	9 to 10 years.	11 to 12 years.	13 to 14 years.
Domestic service	26.9	30.2	31.4	11.5
Agriculture	9.0	21.8	42.9	26.3
Industry (including home industries)	26.6	29.0	31.1	13.3
Hotels, taverns, and restaurants	14.8	20.7	43.2	21.3
Trade and transportation	5.4	18.3	43.5	32.8
Delivering goods	12.1	34.2	38.7	15.0
Other occupations	11.1	33.3	33.3	22.3
Domestic service combined with agriculture	11.2	26.6	42.0	20.2
Other combinations of the above	10.0	24.7	44.7	20.6
Total	17.3	27.1	37.9	17.7

More than one-sixth (1,950) of the 11,266 working children under consideration were between 6 and 8 years old, over one-fourth (3,050) 9 to 10 years old, and over one-third (4,268) 11 to 12 years old. The youngest group is especially represented in domestic service and in industries, the oldest group especially in trade and transportation and in agriculture.

With regard to the age at which the laboring school children began to work the following table indicates the percentage that began at 4 years or earlier, at 5 or 6 years, at 7 or 8 years, etc., in the main groups of occupations:

AGE AT WHICH SCHOOL CHILDREN BEGAN TO WORK, BY OCCUPATIONS.

Occupation.	Per cent beginning work at—					
	4 years or earlier.	5 or 6 years.	7 or 8 years.	9 or 10 years.	11 or 12 years.	13 or 14 years.
Domestic service	0.7	30.1	36.4	23.9	8.3	0.6
Agriculture	.1	12.3	28.8	38.6	18.8	1.4
Industry (including home industries)	.4	28.3	31.4	27.3	10.7	1.9
Hotels, taverns, and restaurants	.....	8.4	23.9	40.6	22.6	4.5
Trade and transportation	.....	6.1	21.4	36.6	31.3	4.6
Delivering goods	.....	11.3	26.1	36.0	23.7	2.9
Other occupations	.....	3.7	22.2	44.5	29.6	.....
Domestic service and agriculture combined	1.0	28.1	34.5	28.3	7.7	.4
Other combinations of the above	.8	30.5	32.0	27.0	8.9	.8
Total	.6	25.5	32.9	28.8	11.2	1.0

In domestic service, two-thirds of the children began work before they were 9 years old. In industries, domestic service combined with agriculture, and "other combinations," 60 per cent or more began before the age of 9 years. Considering the entire list of occupations, it appears that about 90 per cent of the children began work before they had completed their tenth year.

The directors of 69 schools in a total of 330 reported that children under 6 years of age are more or less frequently required to mind still younger children, to fetch wood and water, run errands, deliver goods, and sometimes to pick potatoes and perform light agricultural tasks. Rarely are children under the school age (6 years) employed industrially, although it does happen occasionally that they are employed to wind yarn, to sew buttons on cards, and to perform certain auxiliary tasks in the manufacture of knit goods.

Most of the children at work are, of course, employed by their parents or other relatives, as shown by the following:

PER CENT OF CHILDREN WHO WORK FOR RELATIVES AND FOR OTHER PERSONS, BY OCCUPATIONS.

Occupation.	Per cent working for relatives.	Per cent working for other persons.	Per cent working partly for relatives and partly for other persons.
Domestic service	88.6	9.5	1.9
Agriculture	77.3	21.4	1.3
Industry (including home industries)	81.2	18.7	.1
Hotels, taverns, and restaurants	27.7	72.3	.....
Trade and transportation	64.9	35.1	.....
Delivering goods	40.8	57.4	1.8
Other occupations	14.8	85.2	.....
Domestic service and agriculture combined	81.9	10.7	7.4
Other combinations of the above	59.0	9.8	31.2
Total	77.5	15.7	6.8

Some of the children employed by nonrelatives in agriculture or domestic service or both—usually the children of poor parents—work for daily or weekly wages; and some are permanently employed as servants or laborers. Those that are hired by the day are, of course, most frequently employed during the school vacations, as well as on days when there are no school sessions, and during the periods when school attendance is not required for more than a few hours per week. Often they work for the same employer as their parents. Such arrangements are facilitated by the provision that children may be exempted from school attendance during the summer in the seventh and eighth school years provided they attend regularly in the winter; or they may attend regularly during the seventh school year and are then required in the eighth school year to attend school only during about 3 months in the winter and only 3 hours per week. Of the 452 schools included in the Lower Austrian investigation, 113 permitted the first of the above-named arrangements, 109 permitted the second, 12 had somewhat different provision for reducing attendance in the last years, and 42 allowed a curtailment of attendance for individual pupils.

Most of the children employed in industries work with their parents, principally in home industries as helpers to their older relatives. They wind yarn for parents that weave; or they work for a contractor or dealer at making purses, mounting buttons, etc. The children employed industrially by nonrelatives generally work in glass works and in tile and brick making, usually as helpers to their own parents working for the same employers.

The largest number of children work in the summer, in all occupations, and the smallest number in winter, save in industry and in trade and commerce.

Considering all occupations, it was found that 38.1 per cent of the school children that work are employed on Sundays and holidays. The percentage is lowest in industries, in which only 7 per cent work on Sundays or holidays, and highest in taverns and restaurants,[a] in which it is 74.2 per cent. In fact, 83.9 per cent of the boys that set up tenpins work on Sundays and holidays. Not all of the children work throughout the entire year, for many of them are employed only at certain seasons, and intermittently. However, 83.6 per cent are employed more than 30 weeks out of the 52. If we consider the several occupations separately, the proportion working more than 30 weeks in the year varies as follows: In taverns and restaurants, 39.4 per cent; in agriculture, 48.6 per cent; in industries, 73.7 per cent; in

[a] In the heterogeneous group of "other occupations" it is even higher, 85.2 per cent; but there is included such a variety of employments (furnishing music for dance halls, etc.) that it may be disregarded in this connection.

trade and transportation, 80.9 per cent; in delivering goods, 89.8 per cent; in other combinations than that of domestic service and agriculture, 93.5 per cent; in domestic service combined with agriculture, 95 per cent; in "other occupations," 96.3 per cent.

But to be employed every week in the year does not necessarily mean that one is employed every day in the week, or even 6 days in the week. A large proportion of the laboring children are, however, employed throughout the week during the weeks that they work, the proportion varying from 57.5 per cent in taverns and restaurants and 51.9 per cent in the group of "other occupations" to 92.1 per cent in domestic service. In many cases, "working throughout the week" means not 6 days but 7 days a week, especially in taverns and restaurants, in which, however, 16.1 per cent of the total number employed are employed only 1 day in the week and that day is usually Sunday.

The duration of the daily working period varies very greatly. The returns indicate that in the fall and winter nearly half of the school children that attend school during the period of full attendance, when no curtailment is allowed, work more than 2 hours daily; nearly 30 per cent (2,808 children) work more than 3 hours daily; 17.5 per cent, or 1,652 children, work more than 4 hours; and 5.1 per cent, or 481 children, work more than 6 hours daily. In the spring and summer the duration of the workday averages considerably longer than in fall and winter. For then approximately 60 per cent of these same children work more than 2 hours daily; about 40 per cent (3,707 children) work more than 3 hours; and 8.3 per cent (764) work more than 6 hours daily. The largest proportion of children working more than 6 hours daily, in all seasons of the year, is found among those employed in hotels, taverns, and restaurants.

The above figures concern the children who are required to attend school regularly, without any curtailment. If those enjoying curtailed attendance be considered, the number of hours' work per day is still greater. Without going into details, it may suffice to say that in the fall and winter 25.8 per cent, and in the spring and summer 51.9 per cent of the children (819) having curtailed attendance, work more than 8 hours a day. Indeed, 7.4 per cent in fall and winter and 22.4 per cent (354) in spring and summer work more than 10 hours daily. A larger number, however, work in the spring and summer than in the fall and winter (1,580 and 325 children, respectively).

During the long school vacation the duration of the workday is as follows for all the school children that work during this period. The total number of school children that work during the main vacation, to which the figures relate, is 10,763.

PER CENT OF CHILDREN WORKING EACH CLASSIFIED NUMBER OF HOURS PER DAY DURING SCHOOL VACATION.

Hours of work.	Per cent.
2 hours per day or less	25.8
Over 2 to 4 hours	21.4
Over 4 to 6 hours	17.4
Over 6 to 8 hours	14.7
Over 8 to 10 hours	12.4
Over 10 hours	8.3
Total	100.0

As for night work, i. e., work after 8 p. m. or before 6 a. m., it was found that in Lower Austria 16.6 per cent (1,873 children) of the laboring school children are employed at night in this sense of the term. Night work is most frequent in taverns and restaurants; 41.3 per cent of the children engaged therein are employed at night. It is least frequent in domestic service; 6.1 per cent of those employed therein work at night.

The employment of children at night does not as a rule continue throughout the whole year. In the case of more than half of the children thus employed it does not continue through a longer period than 30 weeks; about one-third of the children who work at night do so throughout the entire year. The children employed in delivering goods, when they are employed outside of the hours between 8 p. m. and 6 a. m., as a rule work before 6 a. m. rather than after 8 p. m. Their work is "morning" work rather than "night" work. The same statement holds true in agriculture; while in industry, taverns and restaurants, trade and transportation, the night work naturally takes place in most cases after 8 p. m. Night work is in most occupations more frequent in summer than in winter, the single exception being the industrial group. The amount of this night work is not more than 2 hours in the case of four-fifths of the children in the winter and seven-tenths in the summer. Most of the night-working children that work more than 2 hours at night are employed in hotels, taverns, and restaurants.

The report gives very detailed information concerning the total number of hours per week that children are employed both at school and at work. When full attendance is required and no curtailment allowed, from 20 to 32 hours of instruction per week are given in most cases; and most of the working children do not have more than 40 hours per week of school and work combined. Nevertheless, nearly one-fourth of the children (2,223) have between 40 and 50 hours, 12.7 per cent (1,200) have between 50 and 60 hours, and 9.4 per cent (892 children) have between 60 and 90 hours' work and school per week during the period of full school attendance. In summer the total number of hours is greater, for at this season of the year 6,551 of the

working children have more than 40 hours per week of school and work combined and one-fourth (2,686) have more than 50 hours, or more than 8 hours a day on week days, not counting the time required for preparing lessons at home and for going to and from school.

With regard to wages, it was found that 28.5 per cent of the laboring children (3,208) are paid in money or in "kind," or in a combination of both; and of the number thus remunerated nearly three-fourths (72.5 per cent) are paid exclusively in money and one-sixth (15.3 per cent) in kind, i. e., in food, lodging, and clothing. Wages are most frequently paid in industry (61.8 per cent of those employed therein), in taverns and restaurants (72.9 per cent), and in the group of "other occupations;" a stipulated remuneration is least frequent in domestic service (10 per cent), in agriculture (21.9 per cent), and in a combination of these two occupations (17 per cent).

The wages paid children in agriculture vary greatly, according to the age of the children and numerous other circumstances, such as local customs and conditions. Some of the children get nothing more than their food and lodging, but a number of them receive in addition for a whole day's work between 70 hellers (14 cents) and 1 crown (20.3 cents). It is not uncommon, however, for them to receive only 10 to 20 hellers (2 to 4 cents), although there are, on the other hand, cases in which the bigger children employed at more difficult work and for longer hours receive as much as 1.20 to 1.40 crowns (24.4 to 28.4 cents) a day. As a general rule the wages of the children are 60 to 80 per cent as high as those paid to adults. Children who are "hired out" by their parents as domestic servants or farm hands for longer periods receive 6 to 10 crowns ($1.22 to $2.03) a month. Those who "mind" cattle in the fall—usually from October 1 to November 15—get their food and 2 to 4 crowns (40.6 to 81.2 cents), or 8 to 10 crowns ($1.62 to $2.03) without food.

Most of the children employed as domestic servants are over 12 years old and are not required to attend school more than 3 months or 6 months (according to the system of curtailment). Their employer usually gives them an "outfit" of clothing, board, and lodging, although the strongest get, in addition, a money wage that varies in most cases from 10 to 80 crowns ($2.03 to $16.24), but usually approximates 40 crowns ($8.12).

It has already been pointed out that the children employed industrially receive a money wage more frequently than those in any other group of occupations. Often the children help their parents, but do not receive a stipulated wage from the employer. For instance, in brickmaking, parents are usually paid by the piece and take their children with them to help augment the output by performing such auxiliary tasks as carrying and emptying brick frames. When the children work without their parents, employers pay them from 60

hellers to 1.20 crowns (12 to 24.4 cents) a day. As laborers in glass works they get 80 hellers to 1.40 crowns (16 to 28.4 cents) a day; in cracking and loading stones, approximately 1.20 crowns (24.4 cents) a day; and in making bundles of kindling wood in sawmills, 5 hellers (1 cent) a bundle. At the last-named occupation quick and industrious children can earn 2 to 2.40 crowns (40.6 to 48.7 cents) a day. At weaving, children helping their parents earn from 2 to 4 crowns (40.6 to 81.2 cents) a week. The children that are employed by nonrelatives to knit stockings by machine earn 4 crowns (81.2 cents) a week. As helpers to masons and tile roofers, wages were reported as 1 to 1.50 crowns (20.3 to 30.5 cents) for a workday of 6 to 8 hours, though in some instances they receive only 2 to 4 crowns (40.6 to 81.2 cents) a week.

For mounting clasps, children get 3 to 4.50 crowns (60.9 to 91.4 cents) per thousand; for weaving mats, 10 hellers (2 cents) per mat, which means 30 or 40 hellers (6 to 8 cents) a day; for making pocketbooks children receive 7 to 12 hellers (1.4 to 2.4 cents) an hour, as a rule, although some of the operations bring only 4 to 5 hellers (0.8 to 1 cent), while those who paint the designs stamped on the leather earn as much as 20 to 25 hellers (4 to 5 cents) an hour.

In the textile industries it is reported that children employed by outsiders (i. e., by other persons than their relatives) to wind yarn earn 2 to 4 hellers (0.4 to 0.8 cent) an hour; according to another report, smaller children receive 8 to 48 hellers (1.6 to 9.7 cents) a week for this work, and larger ones 60 hellers to 1.50 crowns (12 to 30.5 cents). For sewing gloves the wages vary, according to the quality of the goods, from 8 to 40 hellers (1.6 to 8 cents) a dozen, requiring from 2 to 7½ hours. In finishing machine-knit stockings, children earn 1 to 1.20 crowns (20.3 to 24.4 cents) a week for 3 to 4 hours' work per day; those very expert at this work receive, for 5 or 6 hours' work per day, from 2 to 5 crowns (40.6 cents to $1.02) a week. For hand-knit socks the wages are reported as 32 hellers (6.4 cents) a pair, or 60 hellers (12 cents) a week. For making buttons the wages vary, according to the kind of work performed, from 2 to 6 hellers (0.4 cent to 1.2 cents) an hour; industrious and expert children can earn 2.20 to 4 crowns (44.7 to 81.2 cents) a week at this work. But it happens that whole families of four or five persons engaged in this labor earn only 5 to 6 crowns ($1.02 to $1.22) during a week of hard work.

Children who sell flowers, bread, or cigars in Vienna earn 1 to 2 crowns (20.3 to 40.6 cents) a day during the week, and on Sundays as much as 3 crowns (60.9 cents). In restaurants and taverns they frequently get, in addition to board and lodging, only the tips that customers give them, amounting to 20 to 60 hellers (4 to 12 cents) a day.

For setting up tenpins the wages vary considerably. During the week children who do this work get 30 to 40 hellers (6 to 8 cents) for an evening; for an afternoon and evening on Sundays and holidays, 50 hellers to 1.50 crowns (10 to 30.5 cents); in Vienna 50 hellers (10 cents) an hour, or 1 to 3 crowns (20.3 to 60.9 cents) for 2 to 4 hours in the evening; in the restaurants frequented by the poorer classes they receive only a few hellers in the shape of tips from the players. There are cases, however, in which children permanently employed at this work get 12 to 16 crowns ($2.44 to $3.25) a month. Unlike the children employed in agriculture and industry, the children that work in taverns and hotels do not as a rule hand over their entire wages to their parents.

The children employed to deliver goods and run errands are also usually employed by nonrelatives and receive wages in money. Those who deliver milk, and who work ½ to 1 hour a day, generally receive 20 hellers to 1 crown (4 to 20.3 cents) weekly; in exceptional cases 2 crowns (40.6 cents), and in some instances only food and old clothes. For delivering bread and pastry, wages are reported as 30 hellers (6 cents) a week and some meals, or 50 hellers to 2 crowns (10 to 40.6 cents) a week without meals; in exceptional cases, 10 per cent of the receipts. For delivering papers, which requires 1 to 2 hours a day, children receive 2 to 10 crowns (40.6 cents to $2.03) a month. For delivering of washing, 30 hellers (6 cents) for a 2-hours' trip, or 60 hellers to 2 crowns (12 to 40.6 cents) a week. Children who carry dinner to mill laborers, requiring ½ to 1 hour daily, get 80 hellers to 5 crowns (16 cents to $1.02) a month. Messengers for stores, hotels, etc., get a tip of 2 to 10 hellers (0.4 to 2 cents) per errand, or, if employed regularly, 20 hellers to 1 crown (4 to 20.3 cents) a week.

With regard to the effects of labor on the health of the children the teachers reported that in 22 per cent of the cases (2,481) the effects were noticeably detrimental. Detrimental effects were most frequently noted among those employed industrially (32.1 per cent), especially as regards the girls thus employed (34.9 per cent).

Unfortunately the testimony of physicians was obtained in regard to only 53 schools, or 12 per cent of those included in the investigation. Employment in domestic service and in agriculture gives rise to least objection on the part of the physicians. Most objectionable is their employment in selling pastry, cigars, and flowers in restaurants and taverns, because of its encroachment upon their sleep, and the easily developed habit of drinking and smoking. The physicians point out, however, that the children whose physical condition is unsatisfactory are often by nature anemic, rickety, scrofulous, or tuberculous, and that even light work is apt to have injurious effects upon them. The same is true of the too numerous children who are underfed, or who

begin to use alcoholic beverages too early, or who live in unhygienic homes.

The testimony of physicians is supplemented by that of school directors, whose reports upon the health of the children, though they do not emanate from physiological experts, are none the less important. The school authorities have opportunities for observing the children during a longer period than the physicians and see them much more frequently. The testimony of these officials was in many cases corroborated and countersigned by physicians. Moreover, it is quantitatively more important, because reports upon this subject were received from the directors of 83 per cent of the schools included in the investigation for Lower Austria.

Only one-fourth of the reports from school directors object to the employment of children in domestic service and in agriculture, chiefly on the ground that it arrests their development, a large proportion of them being later found unfit for military service. A large majority of the school authorities, however, object in strong terms to the industrial employment of children. Home industries, it is urged, sequestrate them continuously in rooms containing foul air. The bent position they must occupy in knitting by machine is a fertile source of lung troubles. Making hair nets (a widespread variety of child labor in some of the other Provinces) is injurious to eyes and lungs. Winding yarn involves an unhealthful position of the body and the inhalation of dust-laden air. Many operations in button making and sewing are especially objectionable, because of the long hours of work in winter, the straining of the eyes, and the constant unnatural position of the body. The strength of children is not sufficient for the work of making bundles of kindling wood in sawmills, or helping in the building trades and in tile roofing.

The authorities of Vienna are most emphatic in their denunciation of the effects of child labor in taverns and restaurants. Although such work is forbidden by the school officials, it continues to exist nevertheless, and large numbers of school children continue daily to breathe for several consecutive hours the foul air of taverns and the dust of bowling alleys.

In the opinion of the school authorities the labor of children is especially injurious when they are required to work during their early years, as is frequently the case in agriculture and in some home industries, or when they are given work to do that is beyond their strength, or when labor is unduly prolonged. In agriculture it happens not infrequently that children do not get to bed until 10 or 11 o'clock at night, and must rise at 3 or a quarter to 4 o'clock in the morning to begin the next day's work.

As for the effect of child labor upon school attendance, upon the behavior of the children in school and upon their educational progress,

the teachers report as follows: In the case of 41.5 per cent of the children who work, attendance is unsatisfactory. It is most unsatisfactory among those employed in agriculture (48.7 per cent), in industry (45.8 per cent), and in a combination of domestic service and agriculture (43.5 per cent). Except among those employed in domestic service, the girls are less frequently irregular in their attendance than the boys.

The authorities of 352 schools reported on the effects of child labor on school attendance, and those of 198 schools (56 per cent of those reporting) note distinctly objectionable effects of child labor in this regard. The children employed in domestic service and agriculture are the most frequent offenders. In families in which father and mother are away from home all day the children often must take care of the home and attend to the younger children who are not yet of school age, with the result that absences from school are frequent. In other cases the elder school children help perform household duties, and in this event they are apt to be missing from school on Saturdays. In agriculture the effects of child labor on school attendance are most disastrous at those seasons of the year when a considerable amount of work must be done quickly, e. g., at the time the hay and grain are harvested and the grapes gathered. Most irregular and unsatisfactory is the attendance of children "hired out" as servants or laborers for longer periods. . The children of wandering farm hands sometimes fail to put in an appearance at school for months and even years at a time. Absences are frequent, too, among the children employed to mind cattle.

The delivery of milk, pastry, newspapers, etc., in which many children are employed in Vienna and other large cities, does not cause frequent absences, but is responsible for tardy arrival at school in the morning and for the fatigue that reduces attention and prevents mental alertness. The children that carry dinner to their parents or to other persons on the farms or in factories are frequently late and inattentive at the afternoon sessions of school.

As for the effects of child labor upon the educational advancement of the children, reports were received from 335 schools, of which 234, or 70 per cent, state that these effects are detrimental. The number of the working children that make poor progress as pupils is greater than the number of those that are deficient in their attendance. This is due to the fact that there are means of constraining the parents to send their children to school, whereas the progress of the children in school depends largely on the personal influence and disciplinary resources of the teacher, and these are limited in the case of laboring children. Next to fatigue, the progress of the pupils is most often retarded by their inability to perform properly the school tasks to be done at home. The authorities of only five schools express the

opinion that working children make better progress than those who are idle while out of school. One school director considered that agricultural labor "widens the horizon," and that the children who work are not so boisterous as the others.

The above statements have to do mainly with the progress of children from class to class. With regard to the general intellectual development of the children who work, returns were received from half the schools (224), and of this number the authorities of approximately 37 per cent reported that child labor affected the intellectual development of the children disadvantageously, whereas 6 per cent reported the opposite effect. It is plain, however, that there must be a certain parallelism between arrested physical development and slow mental growth in children, and that children who are often absent and late, or too tired to be attentive, can not be expected to profit most by the instruction given them. As for moral development, 319 schools made returns concerning this subject. Of these, 45 per cent noted no causal connection between child labor and morality; 47 per cent report that child labor is morally detrimental; and 8 per cent express the opinion that it is beneficial to moral development. The general testimony of those who regard child labor as morally harmful is to the effect that it leads to coarse speech and rude conduct, and that working children who roam about at night acquire habits of drink and spendthrift ways, and are sexually precocious. It is also stated that since they come into close contact with coarse and immoral strangers, they corrupt the morals of their schoolmates. Sharing their rooms and even their beds with older laborers and servants, the children in domestic service and in agriculture are made the witnesses of sexual improprieties. Many of the school authorities discuss this aspect of the child-labor problem in considerable detail, and are vigorous in their denunciation of the moral dangers which they contend that it too frequently involves. The school authorities reporting that child labor is morally beneficial insist that it prevents idleness, keeps the children off the streets, teaches a respect for labor, and develops the sense of duty.[a]

SILESIA.

In 1900 Silesia had 575 public and private elementary schools, with 103,423 children (51,003 boys and 54,420 girls). The investigation of December 31, 1907, comprised 204 of these schools, with 38,340 pupils (19,129 boys and 19,211 girls). The investigation thus included 37.1 per cent of the school population (37.5 per cent of the boys and 36.6 per cent of the girls). The schools comprised in the investigation are well distributed throughout the Province; 34 are

[a] Soziale Rundschau, January, 1909, pp. 64–87; February-March, 1909, pp. 218 to 327.

situated in cities, 17 in villages, and 153 in country districts. The answers to the "school questionnaire" were all used in preparing a summary of the results, but the "class" and "individual" returns were compiled for only 60 of the schools. As in the other Provinces, this elimination of some of the returns was due to their incompleteness or to their close similarity to the returns that were used. The 60 schools for which all the returns were worked up comprise 11,455 children, or 11.1 per cent of the total school population. Of this number, 6,424 were boys and 5,031 were girls; 3,527 frequented city schools, whereas 594 were in village schools and 7,334 in country schools.

Among the 11,455 children comprised in the report 6,058 (52.9 per cent) worked; that is to say, 3,438 (53.5 per cent) of the boys and 2,620 (52.1 per cent) of the girls. The extent of child labor in country schools as compared with those in cities and villages was as follows:

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY LOCATION OF SCHOOLS.

Location of schools.	Total children.	Children at work.	
		Number.	Per cent.
Cities	3,527	1,404	39.8
Villages	594	358	60.3
Country districts	7,334	4,296	58.6
Total	11,455	6,058	52.9

As in Upper Austria and in Lower Austria, the proportion of laboring children is lowest in the city schools, because so many of the children are employed agriculturally and because home industries are largely carried on in the country districts.

The proportion of laborers among school children born legitimately, among those orphaned, etc., is as follows:

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	10,954	5,758	52.6
Both parents living	9,119	4,704	51.6
One parent living	1,641	949	57.8
Both parents dead	194	105	54.1
Illegitimate	501	300	59.9
Motherless	65	38	58.5

As in the other Provinces, the proportion of pupils that work increases with their age, except for the two upper classes in school con-

taining children 13 and 14 years old. The slightly smaller proportion of working pupils in these classes is due in part to the fact that a number of the working children leave school at the age of 13 or 14 years.

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children.	Children at work.	
		Number.	Per cent.
6 to 8 years	3,874	1,293	33.4
9 to 10 years	2,686	1,492	55.5
11 to 12 years	3,166	2,144	67.7
13 to 14 years	1,729	1,129	65.3
Total	11,455	6,058	52.9

The distribution of the working children among the principal occupations is as follows:

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION, BY SEX.

Occupation.	Children employed in each specified occupation.					
	Total.		Boys.		Girls.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Domestic service	1,292	21.4	884	25.7	408	15.6
Agriculture	904	14.9	357	10.4	547	20.8
Industry (including home industries)	727	12.0	426	12.4	301	11.5
Hotels, taverns, and restaurants	19	.3	17	.5	2	.1
Trade and transportation	27	.4	20	.6	7	.3
Delivering goods	101	1.7	91	2.6	10	.4
Other occupations	19	.3	19	.6	.....	.....
Agriculture and domestic service combined	1,853	30.6	946	27.5	907	34.6
Other combinations of the above	1,116	18.4	678	19.7	438	16.7
Total	6,058	100.0	3,438	100.0	2,620	100.0

Agriculture, domestic service, and both of them combined employ 66.9 per cent of all working pupils. As in the other Provinces, more girls than boys are employed in domestic service, and more boys than girls in agriculture, apart from the children employed in a combination of both occupations. The "other combinations" are principally the following: Domestic service, agriculture, and industry (262 children); agriculture and industry (225 children); domestic service and industry (216 children).(a) Concerning the 1,292 children employed exclusively in agriculture, it was reported that in 368 cases

a The returns for Silesia, like those for the other Provinces, furnish a long list of occupations in which children are employed. This list is too long to be reproduced in the present report.

the work they performed was regarded by the school authorities as "hard" work, such work consisting, for example, in digging potatoes, cleaning stables, carrying wood, threshing, etc.

Among the children employed in industrial labor the largest numbers worked in the manufacture of textiles, the clothing trades, wood manufactures, metal manufactures, and the building trades. In each of these industrial groups children are employed in a variety of operations. In the textile industry 634 children are employed, if there be included not only those that work exclusively therein (288), but also those who combine one or more occupations with this employment (numbering 406); the principal kinds of work in which children engage in this group of industries are winding yarn and making buttons of thread. In the clothing trades children are usually employed to sew buttons on cards, to sew Turkish cloth caps (fezzes), and to sew leather gloves. In the manufacture of wood products children are employed in making basketry and furniture (especially planing, sandpapering, and polishing). In the building trades they serve as carriers of bricks, stones, and mortar, as painters, and as helpers to tile roofers. Among the children employed in trade and commerce some serve as peddlers.(a)

TYROL.

For the Province of Tyrol the investigation of 1907–8 covered 194 schools and 21,370 children, or 15.2 per cent of the school population of the Province. The included schools were well scattered throughout Tyrol, 9 being located in cities, 8 in villages and small towns, and 177 in country districts. For 104 of these schools the data obtained were sufficiently complete and precise to be tabulated in the final results; these comprised a total of 13,582 pupils (or 9.6 per cent of the school population of Tyrol), of which 1,733 attended city schools, 1,257 went to village schools, and the remaining 10,592 frequented the country schools. The working children numbered 5,075, or 37.4 per cent of the total 13,582; of these, 2,666 were boys (or 39.2 per cent of the total number of boys) and 2,409 were girls (or 35.5 per cent of the total number of girls). This proportion of school children at work is larger than in any of the Provinces so far discussed in this section, except Silesia.

As for the legitimacy and family status of the working children, the following table indicates a condition of affairs closely resembling that of the other Provinces, except that the illegitimate children furnish a proportionately smaller contingent of workers than usual, except in the case of those whose mothers are dead or unknown.

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a Soziale Rundschau for April, 1909, pp. 539–570.

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	13,087	4,922	37.6
Both parents living	10,942	4,059	37.1
One parent living	1,972	795	40.3
Both parents dead	173	68	39.3
Illegitimate	495	153	30.9
Motherless	57	25	43.9

With regard to the age of the school children that work, Tyrol resembles the Provinces already considered.

NUMBER AND PER CENT OF CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children.	Children at work.	
		Number.	Per cent.
6 to 8 years	5,208	718	13.8
9 to 10 years	3,653	1,422	38.9
11 to 12 years	3,125	1,896	60.7
13 to 14 years	1,596	1,039	65.1
Total	13,582	5,075	37.4

With regard to the nature of the occupations carried on by the school children who work gainfully, the data given in the following table resembles those found in similar tables of the other Provinces.

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION, BY SEX.

Occupation.	Children employed in each specified occupation.					
	Total.		Boys.		Girls.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Agriculture	1,900	37.4	1,522	57.1	378	15.7
Domestic service	935	18.4	187	7.0	748	31.1
Industry (including home industries)	122	2.4	89	3.3	33	1.4
Hotels, taverns, and restaurants	13	.3	5	.2	8	.3
Trade and transportation	25	.5	7	.3	18	.7
Delivering goods	32	.6	14	.5	18	.7
Other occupations	9	.2	6	.2	3	.1
Agriculture and domestic service combined	1,760	34.7	669	25.1	1,091	45.3
Other combinations of the above occupations	279	5.5	167	6.3	112	4.7
Total	5,075	100.0	2,666	100.0	2,409	100.0

To discover the extent to which the school children employed exclusively in agriculture are required to perform the heavier tasks usually assigned to adult laborers, inquiry was made into the precise

nature of their work, with the following results: Picking wood, 204; cleaning stables and other sorts of stable work, 114; hay raking, 32; weeding, 52; potato planting, 29; digging potatoes, 5; picking potatoes, 5; littering straw for cattle, 1; chopping fodder, 44; cutting straw, 8; loading, unloading, and spreading manure, 8; plowing, 15; harrowing, 4; binding sheaves, 2; carrying sheaves, 4; threshing, 18; barn labor, 2; mowing, 18; cutting and chopping wood, 4. It must be understood, however, that these figures give an incomplete picture of the reality, because in many instances the nature of the work performed was not indicated.

Of 242 children employed in industrial labor, the largest proportion were engaged in the manufacture of wood products, in the metal trades, the building trades, and in the textile industry.[a]

CARNIOLA (KRAIN).

In the Province of Carniola the investigation included 138 schools, but the figures were worked up for only 35 of them, partly because they were entirely typical of all the schools in the Province and partly because the data for the others were not sufficiently complete. These 35 schools contained 10,255 pupils—4,840 boys and 5,415 girls—or 12.3 per cent of the total school population of the Province. Of this total, 4,922 worked, or 48 per cent of the total (2,421, or 50 per cent of the boys, and 2,501, or 46.2 per cent of the girls). The location of these schools and the proportion of workers among the pupils in each group of schools was found to be as follows:

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY LOCATION OF SCHOOLS.

Location of schools.	Total children.	Children at work.	
		Number.	Per cent.
Cities	3,608	1,326	36.8
Villages	1,089	386	35.4
Country districts	5,558	3,210	57.8
Total	10,255	4,922	48.0

The proportion of school children at work here, as in the other Provinces thus far considered, is greater in the country districts than in the cities and villages because of the large numbers of children in the country districts who are engaged in agricultural labor.

[a] Soziale Rundschau, May, 1909, pp. 733 to 762.

With regard to the legitimacy and family status of the working children, conditions in Carniola were found to be as follows:

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	9,996	4,806	48.1
Both parents living	8,602	4,071	47.3
One parent living	1,283	665	51.8
Both parents dead	111	70	63.1
Illegitimate	259	116	44.8
Motherless	29	15	51.7

While orphaned children furnish a larger proportion of child laborers than those with parents—precisely as in the other Provinces considered—the illegitimate children do not provide so large a proportionate quota of laborers in Carniola as in the other Provinces.

The contributions of the various age groups to the army of child laborers was found in this Province to be as follows:

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children.	Children at work.	
		Number.	Per cent.
6 to 8 years	3,580	935	26.1
9 to 10 years	2,765	1,485	53.7
11 to 12 years	2,590	1,666	64.3
13 to 14 years	1,320	836	63.3
Total	10,255	4,922	48.0

The slight decline of the proportion of workers in the last group, that of children aged 13 to 14 years, is due to a considerable falling off in this age group of the girls employed in gainful occupations.

In the country districts of this Province children are, as a rule, not required to attend school after having attained the age of 12 years, whereas in the village schools and city schools, having three or more classes or grades, children are generally required to attend school until they complete the fourteenth year of age. But a law of 1874 provides that wherever there are elementary schools at which attendance is not required after the twelfth year, repetition schools (*Wiederholungsschulen*) shall be introduced to furnish instruction from the beginning of the school year to the end of the month of March. In these schools instruction shall be given three times a week for a period of two hours, not including the time devoted to religious instruction, two of these sessions being for boys and one for

girls. As a rule, all children who have finished the elementary school training are obliged to attend these schools until they have reached the age of 14 years.

Of the school children comprised in the investigation for this Province, 9,212 attended the elementary "all-day schools" and 1,043 were "repetition-school" pupils. Of the repetition-school pupils a certain number were under 12 years of age, but the great majority were, of course, above that age. Bearing in mind that the all-day pupils over 12 years of age are mainly those in the cities, and dividing the pupils in both repetition schools and all-day schools into two age groups, namely, those 11 or 12 years old and those 13 or 14 years old, it was learned that in the first age group 89.6 per cent of the repetition pupils were engaged in gainful occupations and of the all-day pupils only 60.4 per cent, whereas in the second age group 86.9 per cent of the repetition pupils and 37 per cent of the all-day pupils were thus engaged.

Concerning the occupations in which the school children of this Province are employed, conditions may be said closely to resemble those which prevail in the other Provinces already referred to.

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION, BY SEX.

Occupation.	Children employed in each specified occupation.					
	Total.		Boys.		Girls.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Domestic service	843	17.1	191	7.9	652	26.1
Agriculture	1,216	24.7	954	39.4	262	10.5
Industry (including home industries)	606	12.3	283	11.7	323	12.9
Hotels, taverns, and restaurants	20	.4	16	.7	4	.2
Trade and transportation	18	.4	13	.5	5	.2
Delivering goods	12	.2	9	.4	3	.1
Other occupations	10	.2	10	.4	.....	.....
Agriculture and domestic service combined	1,120	22.8	476	19.6	644	25.7
Other combinations of the above occupations	1,077	21.9	469	19.4	608	24.3
Total	4,922	100.0	2,421	100.0	2,501	100.0

Of the children employed in industrial occupations, there were 606 exclusively thus employed and 829 who worked partly in industrial and partly in other occupations, making a total of 1,435 who devoted part or all of their working hours to industrial labor in the narrower sense of the term. Of these a considerable number worked in the summer on farms and in the winter in their homes or in mills. The industries which rank highest in the number of children they employ, either exclusively or in conjunction with some nonindustrial occupation, are the textile industries, wood manufactures, the metal trades, glass works, and brickyards. In fact, 698 school children, or

nearly half of the total number employed industrially, worked in the textile industries; and of this number 520 worked at pillow-lace making, but not exclusively, inasmuch as 349 of them did other work, mainly domestic service. Eighty-eight per cent of these lace makers were girls. The industry is largely localized at Idria, where 335 school children were found working at it, and at Trata, where there were 166 school children thus employed, chiefly the children of miners in these localities. Another important industry in which the children engage is the manufacture of horsehair sieves; 158 school children, mainly at St. Martins in Krainburg, were thus employed. The work of the children consists usually in sorting the hairs according to color, testing their strength, and "threading" them preparatory to weaving. Practically all of this work is done in the winter at the homes of the persons engaged therein.

Among the other preliminary data given in the Soziale Rundschau for June, 1909, concerning the results of the investigation in Carniola are summaries of the reports of school physicians and school authorities regarding the effects of labor on the physical, intellectual, and moral development of the school children who engaged therein. The physical condition of 18.7 per cent of the school children exclusively engaged in domestic service, and of 13.7 per cent of those engaged partly in domestic service and partly in other kinds of work, was reported as unsatisfactory. Of those engaged in agriculture exclusively, 12.9 per cent were similarly reported as not physically satisfactory. To what extent this unsatisfactory condition is due to the labor the children perform, it is, of course, difficult if not impossible to state, because of the innumerable other factors which enter into the matter. Specifically noticeable effects of labor on the condition of the children were, however, reported by a number of school physicians and other school authorities. The three physicians who specifically examined the industrially employed children were unanimously agreed that the physical effects of industrial labor are clearly detrimental. They referred particularly to the injurious consequences of pillow-lace making, in which children only 4 years of age are sometimes required to occupy a bent position for several hours daily.

From the testimony of these physicians the following extracts are taken:

The children who work in the glass works are nearly all pale and anemic. They suffer frequently from nosebleed, headache, and lack of appetite. They are, moreover, peculiarly subject to infectious diseases, especially tuberculosis—more so than other children. Affections of the respiratory organs are constant among children in this industry; they are slow to develop mentally and physically.

Children employed in the building trades develop slowly because of the strenuous character of the work. Mentally they are not alert, and they are in every respect more backward than children of the

same age who work on the farms. Because of insufficient food and by reason of the bad weather to which they are so largely exposed they fall ill more readily than other children. Diseases of the respiratory organs are especially common among them.

The children are employed in domestic and agricultural labors and in making pillow-lace. The light domestic work they perform in helping their mothers is from a medical point of view rather helpful than harmful to their health and development. Work for several hours a day, however, at pillow-lace making is apt to be injurious, especially for children liable to rachitis or tuberculosis.

Of the 37 school superintendents who reported upon the effect of labor on the health of school children 14 were of the opinion that agricultural and domestic labor had no noticeable effects one way or the other. Twenty-three reported that agricultural and domestic labor has no evil consequences when it is carried on moderately. Eleven of these 23 maintained that whenever this sort of work lasts many hours per day or exceeds the strength of the children it is distinctly harmful. It is pointed out in particular that children employed in agriculture are frequently compelled to begin work at 3 or 4 o'clock in the morning and do not go to bed until 10 or 11 at night, thus being deprived of sufficient sleep. Instances are mentioned of curvature of the spine due to carrying younger children. Industrial labor is reported as almost always having injurious effects, particularly in the glass industry, in the manufacture of toothpicks, and especially in making lace. Several school superintendents report that the working children are frequently ill clad and poorly fed, and because of this the consequences of their labor are more apt to be detrimental. The following are examples of the reports of the school superintendents upon this subject:

Children employed in glass works who were physically sound and mentally alert when they began the work soon thereafter become unresponsive to school training; their faces grow pale and they pine away.

The children in this school district, mostly peasants' children, are largely drawn upon for all sorts of agricultural and domestic labor because of the lack of farm hands. Thus it happens that children are required to get up at 3 o'clock in the morning to mow, to go to school at 8, to toss hay when school is over, and do not get to bed until 10 or 11 o'clock at night. The girl pupils take milk to the city, then go to school, and resume work again when school is out.

Girls who work in the open air or generally move about freely are by no means harmed by agricultural or domestic labor; on the contrary, such work has a good effect upon their bodily development. But in this respect long hours of work or whole days' work in a seated position at sewing or lace making is injurious for girls. This was especially noticeable in the case of girl pupils in repetition schools who are not satisfactorily fed.

Exhausting farm labor, which requires children often to get up at 5 or even 4 o'clock in the morning, and the manufacture of straw hats, which keeps them up until 11 or 12 at night, together with the long distance they must walk to get to school, are exceptionally unfavorable in their influence upon the physical development of the children.

Agricultural labor carried on during only a part of the year and in the open air, and which is not too hard for the children, has no evil influences either upon the intellectual or physical development of the children. But the taking care of children, which lasts throughout the entire year and takes place in closed rooms, has an important unfavorable effect upon their physical condition.

With regard to the effect of child labor upon the general mental development of the children therein employed, 69 school superintendents offered testimony. Forty of them noted no perceptible effects, remarking in many cases, however, that no bad effects were noticeable because the children did only light work for short periods and usually did this work for their own parents. Twenty-four reported that the work of the children exerted an injurious influence upon their mental progress, while 5 reported the opposite effects. "The children employed in glass works," said one report, "take no interest whatever in their studies." "Work on the farm and domestic service," said another, "has no harmful effects if the children are not worked too hard and are given sufficient sleep." "The work of the children in the fields and taking cattle to pasture," declares another report, "in this district, where the population is poor, operates very unfavorably upon their mental development because adult laborers are hard to get and the children are therefore required to do the work of adults."[a]

VORARLBERG.

The investigation in the Province of Vorarlberg included 51 elementary schools with 11,124 pupils, or 56.4 per cent of the school population of the Province. Two of these schools were in the city of Bludenz, 9 in villages, and 40 in country districts. For some parts of the investigation the results from all of these schools were compiled; but a detailed compilation was made for only 15 of them, containing 3,263 children, or 16.3 per cent of the total school population of the Province. Of these 3,263 pupils, 1,229 were found to be working children—546 boys out of 1,584 boys in the schools included, and 683 girls out of 1,679 girl pupils. The distribution of the working children according to the location of the schools was as follows:

[a] Soziale Rundschau, June, 1909, pp. 995 to 1027.

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY LOCATION OF SCHOOLS.

Location of schools.	Total children.	Children at work.	
		Number.	Per cent.
Cities	716	163	22.8
Villages and towns	471	136	28.9
Country districts	2,076	930	44.8
Total	3,263	1,229	37.7

As in the other Provinces considered, the proportion of working school children is least in the cities and greatest in the country districts, for the reason, here as elsewhere, that pupils in the country schools are largely drawn upon for farm labor and are largely employed in home industries, which are most common throughout the country regions.

The figures concerning the family status of the working children indicate that in Vorarlberg, unlike most of the other Provinces, the illegitimate children do not furnish an exceptionally large quota of laborers.

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	3,161	1,191	37.7
Both parents living	2,708	995	36.7
One parent living	416	173	41.6
Both parents dead	37	23	62.2
Illegitimate	102	38	37.3
Motherless	13	5	38.5

As in the other Provinces, however, the proportion of school children who work increases with the age of the children.

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children.	Children at work.	
		Number.	Per cent.
6 to 8 years	1,319	199	15.1
9 to 10 years	845	311	36.8
11 to 12 years	766	477	62.3
13 to 14 years	333	242	72.7
Total	3,263	1,229	37.7

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The kinds of work in which the laboring children engage was found to be as follows in this Province:

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION.

Occupation.	Children employed in each specified occupation.	
	Number.	Per cent.
Domestic service	286	23.3
Agriculture	229	18.6
Industry (including home industries)	266	21.6
Hotels, taverns, and restaurants	2	.2
Trade and transportation	6	.5
Delivering goods	16	1.3
Other occupations	1	.1
Domestic service combined with agriculture	215	17.5
Other combinations of the above	208	16.9

In addition to the 266 school children of this Province found to be employed exclusively in industries, there were 161 others who worked part of the time in industries and part of the time in some other occupation or occupations; and of the total 427 industrially employed, 401, or 93.9 per cent, were employed in the manufacture of textiles—179 boys and 222 girls. Nearly all of these children help to make embroidery, being largely employed in certain preparatory labor such as winding bobbins, reeling, filling shuttles for looms, and threading for satin-stitch embroidering machines. The larger children "watch" the machines and attend to broken needles and torn threads. Some of them are employed at "finishing" the embroidery, i. e., repairing defective places, cutting off margins, etc.

With regard to the reported effects of child labor on the physical condition and development of the children it is unnecessary to go into the details given for this Province, so closely do they resemble the reports made for the other Provinces. Of the children engaged solely in domestic service, 26.2 per cent, and of those engaged exclusively in farm labor, 17.9 per cent, were said to be in an unsatisfactory physical condition. The reporting physicians (four in number) all regarded industrial labor, particularly at embroidering, as injurious to the children, largely because it involves sitting down for many hours and in the winter is carried on in poorly ventilated rooms. Twenty-seven school superintendents report no noticeable effects of child labor, while 10 report injurious and 5 report beneficial effects, the latter referring, however, exclusively to agricultural labor.

Of the children engaged in domestic service, 27.3 per cent, and of those engaged in agriculture, 15.3 per cent, are reported as unsatisfactory in their school attendance or in their behavior while at school. It is especially noted that the children who work until late at night in taverns or at embroidering are often tired when they come to school in the morning, and are therefore incapable of keeping up with

their classmates. It is also reported that the children who work do not always have sufficient time to prepare the lessons assigned to them for study at home. In one school district, for example, the authorities stated that during the summer months 50 per cent of the pupils failed to put in an appearance at the "summer school." In the last three years of school nearly all of the working children avail themselves of the permission to curtail school attendance, going only from October 15 to May 15, and in some cases only from November 1 to March 19.

The authorities of 37 schools express opinions with regard to the effect of labor upon the mental development of the working children; 20 of them detected no influence one way or the other, 13 noted an unfavorable effect, and 4 reported that the effect was favorable. But the 4 superintendents who noted favorable effects of child labor upon the mental development of the children referred mainly to the lighter forms of agricultural labor.[a]

BOHEMIA.

In the investigation for Bohemia reports were received from 708 schools, having 170,351 pupils. Not all of these reports, however, were used in the final and detailed compilation, either because the data were in some cases incomplete or because conditions were so much alike in a large number of the schools that not all of them had to be included in order to present a correct picture of actual conditions. The material was fully worked up for 416 schools, having 107,056 pupils, or 9.7 per cent of the school population of Bohemia. Of this total, 32,631 were found to be at work—17,279 boys, and 15,352 girls; that is, to say, 32 per cent of the boys included in the detailed investigation, 28.9 per cent of the girls, and 30.5 per cent of both sexes. The proportion of working school children in Bohemia, therefore, is approximately the same as in Lower Austria, Upper Austria, and Salzburg, but less than in Silesia and in Carniola. Concerning the location of the schools in which working children were found, the following table is given:

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY LOCATION OF SCHOOLS.

Location of schools.	Total children.	Children at work.	
		Number.	Per cent.
Cities	64,825	15,496	23.9
Villages	10,349	3,804	36.8
Country districts	31,882	13,331	41.8
Total	107,056	32,631	30.5

[a] Soziale Rundschau, July, 1909, pp. 56–81.

The proportion of school children at work, as in nearly all of the other Provinces, is smallest in the cities and greatest in the country districts, because the children who frequent the country schools are largely drawn upon for agricultural labor.

Distinguishing the children according to the legitimacy or illegitimacy of birth, etc., it appears that in Bohemia, as in most of the other Provinces, the illegitimate children furnish a larger relative quota of workers than those born legitimately. Orphaned children, moreover, work more frequently than those whose parents are still living.

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	103,951	31,403	30.2
Both parents living	91,392	26,651	29.2
One parent living	11,330	4,259	37.6
Both parents dead	1,229	493	40.1
Illegitimate	3,105	1,228	39.5
Motherless	441	253	57.4

The proportion of children who work depends somewhat, too, on their ages; and in this respect conditions in Bohemia are similar to those in the other Provinces already considered, save that there is a decline in the highest age group.

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children.	Children at work.	
		Number.	Per cent.
6 to 8 years	39,091	6,858	17.5
9 to 10 years	26,814	8,502	31.7
11 to 12 years	27,077	11,698	43.2
13 to 14 years	14,074	5,573	39.6
Total	107,056	32,631	30.5

The decline in the proportion of children aged 13 and 14 years is more apparent than real, because the children who remain in school until they attain these years are usually city children, among whom there is a much smaller number of workers. The country children generally leave school at the age of 12 years. It should also be noted that the children who work generally leave school earlier than those who do not.

The nature of the employments in which the school children are engaged forms the subject of the next table:

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION, BY SEX.

Occupation.	Children employed in each specified occupation.					
	Total.		Boys.		Girls.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Domestic service	5,389	16.5	1,876	10.9	3,513	23.0
Agriculture	4,705	14.4	3,487	20.2	1,218	7.9
Industry (including home industries)	6,951	21.3	3,557	20.6	3,394	22.1
Hotels and taverns	245	.8	213	1.2	32	.2
Trade and transportation	273	.8	204	1.2	69	.4
Delivering goods	641	2.0	468	2.7	173	1.1
Other occupations	144	.4	110	.6	34	.2
Domestic service and agriculture combined	5,827	17.9	3,042	17.6	2,785	18.1
Other combinations of the above occupations	8,456	25.9	4,322	25.0	4,134	27.0
Total	32,631	100.0	17,279	100.0	15,352	100.0

The proportion of children engaged in industries is somewhat larger than in the Provinces previously considered, excepting Vorarlberg. It should be noted that the first 7 occupations given in the above table comprise only children who are engaged exclusively in these occupations; hence the much larger numbers which are found in the groups of "combined" occupations, since a very large number were engaged in as many as 3 or 4 different occupations, especially at different times of the year. To ascertain how largely school children are required to perform the harder sorts of farm labor, an endeavor was made to learn just what work is done by the 4,705 school children who work exclusively in agriculture. So far as the results of this inquiry admit of tabulation, the following results were obtained for the Province of Bohemia. There were engaged in cleaning stables and similar stable labor, 623 children; in picking hops, 345; cutting straw, 172; carrying fodder and straw, 136; threshing, 108; carrying wood and picking wood in the forests, 101; digging potatoes, 100; picking potatoes, 97; planting potatoes and vegetables, 85; chopping fodder, 61; hay or fodder tedders, 59; harrowing, 56; acting as "beaters" in hunting and carrying game, 56; helping to operate threshing machines, 54; making hay, 50; gleaning, 45; hoeing (potatoes, turnips, and in vineyards), 38; carrying water, 32; plowing, 30; loading and unloading hay, 29; weeding (in vegetable gardens, orchards, etc.), 29; auxiliary work at threshing (handling sheaves, removing straw, binding, etc.), 28; binding sheaves, 27; nursery gardening, 26; loading, unloading, removing, and spreading manure, 25; digging, washing, cutting, loading and unloading beets and tur-

nips, 23; watering vegetables, 20; mowing wheat, 15; chopping and cutting wood, 14; loading and unloading grain, 13; digging holes for planting trees, 10; removing stones from the soil, 10; carrying sheaves, 9; sorting and chopping turnips, 9; making fagots, 8; clearing meadows and mud raking, 6; helping wood-cutters, 5; covering dunghills, 4; removing tree stumps, 3; digging in hop gardens, 2.

The industrial labor in which the school children of Bohemia engage is of the most varied character. The relative importance of child labor in the several groups into which industrial occupations are divided in Austria is indicated in the next table, which takes into account all the pupils employed industrially, whether they work exclusively in industries or whether they combine nonindustrial with industrial labor.

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED INDUSTRIAL GROUP.

[The total school children at work as given in this table is 14,730, but this total represents a duplication of some children who work in more than one industrial group. The actual number is 13,991.]

Industrial group.	School children at work in each group.			
	Boys.	Girls.	Total.	Per cent.
Slight modification of raw materials	11	3	14	0.10
Stone, pottery, and glassware	656	525	1,181	8.02
Metal products	247	112	359	2.43
Machines, tools, etc	132	43	175	1.19
Wood manufactures, etc	955	571	1,526	10.40
Leather, hair, feather, and similar products	407	536	943	6.40
Textiles	3,714	4,775	8,489	57.63
Papering and upholstering	4	.....	4	.02
Clothing trades	691	784	1,475	10.01
Paper	117	62	179	1.22
Food products, tobacco manufactures, etc	166	39	205	1.39
Chemicals	12	10	22	.14
Building trades	131	13	144	.97
Graphic industries (printing, etc.)	4	.....	4	.02
Industrial occupations not specified	5	5	10	.06

Of the 13,991 children employed industrially, 1,181, or 8.4 per cent, work in the manufacture of pottery, glassware, and similar products. Of this number 815 are employed exclusively in the manufacture of these products, whereas 366 also engage in other occupations. Of the latter number, 22 work at other forms of industrial labor, 179 in domestic service, 75 in agriculture, and 65 in both domestic service and agriculture.

In the manufacture of pottery 285 school children are employed, 144 exclusively and the others in conjunction with other employments. They dig clay, sieve sand, carry water and clay, pug clay, strew sand, wash off the forms, and put the wooden frames together; they mold bricks and tiles, carry them to the drying area, "wall" them to dry, load and unload them, hand them to the "burners" or place them in

the ovens themselves, bring coal and wood to the ovens, remove ashes, transport the baked bricks and tiles, and pile them up.

More important still is the manufacture of glassware, for in connection with the production of small glass goods, notably glass beads and artificial pearls, 644 pupils find employment; of this number, however, 120 give part of their time to other occupations. Only a few of the children engage in the actual manufacture of the beads. Most of them work as "finishers." They file and string the beads or pearls, unite the strings into bands or collars, or arrange them into funeral wreaths. Over 100 children are employed in the manufacture of crystal ware, glass buttons and brooches, pocket mirrors, etc.

In the metal trades 359 children are employed, and nearly one-half of this number (153) are engaged in making metal buttons. In some instances the employers place the necessary machines in the homes of the workers, and the children accomplish the auxiliary processes, such as painting and lacquering the buttons, inserting cloth, and attaching the finished buttons to cards. School children also help in making pins and needles (46), in blacksmithing (66), tinsmithing, locksmithing, in the manufacture of wire goods, screws, tin toys, chains, and gold leaf.

In the group of "machines, tools, etc.," children are largely employed in the manufacture of musical instruments (146), principally violins.

The next group (wood manufactures, etc.) includes a great variety of employments in which school children engage, such as the making of wooden boxes (671) and of coarse wooden articles (19); work in sawmills (18) and in joineries (63); chip-hat weaving (153); basket-making (32); willow ware (385); cane-seating (22); wooden toys (50); wooden buttons (59); and the manufacture of pipes, cigar holders, and cigarette holders (22). In the "leather industries, etc.," the following numbers of children are employed, if we count those giving part of their working time to the occupations and products hereafter named: In cleaning feathers, 808; in making brooms and brushes, 24; in making leather pocketbooks and similar articles, 67; and in the preparation of leather, 22.

The most important group of industrial employments for children is that of the textiles, in which were found 60.7 per cent of the 13,991 industrially employed children; that is to say 8,489 boys and girls, of whom 3,838 were exclusively engaged in this occupation. The kinds of work performed by these children are exceedingly numerous. The chief subdivision of this group is home weaving, in which the children carry on all sorts of auxiliary processes, such as reeling the material for weaving by means of a spooling-wheel propelled by foot, in which 1,716 were employed. This work is not usually done for the mills, but for weavers who work in their homes.

Of great importance are knit goods (339), lace (996), embroidery (293), passementerie ornaments and trimmings (452), hair nets (2,681), buttons of thread or linen (1,286), rope and cordage (117).

In the clothing trades, employing 1,475 children part or all of their working time, 530 sew buttons on cards, 218 are employed in sewing white goods, 59 help in men's tailoring, 116 in shoemaking, 159 in the manufacture of leather gloves, 263 in making artificial flowers, 42 in wig making, and 71 in dressmaking.

In the paper industry the principal products in the making of which school children engage are paper bags, cardboard, and boxes. In the manufacture of food products, 63 children are employed in bakeries, 18 in flour mills, 20 in candy making, 66 in butcher establishments, and 12 in beer breweries. In the building trades, employing 144 school children partly or exclusively, 56 serve as helpers to masons, 36 as roofers' helpers, 13 as aids to carpenters.

Hotels, taverns, and restaurants give employment to 691 children, of which number 245 are not occasionally otherwise employed. Most frequently these children set up tenpins (443), although many serve to wait on guests. In trade and transportation, giving employment to 676 children still subject to school attendance, 350 help in shops and stores, to wait on purchasers, to pack goods, etc.; 169 are engaged in peddling and huckstering; and 157 help in transportation enterprises by harnessing horses, taking care of the stables, loading and unloading wagons and driving the teams. In delivering goods and going errands, 1,554 children are employed; they generally are hired to deliver bread, milk, meats, groceries, newspapers, books, telegrams, circulars—in fact, all manner of goods.[a]

MORAVIA.

In the Province of Moravia the investigation included 516 schools with 102,700 pupils. For certain features of the investigation the returns from all of these schools were compiled; but for the more detailed portions the returns from only 239 schools were worked up, the reasons for this procedure being precisely the same as in the other Provinces. The 239 schools comprised in the detailed report contained 48,429 pupils, or 11 per cent of the school population of Moravia; and of this total number of pupils 19,850, or 41 per cent, were found to be engaged in gainful occupations. This is a larger proportion than in any of the Provinces previously considered except Silesia and Carniola. Concerning the location of the schools and the proportion of working pupils in each group of schools thus distinguished, the following table is given.

[a] Soziale Rundschau, September, 1909, pp. 375–445.

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY LOCATION OF SCHOOLS.

Location of schools.	Total children.	Children at work.	
		Number.	Per cent.
Cities	22,444	6,861	30.6
Villages	10,287	4,736	46.0
Country districts	15,698	8,253	52.6
Total	48,429	19,850	41.0

As in the other Provinces, the proportion of working pupils is largest in the country districts because of the large number of country children who are drawn into agricultural employments.

As for the family status of the working children it is found here as elsewhere that orphaned children furnished a larger quota of workers than those whose parents were living.

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	46,782	19,048	40.7
Both parents living	40,214	15,862	39.4
One parent living	5,933	2,891	48.7
Both parents dead	635	295	46.5
Illegitimate	1,647	802	48.7
Motherless	193	106	54.9

The age of the children is also closely connected with the extent of their employment, as the next table indicates.

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children.	Children at work.	
		Number.	Per cent.
6 to 8 years	17,968	3,951	22.0
9 to 10 years	11,842	5,357	45.2
11 to 12 years	12,064	7,097	58.8
13 to 14 years	6,555	3,445	52.6
Total	48,429	19,850	41.0

The falling off in the last age group is due to the fact that in the country districts, which furnish the largest quota of workers, few children remain in school beyond the twelfth year. Working children, moreover, generally leave school earlier than the others.

The nature of the occupations in which the working children are employed was found in Moravia to be as follows:

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION, BY SEX.

Occupation.	Children employed in each specified occupation.					
	Total.		Boys.		Girls.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Domestic service	3,122	15.7	1,066	10.3	2,056	21.6
Agriculture	3,394	17.1	2,483	24.0	911	9.6
Industry (including home industries)	2,319	11.7	1,145	11.1	1,174	12.3
Hotels, taverns, and restaurants	90	.4	66	.7	24	.3
Trade and transportation	101	.5	63	.6	38	.4
Delivering goods	154	.8	97	.9	57	.6
Other occupations	52	.3	39	.4	13	.1
Domestic service and agriculture combined	5,334	26.9	2,648	25.6	2,686	28.2
Other combinations of the above	5,284	26.6	2,730	26.4	2,554	26.9
Total	19,850	100.0	10,337	100.0	9,513	100.0

The first seven groups of occupations named in the table include only those pupils who engage exclusively in those occupations. If we add to these numbers the school children who give part of their working time to these occupations the number is considerably greater, as figures to be given later will show. Of the combinations of several occupations, the most usual are, besides domestic service and agriculture; agriculture and industrial employment; domestic service and industrial employment; and a combination of agriculture, domestic service, and industrial labor. The total number engaged in agriculture, either alone or together with some other occupation or occupations, was 11,865; in domestic service, either alone or in conjunction with other work, 12,289; and in industrial occupations, either alone or combined with other employment, 6,780.

The kinds of agricultural and domestic labor performed by the children are, generally speaking, the same in Moravia as in the other Provinces. Suffice it to say, therefore, that the data given elsewhere upon this subject hold equally true for this Province.

The industrial labor performed by the school children of Moravia is of great variety. Grouped according to the usual division of industrial occupations in Austrian official statistics and taking into account all the children of the Province employed industrially, whether or not exclusively thus employed, the following table was obtained.

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED INDUSTRIAL GROUP.

[The total school children at work as given in this table is 7,154, but this total represents a duplication of some children who work in more than one industrial group. The actual number is 6,780.]

Industrial group.	School children at work in each group.			
	Boys.	Girls.	Total.	Per cent.
Stone, pottery, and glassware	244	69	313	4.37
Metal products	92	23	115	1.61
Machines, tools, etc	19	.....	19	.26
Wood manufactures, etc	770	668	1,438	20.10
Leather, hair, feather, and similar products	162	222	384	5.37
Textiles	1,602	2,105	3,707	51.82
Papering and upholstering	.....	5	5	.07
Clothing trades	296	440	736	10.29
Paper	21	6	27	.38
Food products, tobacco manufactures, etc	127	64	191	2.67
Chemicals	3	1	4	.05
Building trades	171	12	183	2.56
Graphic industries (printing, etc.)	2	.....	2	.03
Industrial occupations not specified	26	4	30	.42

In the first group named (pottery, glassware, etc.), 184 children are employed in connection with the manufacture of bricks, 93 in glass works, and 23 in sand and stone quarries. In the manufacture of wood and allied products, 493 are employed in weaving straw, 354 in caning furniture, 296 in basket making, 117 in furniture making, 14 in sawmills, and 18 in the manufacture of wooden pipes. In the group of leather and hair products, 182 children are employed in the manufacture of brushes, 53 in making brooms, and 131 in cleaning feathers.

Far and away the most important group is that of the textiles, in which 3,707, or 54.7 per cent, of the 6,780 industrially employed children are engaged. More than one-third of these children (1,305) work exclusively in the textile industry. The variety of their work makes it difficult to give a complete list of their precise occupations. The largest number of children work at home in connection with weaving textiles. Many of them (1,041) reel yarn for their parents, 287 knot fringes, 1,037 help make buttons of twine and wool, 944 are employed in making hair nets, 251 in making knit goods, 60 in lace making, and 35 in crochet work.

In the clothing trades, 202 children manufacture cloth and felt shoes known locally as "Patschen," 178 are employed in tailoring men's clothing, 142 in sewing white goods, 32 in sewing buttons on cards, and 32 in dressmaking.

In the manufacture of food products, tobacco, etc., 191 children are employed, and of this number more than one-third work in canning fruit and vegetables, 35 work in butcher shops, 32 in flour mills, 29 in bakeries, and 9 in making candy. In the building trades, 117 children help masons, 17 are carpenters' helpers, 13 are painters' helpers, and 16 are employed in roofing. In the other groups of industrial

occupations and in the nonindustrial groups, the kinds of work performed by the school children in Moravia are the same as in the other Provinces in connection with which this subject has been discussed.(a)

GALICIA.

In this Province the investigation included 544 schools, with about 130,300 pupils. The returns were worked up completely, however, for only 393 of these schools, containing 97,288 pupils, or 9.2 per cent of the school population of Galicia. Of the pupils comprised in the detailed investigation 32,031, or 32.9 per cent, were employed in gainful occupations. The number of pupils, by location of the schools, was as follows:

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY LOCATION OF SCHOOLS.

Location of schools.	Total children.	Children at work.	
		Number.	Per cent.
Cities	26,931	3,975	14.8
Villages	13,579	5,426	40.0
Country districts	56,778	22,630	39.9
Total	97,288	32,031	32.9

This indicates a condition similar to that of the other Provinces, and requires no special analysis. Much the same thing is true of the next table—concerning the family status of the working children—save that in Galicia illegitimate children furnish a smaller quota of workers than was noted in the Provinces previously considered.

NUMBER AND PER CENT OF LEGITIMATE AND ILLEGITIMATE SCHOOL CHILDREN AT WORK, BY CONDITION OF PARENTS.

Condition of parents.	Total children.	Children at work.	
		Number.	Per cent.
Legitimate or legitimatized	92,663	30,792	33.2
Both parents living	81,199	26,699	32.9
One parent living	10,500	3,724	35.5
Both parents dead	964	369	38.4
Illegitimate	4,625	1,239	37.0
Motherless	238	75	31.5

The contribution of the several age groups to the army of child laborers is indicated by the following table, which shows that the proportion of working children increases in Galicia with the age of the children, unlike the Provinces of Carniola, Bohemia, Moravia, Lower Austria, and Silesia, in each of which there is a slight falling off in the highest age group:

[a] Soziale Rundschau, October, 1909, pp. 561 to 608.

NUMBER AND PER CENT OF SCHOOL CHILDREN AT WORK, BY AGE.

Age, December 31, 1907.	Total children.	Children at work.	
		Number.	Per cent.
6 to 8 years	35,003	5,109	14.6
9 to 10 years	26,841	8,691	32.4
11 to 12 years	21,690	10,078	46.5
13 to 14 years	13,754	8,153	59.3
Total	97,288	32,031	32.9

The school laws of Galacia, not unlike those of Carniola (see p. 72), require that children shall begin to attend school at the age of 6 years and remain in school seven years, if they reside in cities having a secondary school (*Bürgerschule*), or six years if they reside elsewhere. After completing this requirement they may cease attending the "all-day school" if the pupil exhibits a sufficient knowledge of the prescribed subjects of instruction. But they must then, if they do not go to some other school, attend continuation courses (*Fortbildungskurse*) for three years. Concerning these courses, the law provides: "In every public school the continuation courses shall be given at such times of the day, of the week, and of the year, as not to prevent the young people from carrying on some practical vocation nor from attending divine service and religious instruction. In schools having more than one teacher the continuation courses are to be given separately for boys and girls."

The "all-day pupils" in the Galician investigation numbered 88,306 and the continuation pupils, 8,982. Both kinds of pupils were divided into two age groups, those 11 to 12 years and those 13 to 14 years. It was found that of the 20,099 all-day pupils aged 11 to 12 years 45.4 per cent (9,117) worked, whereas of the 1,591 continuation pupils of the same age 60.4 per cent (961) worked. In the groups consisting of children 13 to 14 years old there were 6,363 all-day pupils, of which number 43 per cent (2,736) worked, and 7,391 continuation pupils, of which number 73.3 per cent (5,417) worked.

The continuation-school pupils are much more largely drawn upon for employment than the all-day pupils, although the difference between the two classes of school children is not so great in this regard as in Carniola. In both cases the difference is largely due to three causes: (1) Continuation pupils are more numerous in country districts, where children are more frequently required to work, than in the cities; (2) part of the all-day school children of the ages of 11 to 12 years reside in the country districts; and (3) all-day school children aged 13 to 14 years come exclusively from the city schools, which contribute a relatively smaller quota of workers than schools in the country.

With regard to the kinds of employment in which the working children engage, the following table is given:

NUMBER AND PER CENT OF SCHOOL CHILDREN EMPLOYED IN EACH SPECIFIED OCCUPATION, BY SEX.

Occupation.	Children employed in each specified occupation.					
	Total.		Boys.		Girls.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Domestic service	5,376	15.6	1,513	8.5	3,863	23.3
Agriculture	11,464	33.3	8,204	46.0	3,260	19.7
Industry (including home industries)	1,947	5.7	1,312	7.4	635	3.8
Hotels, restaurants, and taverns	115	.3	56	.3	59	.4
Trade and transportation	612	1.8	347	1.9	265	1.6
Delivering goods	184	.5	129	.7	55	.3
Other occupations	59	.2	44	.2	15	.1
Domestic service and agriculture combined	11,078	32.2	4,648	26.1	6,430	38.8
Other combinations of the above	3,579	10.4	1,591	8.9	1,988	12.0
Total	34,414	100.0	17,844	100.0	16,570	100.0

In the above table the first seven groups of occupations include only those children who are engaged exclusively in these occupations. A large number of children, however, engage in more than one kind of work; many devote a part of their time to domestic service and to agriculture. If we add to those exclusively engaged in domestic service those who give part of their working hours to it, the total is 18,676. Those who work partly or exclusively in agriculture number 25,054, and those who work partly or exclusively in industrial occupations, number 4,728.

A tabulation of the kinds of agricultural labor in which the school children are employed reveals the fact that in Galicia, as in the other Provinces for which data were given on this subject, large numbers of children are required to perform work which is by no means "light." Thus 1,006 of them cleaned stables and performed such work as removing manure and feeding horses and cattle; 526 were employed in plowing; 489 hoeing potatoes, turnips, etc.; 417 planting potatoes and vegetables; 340 threshing; 315 grinding hand mills; 314 digging potatoes; 300 harrowing; 281 cutting fodder; 263 carrying water; 257 in beet and turnip culture (pulling and cleaning them, removing the leaves, cutting, loading, and unloading); 238 weeding; 227 cutting and mowing grain; 219 loading and unloading grain; 207 cutting chaff; 204 picking potatoes; 203 binding sheaves; 186 sorting and chopping beets; 183 loading, unloading, and spreading manure; 168 nursery gardening; 156 watering truck farms; 146 carrying straw and fodder; 132 making hay; 128 tedding hay and fodder; 127 carrying sheaves; 115 helping at threshing; 106 gleaning; 102 helping at threshing machines; 100 loading and unloading hay; 98 helping

woodchoppers; 81 carrying and picking wood; 76 cutting and sawing wood; 62 loading and unloading vegetables; 60 picking hops; 52 making faggots; 35 picking cucumbers; 34 digging holes for trees; 31 digging in hop gardens; 14 removing tree stumps; 14 manuring gardens; 7 in aiding hunters as beaters; 5 grinding millet; and 4 in clearing meadows and mud raking.

The industrial employments in which the school children engage are equally varied. Of the 4,728 children employed industrially, 1,947 give all of their working hours to industrial pursuits; the remaining 2,781 devote part of their time to other occupations. The number engaged in each group of industries was found to be as follows:

NUMBER AND PER CENT OF CHILDREN EMPLOYED IN EACH SPECIFIED INDUSTRIAL GROUP.

[The total school children at work as given in this table is 4,825; but this total represents a duplication of some children who work in more than one industrial group. The actual number is 4,728.]

Industrial group.	School children at work in each group.			
	Boys.	Girls.	Total.	Per cent.
Production of raw materials	44	3	47	0.97
Stone, earthenware, pottery, and glass	169	38	207	4.29
Metal products	275	35	310	6.42
Machines, tools, etc	29	.....	29	.60
Wood products, wickerware, etc	597	230	827	17.14
Leather, hair, feather products, etc	30	87	117	2.42
Textiles	469	1,375	1,844	38.22
Paperhanging and upholstering	5	1	6	.12
Clothing trades	451	329	780	16.17
Paper	29	33	62	1.29
Food products, tobacco, etc	140	50	190	3.94
Chemicals	20	1	21	.44
Building trades	309	32	341	7.07
Graphic industries (printing, etc.)	2	3	5	.10
Wandering industrial occupations	5	.....	5	.10
Industrial occupations not specifically designated	18	16	34	.71

The first group, peculiarly designated as "production of raw materials," includes 40 children employed in digging peat. The second (pottery, glassware, etc.) consists largely of the manufacture of bricks and tiles and in making common earthenware. In the first-named industry there were employed 92 school children, and in the second 48.

In the metal trades the largest number of school children are engaged in locksmithing; 131 are employed in the manufacture of padlocks, an industry centered at Swiatniki, in the district of Podgórze, where nearly the entire population is engaged in it and where the children have acquired such skill as to be able to make from 1½ to 3 dozen padlocks per week. Next to locksmithing the children in this industrial group are most numerous in blacksmithing (131).

Much more important is the manufacture of wood products, wickerware, etc., employing 827 children. Of this number 147 work in joineries, where they polish, sandpaper, and stain furniture. Some of

them work at home and others in factories. In sawmills 35 boys are employed, and at coopering 53. At making baskets 430 school children were found working, at weaving straw and rush 40, and in cane-seating furniture 74.

Of the 117 children employed in work with leather, hair, and feathers, 93 were employed in cleaning, etc., feathers for sale. The feathers have usually been purchased by the village dealers, and the work of the children consists in removing the down and picking the barbs from quill feathers. It is light work, requiring neither strength nor skill, and for this reason very young children, and particularly girls, are engaged in it.

The most important industrial group is that of textiles, employing 1,844 of the school children of Galicia, or 39 per cent of the 4,728 industrially employed; only 384 of them are exclusively so employed. The girls in the industry outnumber the boys three to one. The main subdivision is that of making linen and cloth. Most of the children work in their own homes, in which are carried on all of the processes of manufacture, the preparation of the material for spinning (73 children), spinning (939), reeling (266), weaving (171), finishing and bleaching (35). In making embroidery 129 children are employed. The national costume of the Ruthenians is highly embroidered in variegated wool, and this work is done on shirts, kerchiefs, caps, aprons, etc., partly by young girls. They also embroider watch chains, belts, etc., with beads of glass and imitation coral. Others, chiefly among the Jewish population, make hair nets and gold and silver fringe for praying mantles. The remaining children in the textile group are engaged in rope making (44, chiefly boys), in crochet work (33 girls), in making pillow lace (16 girls), and knit goods (13 girls and 2 boys).

Third in importance are the clothing trades, in which 128 children are employed in men's tailoring, 103 in sewing white goods, 98 in dressmaking, 65 as seamstresses' apprentices, 288 in shoemaking, and 49 in furriers' shops.

In the group of food products, etc., 74 children are employed in butcher shops, 68 in bakeries, and 21 in flour mills. In the building trades 176 children work as helpers to masons, plasterers, etc., 73 in the construction of dams and dikes, 23 in carpentering, and 15 in sign painting and house painting.

Outside of agriculture, domestic service, and industries, the most important group of occupations is that of trade and transportation, employing part or all of the labor of 1,138 children. Of this number, 929 help in shops and mercantile establishments, 106 are hucksters and peddlers, and 103 are employed in transportation enterprises.[a]

[a] Soziale Rundschau, November, 1909, pp. 749 to 802.

BELGIUM.

THE CHILD-LABOR LAW OF DECEMBER 13, 1889.

Before the beginning of the eighteenth century the administrative authorities were empowered to enact measures for the protection of laborers in Belgian industrial establishments; but this power seems to have been little used. At all events, one can not speak of anything approaching a clearly defined system of legal intervention in the interest of the working classes. Even the advent of modern industrialism brought no conspicuous changes in this regard. Hence the history of labor legislation in Belgium during the first half of the nineteenth century is easily written. Until recently a parliamentary majority appears always to have been opposed to legal intervention in industrial matters except in behalf of minors and in cases of dangerous trades. Not only has the view prevailed that adult male laborers are able to take care of themselves,(a) but there has been little disposition to enact any measures in behalf of adult female laborers, apart from the provision that mothers employed in industrial establishments must not be permitted to work during four weeks following confinement.

Certain industries, to be sure, have been recognized as offering exceptional dangers to the life and limb of employees therein. Thus, in 1813, an imperial decree established certain rules with regard to the protection of miners, provided for the inspection of mines, and forbade the employment of children under 10 years of age in them. Sporadic attempts, moreover, were made from time to time to widen the scope of legislative intervention in industrial matters, but without avail.

The middle of the century, however, marks the beginning of a change of attitude on the part of the legislative and executive powers. In 1843 a commission was appointed to investigate labor conditions in mines and in industries generally. This commission published a three volume report between 1846 and 1849 disclosing a condition of affairs that, in the opinion of the commission, demanded legislative action; it was proposed to limit even the workday of adult laborers. But the ensuing discussions, as well as those occasioned by the legislative proposals of 1859, 1869, and 1878 (which were all more moderate than that of 1849) failed to result in legislative action. Under the influence of increasing discontent among the laboring classes, in which socialistic organization was making rapid progress, and of occasional labor disturbances, the authorities were finally persuaded to yield, and in June 28, 1884, a royal decree increased the age of admission to mines to 12 years for boys and 14 years for girls.

(a) The Sunday law of July 15, 1905, constitutes the first exception.

In 1886 a second committee of investigation was appointed and carried its work out on a large scale; and the movement in favor of legislative intervention in labor matters was given a decided additional impetus in September of the same year, when a convention of the Catholic party at Liege manifested a favorable attitude toward government intervention in behalf of the working classes, and subsequently made possible that curious cooperation of "social catholicism" and "political socialism" which is a noteworthy factor in the political situation of more than one European country, and which has contributed to the enactment of the labor laws that have since been passed by the Belgian Parliament.

The list of laws and decrees passed during the past twenty-five years in Belgium is a fairly long one, and some of them involve benefits for nonadult laborers. One of the first was the law of August 16, 1887, concerning the payment of wages and creating councils of industry and labor. This was followed by the law of May 28, 1888, for the protection of children engaged in "wandering trades," and, most important of all, by the law of December 13, 1889, regulating the employment of male persons under 16 and female persons under 21 years of age. The law of 1888 forbids the employment of children under 18 years of age by acrobats, tight-rope walkers, and persons engaged in similar professions, unless the employers are parents of the children, in which case the age limit is reduced to 14 years. This law also forbids children under 18 years of age to take part in public exhibitions of strength or in like performances. Its scope is limited to a relatively small number of persons and occupations, and the law is therefore of much less importance than that of December 13, 1889.

This law, supplemented by subsequent legislation and by a series of royal decrees is, above all else, a "child-labor law." It makes no reference to adults of either sex.[a] There are in it no provisions applying to all laborers without exception (as in the Swiss law of 1877), nor any applying to adults who happen to be employed in the same establishments with minors (as in the French law of 1900). It distinguishes four main categories of workers, namely: (1) Children under 12 years of age, for whom all industrial employment is forbidden; (2) children between 12 and 16 years of age, whose labor is subject to certain specified conditions and restrictions; (3) boys between 14 and 16 years of age, a special category within the preceding one, for whom the King may by decree authorize certain work that is otherwise forbidden; and (4) female persons between the ages of 16 and 21 years, to whom usually the same regulations apply as those which govern children under 16 years of age.

[a] Except to women recovering from confinement.

The law as a whole applies to labor in five groups of establishments and occupations: Mines, quarries, stone yards, and building trades; workshops, manufactures, and factories; establishments classified as dangerous, unhealthful, or unsuitable, or employing steam or mechanical motive power; wharves, docks, and stations; transportation by land or water. Public and private institutions, even though they may be of an educational or charitable nature, are included in the scope of the law if they belong to any of the above categories. It does not apply, however, to establishments in which only members of the employer's family work under the direction of parents or guardians, unless they employ steam or a mechanical motor, or unless the establishments are comprised in the list of those classified as dangerous, unhealthful, or unsuitable.

The list of dangerous, unhealthful, or unsuitable establishments is determined by a series of royal decrees, beginning with that of May 31, 1887, and followed by a large number of others which have gradually lengthened the "classified" list to such an extent as to include a large number and a great variety of productive operations. The list is by no means confined to industrial occupations in a narrow sense of the term, but extends to such establishments as theaters, butcher shops, and laundries.

For the second and fourth categories of employees named above—that is, for all children under 16 and for female persons under 21 years of age—the King may forbid work which exceeds their strength or involves danger for them. He may forbid their employment altogether in occupations that are recognized as unhealthful, or authorize such employment only for a specified number of hours per day, or for a fixed number of days, or only upon certain conditions. The law, furthermore, provides that the King shall fix the length of the workday for these persons, as well as the number and duration of pauses for rest, according to the nature of the occupations and the requirements of the trade or industry in which these persons are engaged. But they must not work more than 12 hours a day, interrupted by periods of rest the total duration of which shall not be less than 1½ hours; nor shall they work at night, i. e., between 9 p. m. and 5 a. m.

The King may make exceptions to the above provisions so far as boys between 14 and 16 years and girls over 16 years of age (but under 21) are concerned. He may, either unconditionally and in general, or upon certain specified conditions, authorize their employment after 9 p. m. and before 5 a. m. at work which because of its nature can not be interrupted or delayed, or which must be attended to at definite times of the day or night. He may also permit the employment in mines at night of certain sorts of laborers between 14 and 16 years of age, as well as the employment as early as 4 a. m. of boys not under 12 years of age. In cases where work has been stopped by forces beyond

human control, and under exceptional circumstances, the provincial governor, after receiving the report of the proper inspector, may grant a similar authorization for all trades or all industries of a given district. But the governor's decree to this effect loses its validity if not approved within ten days by the minister of industry and labor; nor may the authorization be for a longer period than two months, although it may be renewed after consultation with the proper inspector.

[Children under 16 and female persons under 21 years of age shall not work more than 6 days a week. But the King may authorize the employment of children over 14 for 7 days a week, either habitually, or for a definite period, or upon certain conditions, in those industries in which the nature of the work is such as to suffer neither interruption nor delay. In any case, however, these persons shall have sufficient time to attend to their religious duties once a week, as well as one full day of rest in every two weeks.]

[In cases of vis major the inspectors, mayors, and provincial governors may authorize the employment, in all industries, on the seventh day, of male children under 16 and of females over 16 and under 21 years of age. But the minister of industry and labor must be notified of this action. With regard to females over 16 and under 21 years of age, the minister himself may, in cases of vis major, and after receiving a report upon the subject by the inspector, authorize their employment 7 days in the week for a total period not exceeding 6 weeks.] (a)

In the exercise of the large discretionary powers conferred upon him by the law, the King is required to consult the councils of industry and labor or the sections thereof representing the trades concerned, as well as the permanent delegation of the provincial council, and the upper council of public hygiene or a technical committee thereof.

The law furthermore prohibits the employment of female persons under 21 years of age at underground work in mines and quarries (excepting those already so employed before January 1, 1892).

Children under 16 and female persons under 21 years of age must have a certificate (*carnet*), the nature of which is determined by royal decree, and which shall be furnished free of charge by the communal authorities. This certificate must give the full name, the date and place of birth, and the domicile of the bearer, as well as the full name and the domicile of the parents or guardian. All official records needed for this purpose shall be copied free of charge. Each industrial proprietor, employer, and director must keep a list containing the above information concerning the persons in his employ belonging to the above-named categories. He shall, moreover, post conspicu-

[a] The bracketed provisions were abrogated by the Sunday law of July 17, 1905.

ously in the place of work the provisions of this law, the general regulations passed for its enforcement, the special regulations concerning the industry in which he is engaged, and the rules and regulations of his establishment. Copies of the last-named document shall be deposited with the council of trade and the local factory inspector.

With regard to the enforcement of the law it is simply provided that this shall be intrusted to officials designated by the Government, whose powers and duties shall be fixed by royal decree. But the law states that these officials have the right to enter all establishments subject to the law and to inspect the certificates and lists of employees mentioned above; and industrial proprietors, employers, directors, superintendents, foremen, and laborers are required to give the inspectors the information they ask for in securing the observance of the law. If the law is violated, the inspectors shall make an official report of the violation, and this report constitutes valid evidence until proof of the contrary is adduced. A copy thereof must be sent to the offender within forty-eight hours, otherwise the complaint is invalid.

Industrial proprietors, employers, directors, or superintendents who knowingly violate the law or the decrees for its enforcement are punishable by a fine of 26 to 100 francs ($5.02 to $19.30), payable as many times as there are persons employed contrary to the law, save that the total penalty shall not exceed 1,000 francs ($193). In case of offenses repeated within one year, however, the fine shall be doubled. The same penalty may be inflicted upon industrial proprietors, employers, directors, or superintendents who attempt to prevent the supervision for which the law and decrees provide, in addition to such penalties as may be prescribed by the Penal Code. Industrial proprietors are liable at civil law for fines imposed upon their superintendents or agents.

The parent or guardian who permits his or her child or ward to work in violation of the terms of the law may be fined from 1 to 25 francs (19.3 cents to $4.83), or double this amount in case of a repetition of the offense within one year. The right to institute proceedings under this law expires by limitation one year after the offense has been committed.

Finally, it is provided that certain portions of the Penal Code are applicable to violations of this law, and that the Government shall make a report to Parliament every three years upon its enforcement and its effects.

LEGISLATIVE AND ADMINISTRATIVE MODIFICATION OF THE LAW OF 1889.

The law of 1889 gave large discretionary powers to the King, to the Ministry of Industry and Labor, and to mayors, provincial governors. and inspectors. In a certain sense it constituted merely a

framework, to be filled out by the administrative authorities of the Kingdom in the light of experience and in conformity with the dictates of expediency. It thus becomes necessary to give some account of these administrative measures, as far as they supplement or modify the law of 1889. In the following section will be discussed those legislative measures, apart from the law of 1889, which involve more or less protection for laboring minors.

A first series of royal decrees was issued on December 26, 1892, concerning the length of the workday, the duration of the periods of rest, night work,[a] throughout the 7 days of the week, in certain specified groups of industries employing male persons under 16 and female persons under 21 years of age. These persons are hereafter designated as "protected persons."

The principal industries affected by these decrees are as follows:

1. Spinning flax and weaving linen, cotton, hemp, and jute. In the cotton textile industries the maximum for protected persons must not exceed 66 hours a week, nor must it be longer than 11½ hours on any single day. In the other textiles named the maximum workday must not exceed 11 hours. Children under 13 years of age must not work more than 6 hours a day. These total periods of work per day must be interrupted by at least three pauses for rest, of a total duration of not less than 1½ hours; the midday rest period must last at least 1 hour; during the pauses the machines must be stopped and the laborers allowed to leave the mill. For children under 13 years of age, however, the pauses need not be longer than a quarter of an hour. Proprietors or employers must post up, in a conspicuous place in the factory, a schedule showing the time at which the working periods and the pauses begin and end; a copy thereof and notice of any changes therein must be sent to the minister of industry and labor.[b]

2. Woolen industries: Maximum workday for protected persons, 11¼ hours. Same number and total duration of pauses as in group 1.

3. Printing newspapers: Maximum workday for protected persons, 10 hours. There must be "several" pauses, amounting in all to 1¼ hours.

4. Art industries (typographers, lithographers, chromo-lithographers, phototypists, heliogravurists, etc.; casting printer's type; bookbinders; precious-stone cutters and jewelers; stamping, polishing, engraving, and enameling precious metals; modelers, molders, sculptors, decorators, carvers, inlayers, medal coiners, etc.; painters on porcelain and glass, and makers of stained glass; engravers on

[a] It should be remembered that in these decrees night work is that done between 9 p. m. and 5 a. m.

[b] The rules regarding the working schedule apply to all groups of industries hereinafter enumerated, and to all establishments in which protected persons are employed. They have therefore not been repeated for the succeeding groups.

wood, copper, steel, etc.; musical-instrument makers; manufacturers of articles of an artistic nature in plaster or cement; coiners of money): Maximum workday for protected persons, 10 hours; for children under 16 in type foundries, 8 hours. Same rules concerning number and duration of pauses as in group 1.

5. Paper and cardboard: Maximum workday, 10 hours for children between 14 and 16 years of age and female persons between 16 and 21, broken by at least three pauses amounting to 1½ hours. For children between 12 and 14 years of age the workday must not exceed 6 hours, interrupted by one or more pauses amounting to half an hour. Boys between 14 and 16 may be employed at night, but the total duration of their working period shall not exceed 10 hours. Same rules for the number and duration of pauses as in group 1.[a]

6. Tobacco and cigars: Maximum workday for children between 14 and 16 and for girls between 16 and 21 years of age, 10 hours. Same rules for number and duration of pauses as in group 1. For children between 12 and 14 years old, same workday and pauses as for those in group 5.

7. Manufacture of sugar: Maximum workday for protected persons, 10½ hours. Same rules for number and duration of pauses as in group 1. Boys between 14 and 16 and girls over 16 years of age may be employed at night, but they must not work longer than protected persons generally and are subject to the same rule concerning pauses.

8. Furniture and the industries auxiliary to the building trades (cabinetmakers, wood turners, sculptors in wood, floor makers, paperhangers, manufacturers of furnishings, furniture makers, basket makers, looking-glass makers, picture framers, manufacturers of marble articles, molding makers, carriage and wagon builders and painters, wheelwrights, box makers, coopers, brush and broom makers, billiard-table manufacturers, etc.): Maximum workday for children under 16 years of age, 9 hours in the 6 months from October to March, inclusive, and 10 hours the remainder of the year. Same rules concerning number and length of pauses as in group 1.

9. Pottery and earthenware: Maximum workday for protected persons, 10 hours. Same number and duration of pauses as for group 1.

10. Fireproof products: Precisely the same rules as for group 1.

11. Plate glass and mirrors: Maximum workday for protected persons, 10 hours. Boys between 14 and 16 years of age may be employed at casting plate glass and mirror glass at night, but not for a

[a] A decree of March 31, 1903, modified this paragraph so as to apply only to "protected" persons employed in the following operations: Boiling the raw materials, making pulp, bleaching, straining, paper making by hand or by machine, pressing, calendering, sizing, drying, and cutting.

longer total period than 10 hours in any 24. Same number and duration of pauses as for group 1. [One week out of two, boys over 14 years of age may be employed 7 days per week, but they must not work more than 6 hours on the seventh day, interrupted by a half-hour's pause, and they must have time for religious exercises.] (a)

12. Manufacture of chemical matches: Maximum workday for protected persons, 10½ hours. Same pauses as for group 1.

13. Building trades (navvies, stonecutters, masons, bricklayers, carpenters and woodworkers, joiners, glaziers, slate roofers, lathers, plasterers, plumbers, zinc workers, and their helpers): Maximum workday for children under 16 years of age, 8 hours in November, December, January, and February; 10 hours the remainder of the year; interrupted during the four months named by pauses amounting to 1 hour, and during the remainder of the year by pauses amounting to 1½ hours.

14. Zinc rolling mills: Maximum workday for children between 12 and 14 years of age, 5 hours; for boys between 14 and 16, and female persons between 16 and 21 years of age, 10 hours. The working period for children under 14 must be interrupted by a pause of at least half an hour's duration. The workday for male and female persons above 14 years of age must be interrupted by pauses amounting to at least 1½ hours, the midday pause being for at least 1 hour, between 11 and 2 o'clock. Boys between 14 and 16 may be employed at night, but for not more than a total period of 10 hours, which must be broken by pauses amounting to not less than 1½ hours, including a pause of at least half an hour between 11 p. m. and 2 a. m.

15. Manufacture of crystal and glass ware: Maximum workday for protected persons, 10 hours and 20 minutes, divided by three pauses, one of at least 20 minutes in the morning, one of at least half an hour at midday, and a third of at least 20 minutes in the afternoon. Boys between the ages of 14 and 16 years and female persons between 16 and 21 may be employed at night. [In alternate weeks children between 14 and 16 may be employed 7 days a week, but upon the seventh day they shall not work longer than 6 hours, interrupted by a pause of at least half an hour, and they must be given time to attend to their religious duties.] (a)

16 and 17. Industries auxiliary to the manufacture of clothing: This group of industries is divided into two classes. The first includes mainly articles of wool, cotton, and linen (such as hosiery, underclothing, lace, gauze, thread, embroidery, trimmings, etc.). The second consists of such occupations as tanning, leather dressing, tawing; the manufacture of morocco leather, portfolios, gloves,

(a) The bracketed provision was modified by the Sunday law of July 17, 1905.

gaiters, saddles; sheath making; boot and shoe making and repairing; the manufacture of buttons, hats and caps, collars, cuffs, and lingerie; the manufacture of corsets and skirts (other than woolen); laundering, dyeing, cleaning, and bleaching wearing apparel; manufacture of umbrellas, canes, and parasols; and the manufacture of toilet articles.

In the first class of occupations protected persons may not work more than 11 hours a day, with pauses like those provided for group 1. In the second class of occupations protected persons have a maximum workday of 10 hours, broken by pauses amounting to 1 hour, during which the laborers shall be at liberty to leave the workrooms.

18. Large metal manufactures and engineering (including the manufacture of steam boilers; iron and copper boiler forging and smithing; steam, pumping, hauling, winding, and blast engines; locomotives and locomobiles; railway cars and coaches, tenders, wheels, tires, axles, springs, buffers; casting iron and copper for building purposes; metal vats, frames, flywheels, cylinders; bridges, scaffoldings, and steel construction; gas and water pipes; stamping, boring, perforating, and cutting machines; machines employed in manufactures, paper making, etc.; building and repairing ships; manufacture of cannons and pieces of artillery): Maximum workday for children under 14 years of age, 10 hours; for children between 14 and 16 and female persons between 16 and 21 years of age, 11 hours. The working period for children under 14 years of age must be broken by pauses amounting to not less than 1 hour, during which they must be at liberty to leave their workrooms.

19. Small building materials and metal manufactures: These industries are divided, so far as this law is concerned, into two classes. In the first class (including the manufacture of saws, bolts, rivets, nails, staples, files, needles, pins, small stamping and cutting machines, hand tools, farming implements, scales and balances, gas and water meters, sheet metal, wire, steel writing pens, cutlery, metallic and enameled household utensils, blacksmithing, sewing machines, bicycles, straps for machines, etc.), children between 12 and 14 years of age shall not work more than 10 hours a day; boys between 14 and 16 and girls between 14 and 21 shall not work more than 11 hours a day. In the second class (including the construction of scientific instruments; photographic, telegraphic, and telephonic apparatus; watches and clocks; surgical and orthopedic instruments; small castings and ornaments in iron and copper; bells, locks, stoves, and safes; tinware and hardware; lamps and lighting appliances; portable weapons and firearms) no protected persons must work more than 10 hours a day. In both the first and second class of industries there must be pauses in the workday amounting to at least 1½ hours, includ-

ing a midday pause of 1 hour, during which the employees shall be at liberty to leave the workrooms.

The industries named above are all regulated by decrees of December 26, 1892.[a] Subsequent decrees have regulated the following additional occupations:

20. Manufacture of enameled goods: Boys between 14 and 16 years of age may be employed at night during alternate weeks in attending to burning kilns, but not for a total of more than 10 hours out of 24, subject to the same pauses as for group 19.

21. Manufacture of "handmade" bricks, tiles, and similar products: Maximum workday for protected persons, 12 hours. Whenever the actual working period exceeds 8 hours, it shall be interrupted by at least three pauses, amounting to not less than 1½ hours, including a pause of at least 1 hour in the middle of the workday. Whenever the actual working period exceeds 6 hours and is not more than 8 hours there shall be one or more pauses amounting to at least 1 hour. The time of pauses may be fixed according to the weather and the exigencies of production, provided that every actual working period of 4 hours be followed by a pause of at least 15 minutes.

22. Preserving and canning fish: Maximum workday for protected persons, 11 hours. Whenever the actual workday exceeds 8 hours there shall be at least three pauses, amounting to at least 1½ hours, including one pause of at least 1 hour. Whenever the actual workday exceeds 6 but is less than 8 hours, there shall be one or more pauses amounting to at least 1 hour. Every working period of 4 hours must be followed by a rest of at least 15 minutes. Boys between 14 and 16 and girls between 16 and 21 years of age may be employed temporarily between 9 p. m. and midnight on a total number of days not exceeding 30 per year, but under no circumstances shall they work more than 12 hours a day nor be deprived of the pauses above provided for. The employer will be given a stub book containing 30 detachable pages, and whenever he desires to take advantage of the permission granted above, he shall send one of these pages to the proper inspector or delegate, bearing the date of the day upon which this privilege is exercised as well as the number of protected persons concerned.

23. Manufacture of window glass, particularly basin furnaces, spreading ovens, and pot furnaces: Maximum workday for protected persons, 10½ hours, broken by pauses amounting to at least 1½ hours. If the workday is less than 10½ hours, the total duration of the pauses may be reduced proportionately. Every actual working period shall be followed by a pause of twice its duration,[b] and there must be 1

[a] Modified by the Sunday law of July 17, 1905.

[b] Except at the end of the week, when shifts alternate from night work to day work, or vice versa.

complete day of rest in 14. Children between the ages of 14 and 16 and female persons between 16 and 21 may be employed at night, provided the above rules concerning the maximum workday and pauses are observed. They may be employed only during 13 days out of 14 days or 6½ days out of 7. These days or half-days of rest need not fall on Sundays nor on the same days for all employees. The weekly halfday of rest must be granted either before or after 1 p. m., and at such times the work must not exceed 5 hours, interrupted by a pause of at least 15 minutes. Once a week all protected persons must be granted sufficient time to attend to their religious duties.

24. Mines, quarries, and allied industries:[a] In underground work male persons under 16 years of age shall not work more than 10½ hours, including the time for descending into the mines and returning to the surface. There must be pauses in the work amounting to at least one-eighth of the period of their sojourn underground. Boys over 12 years of age may be employed underground from 4 a. m. on, subject to the above rules for pauses. Boys between 14 and 16 years of age may be employed underground at night in passageways and at sorting, provided the maximum workday does not exceed 10 hours and is broken by pauses as provided for above. For protected persons employed overground, the maximum workday is 10½ hours, broken by pauses amounting to at least 1½ hours; if the actual workday is less than 10½ hours the pauses may be reduced proportionately. Girls between the ages of 16 and 21 years may be employed overground at night in attending to lamps, for a period not exceeding 10½ hours per day, broken by pauses amounting to at least 1½ hours (or proportionately less if the workday is less than 10½ hours).

A special decree concerning the coal mines of Mariemont permits the employment from 9 p. m. to midnight at certain underground work of boys between 14 and 16 years of age, provided the total workday does not exceed 10 hours, including the descent and ascent, with pauses equal to one-eighth of the total period spent underground. Girls over 16 years of age may be employed aboveground at sorting machines between 9 p. m. and midnight, but not for a total of more than 9 hours, broken by pauses amounting to at least 1 hour.

25. Manufacture of coke: Maximum workday for protected persons, 10½ hours, with pauses amounting to 1½ hours, including one pause of not less than 1 hour. [Boys between 14 and 16 years of age may be employed 7 days a week on alternate weeks, but not for more than 8 hours on the seventh day, interrupted by intervals amounting to at least 1 hour and granting sufficient time for the observance of their religious duties.][b]

[a] On December 31, 1909, a law was passed fixing the maximum workday for underground workers in mines at 9 hours, even for adults, to go into effect on January 1, 1912. These 9 hours include the time of descent and ascent.

[b] The bracketed provision was abrogated by the Sunday law of July 17, 1905.

The above rules apply to ordinary coke ovens. Concerning those for the manufacture of by-products the same rules prevail, except that boys between 14 and 16 years of age may be employed at night, but not for more than a total of 10½ hours in 24, with pauses amounting to 1½ hours, including a principal pause of at least 1 hour.

26. Manufactures of combustible carbon preparations: Maximum workday for protected persons, 10½ hours, with pauses amounting to 1½ hours, including a principal pause of at least 1 hour.

27. Quarries and workshops connected therewith: Same rules for protected persons as in group 24, save that those working overground shall not work more than 10 hours a day, except in repair shops, in which they may be employed 10½ hours. The pauses (amounting to 1½ hours for overground work and 1 hour for underground work) may be reduced proportionately when the workday is curtailed because of short days in winter or for other reasons.

28. Metallurgical establishments, governed by the law of April 21, 1810 (which concerns blast furnaces; iron and steel manufacture; iron, steel, and copper rolling mills; zinc and lead smelting; the extraction of silver, lead, etc.; and allied processes): Maximum workday for protected persons, 10½ hours. Pauses amounting to 1½ hours, including a principal pause of at least half an hour between 11 and 2 o'clock for laborers attending the furnaces, and of at least 1 hour at midday for other laborers. In establishments having a shorter workday by reason of a division of work among several shifts of employees, the pauses may be reduced proportionately. Boys between 14 and 16 years of age may be employed at night, except at auxiliary tasks; so also may female persons between 16 and 21 years of age engaged in feeding blast furnaces; provided in both cases that the duration of work and pauses conform to the above rules.

Quite as important as the decrees regulating the labor of children in the above 28 groups of industries[a] are the decrees of February 19, 1895, and of August 5, 1895, forbidding the employment of protected persons in certain enumerated trades, and regulating their employment in certain branches of other specified trades. The decree of February 19, 1895, entirely forbids the employment of all children under 16 years of age and of female persons under 21 years of age in the following occupations and industries: The manufacture of hydrofluoric acid, nitric acid, sulphurous acid, and sulphites; dissecting rooms; arsenic products; Sanders blue and other copper compounds; gold and silver cupellation with lead; lead ashes; white lead; patent and lacquered leather; animal débris; fertilizer containing animal matter; ether; massicot and red lead; menageries containing wild or poisonous animals; distilling naphtha and benzine;

[a] Modified in some respects by the Sunday law of July 17, 1905.

orseille; phosphorus; preparing bristles by processes of fermentation; and carbon disulphide.

The same decree forbids the employment of children under 16 years of age in a long list of occupations, consisting chiefly of the manufacture of chemical products usually made by means of processes that create noxious fumes or involve danger. This list is as follows: Slaughterhouses, private or public; handling dead animals; manipulating and cutting hides; handling kitchen garbage; distilling and rectifying alcohol; removing silver from copper; making cologne and similar products by distillation; making Javelle water directly with chlorine; the manufacture of sulphuric and hydrochloric acid, zinc oxide, catgut, chlorine, chloride of lime, chromates, sulphate of soda, and varnish; scalding tubs for preparing and boiling intestines and other animal refuse or in which the heads and feet of dead animals are treated to remove the hair or fur; electrical establishments in which accumulators are charged or in which light or motive power is produced for distribution; manufacture of tarred felt for lining ships; manufacture of lacquered or varnished felt; silvering mirrors; distilling oil of turpentine, spike oil, coal oil, petroleum, and shale oil; the large-scale production of linseed oil; the manufacture, for sale, of "Liqueur de Labarraque" by direct action of chlorine; the storage of inflammable materials in establishments included in the first group of those listed as dangerous, unhealthful or unsuitable; manufacture of nitrobenzol; shops for smoking and salting fish; manufacture of ferrocyanide of potash by the use of air nitrogen on alkaline carbides, and of other cyanides; manufacture of ferrocyanide of potash by calcination of animal substances with potash, or by carbon disulphide and hydrosulphide of ammonia; large-scale manufacture of resinous materials either by smelting and refining of these materials, or for extracting turpentine; distilling resins for the manufacture of fine oils and volatile oils; storing and drying animal blood; manufacture of soda ash by the decomposition of sodium sulphate; manufacture of caustic soda from soda ash; manufacture of blue vitriol with sulphur and by means of roasting; manufacture of blue vitriol from copper oxide or copper carbonate and sulphuric acid; manufacture of copperas by the action of sulphuric acid on iron; manufacture of sulphate of zinc from sulphuric acid and zinc; manufactures in which fatty substances are extracted by use of carbon disulphide; the preservation and preparation of meats; the application of heated varnish, gloss, colors, or any coating, to paper, wood, cloth, or surfaces of any other nature.

In chemical match factories protected persons must not be employed in making yellow phosphorus paste nor in the rooms in which the matches are dried that have been dipped in this paste; nor may

they be employed in dipping such matches. Children under 14 years of age must not be employed at filling boxes with such matches.

In shops in which india rubber is treated with bisulphite of carbon the presence of children under 16 years of age is forbidden, and the work of female persons over 16 years of age is limited to 5 hours a day, i. e., 2½ hours in the morning and 2½ hours in the afternoon.

In places where the skins of rabbits and of hares are carroted it is forbidden to employ children under 16 and female persons under 21 years of age at treating the skins with mercuric nitrate; in places where these skins are prepared before carrotting, and in all operations after carroting, it is forbidden to employ children under 16 years of age.

Children under 14 years of age, however, may be employed at ripping and cleaning uncarroted skins, when these operations are accomplished apart from all other manipulations of the skins (especially dry brushing) and in places in which the dangerous emanations and dust are eliminated.

The same decree then enumerates about thirty industries and sorts of establishments, and specifies certain processes thereof or certain parts of the establishments, in which not only the labor but even the presence of children under 16 years of age is forbidden, as follows:

Industry or establishment.	Parts thereof in which the labor or presence of children under 16 is prohibited.
Manufacture of aniline dyes	Shops for nitrification and reduction.
Gold and silver plating metals	Shops in which the galvanizing is done or in which fire gilding takes place.
Bleaching thread or tissues of wool or silk with sulphurous acid.	Rooms in which sulphurous acid is given off freely.
Bleaching thread or cloths of flax, hemp, or cotton with chlorine or bleaching chlorides.	Rooms in which chlorine is given off freely.
Sawmills and wood cutting by machinery	Shops in which dangerous implements are used.
Manufacture of cement	Rooms in which crushing, grinding, bolting, and filling bags is done, when the dust made by these operations is not drawn off by ventilating apparatus.
Manufacture of felt hats	Rooms in which dust is given off freely.
Manufacture of silk hats and those involving similar processes.	Rooms in which the polishing substances are made or used.
Manufacture of animal charcoal by carbonization of old hides or other animal matter, or by carbonization of bones and revivification of the same product; also bone black.	Rooms in which fatty substances are extracted by means of benzine.
Manufacture of catgut	Rooms in which mucous membranes are removed from the intestines by putrefaction.
Shops for cleaning and preparing horsehair	Shops in which dust is formed.
Cleaning copper with nitric acid	Shops in which nitrous gases are given off freely.
Scouring by means of naphtha or other hydrocarbons; dye works; dyeing and scouring establishments.	Shops in which the naphtha or other toxic material is handled.
Washing and bleaching sponges	Shops in which fetid odors are produced by the decomposition and fermentation of gelatinous animal substances.
Manufacture of all sorts of explosives	Dangerous rooms.
Manufacture of foot oil	Rooms in which are produced the odors of animal substances in putrefaction.
Manufacture of blubber	Rooms in which steeping vats are kept.
Extraction of russet oil from tallow and greasy refuse at high temperature.	Rooms in which the extractive processes are carried on.
Manufacture of spirituous liquors by distillation	Rooms in which distillation takes place.
Morocco tanning shops	Rooms in which nauseous odors are produced.
Large-scale manipulation or mixture of mineral and vegetable substances apt to produce dust, smoke, or nauseative and unhealthful odors.	Rooms in which dust, smoke, or odors are produced.

Industry or establishment.	Parts thereof in which the labor or presence of children under 16 is prohibited.
Tanning and leather dressing	Shops in which hides are treated with lime and sulphide of arsenic.
Refining precious metals	Shops in which this is done by aid of acids.
Mills for crushing dyewoods, stones, lime, cement, plaster, sulphate of baryta, etc.	Rooms in which the dust is not removed by ventilating apparatus.
Bone yards of a capacity of more than 25 kilos (55 pounds).	Places in which the fresh bones are kept and in which the sorting is done.
Manufacture of shot	Places in which smelting is done.
Cleaning and preparing feathers and downs	Places in which dust is given off freely.
Manufacture of superphosphates	Rooms in which dust or acid vapors are given off freely.
Superphosphate of lime (the preparatory treatment of phosphatic chalk).	Rooms in which dust is given off freely.
Glass works	Rooms in which the raw materials are mixed and in which etching with hydrofluoric acid is done.

This list is followed by another in which the presence and labor of children under 14 years of age is forbidden, as follows:

Industry or establishment.	Parts thereof in which the labor or presence of children under 14 is prohibited.
Sharpening and polishing parts of firearms by means of grinding mills.	Rooms in which sharpening and polishing is done.
Manufacture of metal buttons	Shops in which scouring and scraping is carried on.
Breweries and distilleries	Malt cellars and places in which fermentation takes place.
Manufacture of brushes	Shops in which fibers and silks are prepared and combed.
Combing and peeling (on a large scale) of hemp, flax, and similar textiles; cleaning wool; spinning cotton, flax, hemp, wool, and jute; manufacture of absorbent cotton in layers; beating wool (on a large scale); handling wool waste; reducing woolen rags; accessory processes in textile manufactures; steeping (on a large scale) of the above textiles by means of chemical agents and power machinery.	Shops in which dust is set free and not removed by means of ventilating apparatus.
Rag-picking establishments with a capacity of over 50 kilos (110 pounds).	Rooms in which the rags are stored, unpacked, and sorted, unless the rags are new and come directly from textile mills, dressmaking establishments, etc.
Large-scale metal plating by dry processes; manufacture of tin plate; plating iron and steel utensils.	Shops for dipping and plating.
Manufacture of terra cotta and porcelain	Rooms in which dust is caused by grinding and bolting.
Copper, brass, lead, and zinc foundries	Shops in which smelting is done.
Galvanizing iron	Shops for dipping and galvanizing.
Printing on textiles; manufacture of colored and marbled paper; printed calico; oilcloth.	Rooms in which is prepared the paste or coloring substances containing poisonous ingredients.
Polishing nickel-plated metals by means of power wheels.	Rooms in which the polishing is done.
Glass works	Glass-cutting shops in which polishing is done with the aid of lead putty.
Zincking iron	Shops for dipping and galvanizing.

Children between the ages of 12 and 14 who work in rag-picking establishments must be separated from the other employees in a room properly lighted and thoroughly ventilated, adjoining which there must be a cloakroom in which they shall be required to change their ordinary clothes for others before beginning work.

The law of December 13, 1889, it will be recalled, applies to certain specified types of industrial establishments, among which are "those classified as dangerous, unhealthful, or unsuitable." Moreover, estab-

lishments in which only "members of the family are employed under the authority of the father, mother, or guardian" are excluded from the operation of this law, "provided they are not classified as dangerous, unhealthful, or unsuitable." Hence it is a matter of importance to inquire what establishments are thus "classified." The application of special regulations for such establishments has always been regarded as a part of the police functions of the administration, but it is interesting to note that a considerable number of establishments have been "classified" by royal decree as "highly unhealthful or dangerous" or simply as "dangerous, unhealthful, and unsuitable," or as "involving certain operations that are dangerous, unhealthful, and unsuitable."[a] All such rules as those concerning ventilation, safety appliances, etc., manifestly redound to the benefit of nonadult as well as adult laborers. But no distinct and separate standards are set up for nonadult laborers, apart from those already mentioned; hence a discussion of these decrees does not properly fall within the scope of this report.[b]

The same is true of the law of June 15, 1896, concerning shop rules [c]; the law of March 10, 1900, concerning the labor contract, which is essentially a modification of the civil law concerning contractual capacities; the law of December 24, 1903, fixing employers' liability for accidents to employees in industrial establishments, as well as certain classes of agricultural and commercial enterprises, and providing for workmen's compensation; and the law of June 25, 1905, requiring that seats be provided for female employees in shops and stores.

The Sunday law of July 17, 1905, and the royal decrees which have been passed under it,[d] bear somewhat more directly upon the employment of children, particularly male children. The law of Decem-

[a] The principal royal decrees upon this subject bear the following dates: November 12, 1849; January 29, 1863; December 27, 1886; May 31, 1887; March 25, 1890; March 27, 1891; September 21, 1894; December 31, 1894; February 4 and 12, 1895; April 18, 1898; July 8, 1898; October 5, 1898; October 28, 1899; March 30 and 31, 1905; May 13, 1905.

[b] Among establishments regarded as particularly dangerous are phosphorus match factories; those engaged in the manufacture of white lead, other lead compounds, and window glass; loading, unloading, and repairing ships; and certain kinds of work in the building trades. There are, also, over four hundred products in the manufacture of which no person or firm may engage without "administrative authorization."

[c] This law requires industrial and commercial establishments to have a set of shop rules containing definite information upon a number of points indicated by the law, such as the hours of work, the age of "protected employees," the fines to which the laborers may be subjected, etc. Such rules must be brought to the attention of the employees, who must be given an opportunity to suggest changes therein.

[d] These decrees are dated July 28, 1906; April 15, May 27, and August 18, 1907.

ber 13, 1889, and the royal decrees which supplement it were based on the principle that males over 16 years of age and females over 21 years of age require no special protection and therefore enjoy precisely the same status as adult males. In other words, boys over 16 years of age are not children in the eyes of the law, as far as the need of protection in industry is concerned. Hence the Sunday law, which introduced a restriction upon the labor of adult males and females, also introduced a modification of the conditions of employment for boys between 16 and 21 years of age.

This law applies not only to industrial but also to commercial establishments, except transportation by water, fishing, and periodical markets and fairs.

Employees, apart from members of the employer's family and his domestic servants, must not be employed to work more than six days per week. It is specifically stated that this provision is intended to apply to "work done under the authority, direction, and oversight of an employer." The day of rest must be Sunday. Exceptions are permitted in the following cases:

(1) When work is urgently necessary because of circumstances beyond human control or of circumstances that can not be foreseen in the ordinary course of business.

(2) Watching the places of business.

(3) The work of cleaning, repairing, and caretaking necessary to guarantee the normal continuance of business; and tasks, apart from production, that are necessary to avoid delay in the regular resumption of work on the following day.

(4) Work necessary to prevent the deterioration of raw materials or finished products.

The above sorts of work may be carried on either by the regular employees or by others; they are permissible only to the extent that the normal transaction of business is not consistent with their performance on some other day of the week than Sunday.

In a specified list of industries and occupations the employees may be kept at work 13 days out of 14, or 6½ days out of 7; and in such cases the day or half day of rest need not fall on Sundays nor be the same for all the employees in a given establishment. The half day of rest must be given either before or after 1 p. m., but the working period must not exceed five hours. This list includes:

(*a*) The manufacture of food products intended for immediate delivery to consumers.

(*b*) The retail sale of articles of food.

(*c*) Hotels, restaurants, and taverns.

(*d*) Tobacco stores and the sale of natural flowers.

(*e*) Apothecaries' shops and the sale of medical and surgical appliances.

(*f*) Public bathing establishments.

(*g*) The printing and sale of newspapers; public amusements.

(*h*) Loan libraries, the hire of chairs, and means of locomotion.

(*i*) Illuminating plants, and plants for the distribution of water or of motive power.

(*j*) Transportation by land; loading and unloading at wharves, landings, and stations.

(*k*) Employment agencies and agencies for the distribution of information.

(*l*) Industries in which the nature of the work is such as to suffer neither interruption nor delay.

The law gives the King power to make additional exceptions to the general principles of the Sunday law. Thus, by royal decrees under date of April 15 and August 18, 1907, employers in charge of certain kinds of establishments in which work is carried on by two or more relays of laborers, may keep the night relay at work until 6 a. m. on Sunday morning. In this case, however, these laborers may not begin work again until fully 24 hours later. The list enjoying this privilege includes 23 industries, among which are the manufacture of phosphate of lime, saltpeter, potash, cornstarch; flour mills; the manufacture of lampwicks; stone cutting and polishing by machine; and lead rolling mills.

The Sunday law expressly provides, however, that the exceptions to the general provisions of the law shall not apply to children under 16 years of age, nor to female persons under 21 years of age, employed in industries subject to the factory law of 1889. But if the work in any of these industries is such as to suffer neither interruption nor delay, the King may authorize the employment of children over 14 years of age and of female persons under 21, during seven days in the week, either permanently or temporarily, or upon certain conditions. The royal decrees permitting such employment shall in all cases provide that employees must be allowed once a week to attend to their religious duties, and that they shall have either half a day per week or a full day per fortnight for rest. Even in establishments not comprised within the scope of the law of 1889, the two provisions just indicated shall apply to children under 16 and to females under 21 years of age.

The royal decrees passed in conformity with the above provisions (under date of July 28, 1906, and May 27, 1907) concern the children employed in the manufacture of plate glass and mirrors; the manufacture of crystal and glassware; the manufacture of window glass; and canning and preserving vegetables. In the first, boys between 14 and 16 may be employed seven days a week in alternate weeks at the work of casting the glass; on the seventh day, however, the workday must not exceed six hours, interrupted by a pause of at

least half an hour; they may be employed at this work seven days every week provided the work on the seventh day lasts but four hours or less, and is completed either before or after 1 p. m. In the second occupation, children between 14 and 16 may work seven days a week in alternate weeks in making sheet glass and in operations of a similar character which involve "refining" the glass; the work on the seventh day must not be for more than six hours, interrupted by at least half an hour's pause. In the third occupation children between 14 and 16 may work at the furnaces, glass pots, and spreading ovens thirteen days per fortnight or six and one-half days per week; the half day's rest, however, must be given entirely before or entirely after 1 p. m., and the workday must not exceed five hours, interrupted by a pause of at least fifteen minutes. In canning and preserving vegetables, children between 14 and 16 may be employed thirteen days per fortnight or six and one-half days per week during the period from June 10 to August 10; the half day's rest must be given either before or after 1 p. m., and the duration of the workday must not exceed five hours, interrupted by a pause of at least fifteen minutes.

In the first, third, and last of the occupations named, the decrees specifically provide that the days or half days for rest need not be on Sundays, nor is it necessary that they be the same, in a given establishment, for all the employees concerned.

AGENCIES FOR ENFORCING THE LABOR LAWS AND DECREES.

The present organization of labor inspection in Belgium is fixed mainly by a royal decree of October 22, 1895, modified by that of February 20, 1899. The present labor office, combining the agencies intrusted with the administration of the labor laws and the collection of labor statistics, was organized on April 12, 1895, in conformity with a royal decree of the preceding year. This office also has charge of the collection and publication of information concerning the conditions of labor. It is empowered to make suggestions concerning the extension and modification of labor legislation, in conjunction with the councils of industry and labor, and the superior council of labor.(a)

The present organization of labor inspection in Belgium provides for two classes of officials: Labor inspectors, under the direction of the labor office, and mining engineers, under the direction of the administration of mines. The latter are intrusted with the inspection of mines, quarries, and metallurgical establishments.

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a The superior council of labor (*Conseil superieur du Travail*) has 48 members appointed for a period of four years by the King, of which 16 represent the laborers, 16 represent the employers of labor, and the remaining 16 are experts in economics and sociology.

In 1895 the staff of labor inspectors consisted of 22 persons, but this number has been gradually increased to 40, divided into two groups: (1) Labor inspectors attached to the central office, and (2) labor inspectors or delegates residing in the Provinces, whose field of activity and whose place of residence are determined by the minister of industry and labor.

The inspectors at the central office are concerned particularly with those industries and establishments that are specially designated by the minister. It is their duty to supervise and coordinate the work of the provincial inspectors and delegates; to examine the reports of the latter; and to suggest plans for the improvement of the service generally. It is also their function to act as advisers whenever appeals are presented to the King with regard to the interpretation and application of the laws governing dangerous and insalubrious establishments.

The central office includes 1 inspector-general, 1 director, 1 chief inspector, 2 inspectors, 1 adjunct inspector, and 2 female inspectors whose mission is to visit concerns in which only female laborers are employed, such as dressmaking and millinery establishments.

The provincial service consists of agents charged with inspecting the establishments subject to the law in the 10 districts into which the country has been divided for this purpose. Each district has at least 1 inspector, assisted by one or more " adjuncts " or " delegates." The provincial service as a whole comprises 10 inspectors, 11 adjunct inspectors, and 1 technical delegate; to these should be added 7 workmen delegates (*délégués ouvriers*) and 5 medical inspectors, making a total of 34 officials in the provincial service.

All of the officials are appointed at the free and unrestricted option of the minister of industry and labor; that is to say, there are no competitive examinations and the choice is not limited to certain groups of persons. Of the 42 officials now in the service, 7 are physicians and 23 are engineers.(a) The five medical inspectors are, by virtue of the ministerial decree of January 31, 1898, charged exclusively with supervising the enforcement of the regulations concerning the health of the laborers and the hygienic condition of the places of employment. Another ministerial decree, under date of June 17, 1902, further restricted the scope of their activity and assigned to them the task of investigating general or local causes of insalubrity in industrial establishments, and of making special studies of such subjects as may be assigned to them. The decree of 1902 also provided for the designation of associate physicians to take charge of such work as examining laborers employed in certain particularly unhealthful industries, like the manufacture of phosphorus matches and of lead

[a] That is to say, graduates of a technical college or of an engineering school of university grade.

compounds. A ministerial decree of December 31, 1902, appointed 38 ([a]) of these associate physicians; they are paid, according to a scale of fees fixed by ministerial decree, by the employers whose establishments are subject to the law.

The labor inspectors and delegates receive in addition to a regular salary an allowance for expenses of transportation and residence whenever they travel more than 2 kilometers (1.2 miles) away from home.

The labor inspectors are charged with supervising the enforcement of the following laws: That of December 13, 1889, concerning the labor of women, adolescents, and children in industrial establishments; the regulations concerning establishments classified as dangerous or insalubrious; the law of August 16, 1887, concerning the payment of wages; the law of June 15, 1896, on factory and workshop regulations; in a part of the Kingdom, the law of May 24, 1898, concerning the police supervision of open-air quarries; the law of July 2, 1899, concerning the health and security of industrial and commercial employees; the law of March 10, 1900, concerning the labor contract; the law of July 30, 1901, regulating the measurement of work; the law of December 24, 1903, concerning compensation for industrial accidents; the law of June 25, 1905, requiring that seats be provided for women employed in stores and shops; and the Sunday law of July 17, 1905.

The mining engineers, constituting the second general group of officials having to do with the enforcement of labor laws, are not appointed exclusively for this purpose. But as early as 1810 they were required to "watch over the safety of employees and the prevention of accidents," and since the passage of the law of 1889 they are required to secure the observance of the law and decrees concerning the labor of protected persons in mines and allied establishments. This service in 1908 comprised 63 officials. To these should be added 39 workmen delegates (*délégués ouvriers*), provided for by the law of April 11, 1897, paid by the Government, and appointed for 3 years. These delegates must have had at least 5 years' experience in skilled underground labor in mines, and not be engaged in any business for profit; they must make at least 18 visits of inspection per month and record their observations. These records may be commented upon in writing by the mine owners. Employers are required to provide the delegates with guides in visiting mines, and the delegates may question employees privately.

In a certain sense the local authorities in Belgium also take part in applying labor laws, either by reporting infractions of the law or in giving notice of its provisions. This is particularly true with regard to the Sunday law.

[a] In 1905 the number was 63.

The rights and duties of labor inspectors in Belgium have already been stated. They are empowered to enter all establishments subject to the law at any hour of the day or night, to interrogate employees privately, and, of course, to make a record of their testimony. They may demand of employers all the information necessary to secure the enforcement of the law, and in case of violations their reports constitute valid evidence until disproved.

The penalties that may be imposed for infractions of the law have been stated in giving an account of the law of 1889. For attempting to place obstacles in the way of an official engaged in performing his duty, the penalties that may be imposed are provided for in the Penal Code. As a rule, only the employer or his agent is liable to punishment; but the law concerning the labor contract and the ordinary criminal laws make it possible to punish also the employee who is knowingly responsible for an infraction of the law and who did not act upon the order of his superior.

Upon discovering a violation of the law the inspector prepares a written report upon the matter, sends a copy to the offender, and transmits the original to the public prosecutor (*procureur du roi*), who brings the case before the ordinary tribunals.

The results of the activity of the inspectors are reported annually since 1895, and naturally constitute the main source of information with regard to the effects and the enforcement of the law.

The inspectors are required, moreover, after each tour of inspection to send a report to the minister of industry and labor concerning the facts ascertained, adding, in case any of the establishments have not been visited previously during the year, a statement concerning the number, sex, age, etc., of the employees in such establishments on an official form provided for this purpose and so arranged as to indicate the infractions of the law that have been noted and the steps that have been taken to secure punishment or to prevent a recurrence or continuation of the offense. A summary of these reports is published monthly in the Revue du Travail, an official periodical issued twice a month by the labor office.(a)

The increase in the number and scope of the labor laws and the general growth of industrial activity has led to a considerable increase in the number of establishments and of laborers subject to the supervision of the inspectors. For the period between October, 1894, and the end of 1895 the number of establishments visited was 5,791; the number of visits, 6,900; the total number of employees in the establishments visited, 218,826, and the number of protected persons in these establishments, 45,415. In the year 1907 more than 15,000

a Revue du Travail. Publiée par l'Office du Travail de Belgique. Issued on the 15th and the last day of each month, the summary of inspectors' reports being contained in the issue for the 15th of each month.

establishments or "sections" of establishments were visited, with more than 300,000 laborers and more than 51,000 protected persons.(a)

During the course of each year the inspectors visit some establishments several times. Indeed, most of the inspectors give a detailed statement not only of the number of establishments visited, but of the number of those visited two, three, and four or more times. The great majority of establishments, however, are visited but once in the course of the year.

ENFORCEMENT OF THE LAWS AND DECREES CONCERNING "PROTECTED PERSONS."

Upon one point the law of 1889 is perfectly definite and unequivocal, namely, that persons under 12 years of age must not be employed in establishments subject to the law. But the employment of such persons is not the only manner in which the law and the royal decrees supplementing it may be violated. The absence of the required age certificate, failure to keep a list of the protected persons, night work after legally permitted hours, failure to grant the required pauses for rest—these are some of the other reasons for filing a complaint and imposing a fine.

The following table indicates the total number of accusations brought for violating the law of 1889 and the number of separate infractions (so-called "contraventions"). There may be several contraventions for one complaint, inasmuch as the number of contraventions is determined by the number of persons found employed under conditions which violate the law. Thus, for instance, the employment in a factory of three children under the legal age of admission will lead to one complaint involving three contraventions.

Year.	Complaints.	Contraventions.	Year.	Complaints.	Contraventions.
1896	128	269	1903	234	373
1897	121	261	1904	157	274
1898	296	651	1905	130	207
1899	85	200	1906	123	198
1900	135	262	1907	148	238
1901	229	396	1908	127	a 279
1902	179	312			

a This number is not exact because in some cases the Revue du Travail, from which the data are taken for 1908, did not indicate the number of persons concerned in violations of the law; the actual number is probably larger.

The first question that arises in connection with these figures is the number of cases and contraventions due to that clause of the law which excludes children under 12 years of age from the factory.

a It is impossible, upon the basis of the reports of the inspectors, to give any accurate figures for recent years, because some of the inspectors give no data whatever with regard to the total number of laborers in the establishments visited or with regard to the number of protected persons in them. During the past few years, moreover, the central office gives only a very meager annual summary of the results for the several districts.

Considering this question alone, and taking the reports of the inspectors from year to year to answer it, we find that in 1895, 81 children under the required age were found at work (70 boys and 11 girls). More than half of these were found in brickyards. This is not a large number for 5,971 establishments; hence the inspectors Henrotte and Kaiser, in summarizing the results for 1895, remark:

One of the most certain results of the law of 1889 has been to drive children under 12 years of age out of the factories. A large number of employers, understanding the importance of the prohibition, conformed to it even before the inspectors went to work, and many others complied with it at the first warning * * *. We desire to note that the inspectors have been especially severe with regard to employers having children under 12 years in their employ. Eight complaints were filed that have thus far resulted in five sentences.(a)

For violating the provisions of the law and decrees concerning the maximum period of work for protected persons there were in 1895 26 cases and 143 contraventions. Failure to comply with the law was most extensive in wood manufactures, furniture making, the building trades, the manufacture of pottery, metal products and machinery, and the clothing trades.

The regulations concerning the number and duration of pauses for protected persons were most frequently violated in 1895 in the textile industry, particularly in wool spinning mills. In a total of 19 cases regarding 115 contraventions this occupation furnished 15 cases and 103 contraventions. It should be noted, however, that the total of 115 contraventions brought to the attention of the courts by no means represents the total number discovered by the inspectors; for the latter report 645 cases in which the periods of repose are not long enough, or not numerous enough, or do not amount to a sufficient total period of rest. But many of these cases were not followed up; for first offenses the employers were warned and no further steps taken.(b)

In 1895 no serious attempt was made to discover the real condition of affairs with regard to the night work of protected persons, except in glass works. In the manufacture of crystal and glass ware 979 persons were found working one week by day and the next week at night, and of this total 274 were under 14 years of age, and hence employed contrary to the law. Concerning this state of affairs the inspectors report as follows:

Serious and repeated efforts of the inspectors have not led to the complete observance of the law. It must be admitted that we have to do here with a case of vis major, namely, the insufficient supply, in the regions where these works are situated, of children above 14 years

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[a] Rapports Annuels de l'Inspection du Travail, 1895, Vol. I, pp. 56, 57.

[b] Idem, 1895, Vol. I, p. 97.

of age willing and able to do the work. When the inspectors sought to enforce the law strictly there were two results: (1) Children between 14 and 16 years of age were forced to work every night in order to enable the younger ones to work only in the daytime; (2) parts of the works were shut down and the output decreased. Confronted by this situation, the inspectors unanimously requested that the age of admission to night work in this industry be lowered to 13 years. Petitions to the same effect were sent to the minister of industry and labor by many laborers themselves, and the councils of industry and labor formally and unanimously indorsed this request.

What has been said of the manufacture of glassware applies equally to the manufacture of window glass. In a total of 2,004 protected persons employed at the end of 1895, 700 under 14 years of age were working at night contrary to the law.[a]

A somewhat similar difficulty arose in the establishments for spinning combed wool in the region of Verviers. These establishments employ a large proportion of girls under 21 years of age, especially in the operations preparatory to spinning. When large orders for the export trade require increased productivity, extra machines for the preparatory operations are used during the daytime, but in cases of very large and urgent orders these machines have to be run at night also. Under existing circumstances, however, the number of women over 21 years of age is altogether insufficient in this region during periods of largely increased output. As permission to employ girls at night is difficult to obtain from the provincial governor, and can be granted only for short periods, women over 21 years of age are employed only during the night, in order that those under 21 years of age may work only in the daytime. Says the report for 1895:

Calling attention to this disadvantage, the employers of the region have petitioned the minister that the age of admission to night work for women be lowered to 18 years. It is eminently desirable that married women should no longer be employed at night. But it should be noted that the woolen industry is an export industry, compelled to compete with foreign products protected by customs duties, and that the absolute prohibition of night work might involve the destruction of the industry. Such a result would throw 3,000 to 4,000 laborers out of work. Recently an important combed-wool spinning mill at Verviers decided to start a similar establishment in Germany, a fact that was widely commented upon. An exodus of the industry, if it became general, would be disastrous for the working classes.

The requirement that protected persons be provided with a certificate indicating their age, etc., gave rise to 19 cases and 61 contraventions during the year 1895. The proportion of protected persons found without such a certificate rose as high as 37.75 per cent in the ceramic industries (mainly in brickyards) and 49.38 per cent in the

[a] Rapports Annuels de l'Inspection du Travail, 1895, Vol. I, p. 101.

manufacture of food products; the average for all industries was 13.65 per cent.

Many communes exhibit very little disposition to furnish protected persons with the required certificates. Some of them require payment, whereas they should be furnished free of charge.(a)

The same article of the law that requires protected laborers to carry a certificate also obliges employers to keep a register of these laborers. But in 1895, 29.77 per cent of the establishments visited kept no such register. The great majority of these employers were simply warned, and 11 who had not heeded previous warnings were brought to trial. This provision of the law was most frequently violated by manufacturers of clay products, especially of bricks, who numbered 569 in a total of 1,722 establishments having no register.

The reports of the mining engineers appended to the annual reports of the labor inspectors deserve careful consideration for the purposes of the present study, not only because mining is the most important single industry of the Kingdom,(b) but because female labor and child labor have always played an important part therein.

The report for 1895 gives the following table concerning female persons employed at underground work in mines:(c)

FEMALES EMPLOYED AT UNDERGROUND WORK IN MINES, BY AGE, 1890 TO 1894.

Year.	Under 16 years.	16 to 21 years.	Over 21 years.	Year.	Under 16 years.	16 to 21 years.	Over 21 years.
1890	945	.....	.....	1893	44	1,505	623
1891	683	2,285	723	1894	.....	1,076	542
1892	219	1,957	719				

The mining inspectors remark, furthermore, that in 1895 women were employed at underground work scarcely anywhere except in the Hainaut region. The cases in which children under 12 years of age were employed were rare, and the few instances noted were due usually to the carelessness of local authorities who had given certificates to children under 12; the parents of those children subsequently altered them to deceive the employers. Only in quarries did there appear to be a noteworthy proportion of children employed for a longer period than is allowed by the royal decree governing this occupation, namely, 8 hours per day. Here, too, the certificates that protected persons are required to carry and the register which their employers are supposed to keep were frequently lacking. The in-

a Rapports Annuels de l'Inspection du Travail, 1895, Vol. I, p. 108.

b The last industrial census, 1896, indicates that over 115,000 persons were employed in the coal mines of the Kingdom.

c During this year the inspectors of mines visited establishments in which 121,248 persons were employed; 13,323 of them were "protected," and of this number 1,388 worked at night.

spectors also remark that during the year 1895, the first in which the system of inspection necessitated by the law of 1889 and the principal royal decrees resulting therefrom was put into practical effect, the violations of the law were due more largely to ignorance of the law and carelessness than to ill will. Hence "the mining officials have felt that the first step was to make the law known in those establishments in which it was found to be violated, and to insist upon the points that appear to have escaped the attention of employers and to remind them of those points in writing. * * * Complaints have been filed only in cases where the circumstances were of exceptional gravity or when the ill will of the employer was manifest."(a)

If we turn now from the general sections of the report for 1895 to the reports of the individual inspectors, it will be found that these reports vary considerably. Some of the inspectors complain of a widespread ignorance of the law, and particularly of the royal decrees which supplement it, while others find little to object to in the establishments in their districts. These differences in the general tone of the individual reports are probably quite as much due to varying degrees of vigilance and experience among the individual inspectors as to actual differences in the observance of the law. Certainly none of the inspectors produces an impression of severity in applying the law or of a disposition to "make a record" of complaints filed and condemnations obtained. Quite the contrary. In defense of this general leniency, which to some critical readers of the reports might seem excessive, it may be urged with some truth that Belgium has long been a land of industrial liberty; that the average employer does not consider it one of the functions of the Government to interfere in industrial matters; that laws for the legal protection of the working classes have not yet had time to become part of the accustomed order of things, fortified by a strong public sentiment; and that such new measures must be introduced gradually and with as little friction as possible.

The reports of the provincial inspectors for 1895, in addition to what has already been quoted from the general reports, prove that the policy of mildness was followed from the start.

Even the provision that children under 12 years of age are excluded from the industrial establishments subject to the law was not accepted with universal and unqualified approbation.(b) All sorts of

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a Rapports Annuels de l'Inspection du Travail, 1895, Vol. I, p. 271.

b Dr. Louis Varlez, in an investigation based upon information supplied in 1898 by 1,920 employees in the cotton mills of Ghent, found that 68 had begun work at the age of 7 or earlier, 81 at 8 years of age, 82 at 9, 184 at 10, 290 at 11, and 469 at 12. (Les salaires dans l'industrie Gantoise, I. Industrie Cotonnière, p. 559, Bruxelles, 1901.)

modifications, exceptions, and exemptions were proposed. In the first district (that of Antwerp) brick manufacturers suggested that the local mayors or the inspectors should be permitted to allow "the temporary employment of children 11 years old to take the place of children that are ill and impossible to replace by others that are of the requisite age."(a) According to the opinion of the inspector—

Such permission would open the door to the old abuses. The work of inspection would then become illusory, or at least very difficult. * * * Our general impression is that the owners of brickyards have taken no serious steps to secure the observance of the law. Exceptions could, of course, be mentioned; but most of the employers have been content with the outer signs of submission to the legal requirements: The text of the law was posted up; the certificates were duly filled out; a notice was placed on the walls indicating that work can not begin before 5 a. m. nor continue after 8 p. m., and giving the time and duration of the pauses for rest. But no attempt is made to familiarize the employees with the terms of the law. Generally the laborer is persuaded that the extreme hours mentioned in the notice (5 a. m. and 8 p. m.) are legally fixed as the beginning and end of his workday. This meant for him a period of 15 hours. The pauses which according to the rules reduce this period of 15 hours to 12 hours of actual labor do not attract his attention, and the employer does not insist upon this feature. Nor does the employer take any pains to call the laborer's attention to the difference which the law makes in the hours for brick works and tile works.

Children under 12 years have disappeared from the brickyards only as a result of numerous legal prosecutions. We shall be obliged during the busy season to employ severe measures to secure the observance of the time limit of 12 hours a day.

In the brick works situated in the Province of Limbourg the application of the law has had results entirely different from those noted in the Scheldt region. The work is differently organized. The works are temporary, with family groups of laborers, and the number of young carriers subject to the law is exceedingly small. The head of the working group wants to avoid all difficulties; he wants to work, as he has always done in the past, many hours per day, and he prefers to get along without protected persons altogether, rather than submit to a fixed number of pauses which he regards as interfering with his labor. Hence the disappearance in this region of boys and girls carrying bricks from the molding table to the drying area is a direct consequence of the law of December 13, 1889.

In the brick works using machinery, situated along the canal from Antwerp to Turnhout, the law is observed perfectly. The number of children is very small, whereas girls and women never enter the works. The workday, far from exceeding 12 hours, rarely lasts that long; the average is 10½ hours. The pauses for rest are strictly observed, the machinery being stopped during these intervals.(b)

This rather striking contrast between the condition of the laborers working in establishments using machinery and those employing the

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[a] Rapports Annuels de l'Inspection du Travail, 1895, Vol. II, p. 7.

[b] Idem, 1895, Vol. II, p. 19.

older hand methods is noted in almost every industry and by every one of the inspectors. The larger modern concerns in practically every branch of production not only comply more generally and more cheerfully with the terms of the law, but their employees frequently have shorter hours, longer periods of rest, and work under more healthful and less dangerous conditions than those in the smaller concerns employing older methods of production. Almost every page of the provincial inspectors' reports bears testimony to this general fact.

In cigar factories the labor of children under 14 years of age is limited to 6 hours; this industry, very important in this district [Antwerp], is represented by a few large establishments and by a large number of small shops grouped in the northern villages of the Provinces of Antwerp and Limbourg. Immediate results were obtained in the large concerns. * * * In the small shops the law was more difficult to enforce. In one village containing a dozen of these shops with an average of 20 laborers, there was manifest opposition to the law; the presence of the inspector was immediately signaled from shop to shop in order to prevent the discovery of violations. * * * Concerning one important cigar factory where 20 children under 14 years of age were working more than 6 hours a day, complaint was filed; the owner had given his foreman orders to pay no attention to the observations of the inspectors.[a]

The typical explanations of the presence of children under the legal age of admission are (1) the necessity of cheap labor in order to compete in foreign markets, (2) the desire to keep the children from roaming about the streets in idleness and incipient vagabondage, (3) pity for poor parents who need the additional income provided by the labor of their children, (4) the necessity in certain trades of beginning apprenticeship very early, (5) the absence of a sufficient supply of adult labor, and (6) the peculiar aptitude of boys and girls for certain kinds of work which require small hands and superior agility.

Once, in the courtyard of a tawing shop, 2 boys under 12 were employed in carrying into the shop the skins that had just arrived. When I spoke of the matter to the employer he replied that he sometimes used these boys out of commiseration, and to prevent them from becoming vagabonds on the public streets, but that they were never allowed to enter the workrooms.[b]

As brickmaking can not be carried on in closed rooms, children between 8 and 12 years of age may easily enter the yards, and it is difficult to keep them out; they rarely go to school, and their presence in the yards several times a day is justified on the ground of having to bring meals to their parents. Often, in spite of the employers' orders to the contrary, they mingle with the young employees who carry the bricks or transport the sand that has been drying in the sun.[c]

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[a] Rapports Annuels de l'Inspection du Travail, 1895, Vol. II, p. 23.

[b] Idem, 1895, Vol. II, p. 93.

[c] Idem, 1895, Vol. II, p. 7.

Some employers are frank enough in their opposition to the law.

The director of a foreign company objected that I had no right to visit his shops while he was away. * * * In another establishment, after I had stated the object of my visit, I was told that I had come upon a mission of inquisition.(a)

There are some employers who are far from having any sympathy for labor inspection, and who think that it will result in increasing the demands made by the laborers, or who regard the provisions of the law regulating labor as useless and annoying measures. Some, it is true, consider the entrance of the inspectors in their establishment as an intrusion and an infringement of their authority * * *.(b)

Critics of the law are found not only among the employers. Laborers themselves often criticise it, not on the ground that it does not go far enough, but that it is too absolute with regard to the age of admission and too severe with regard to the number of hours children may work in the "classified" trades. Says one of the inspectors:

Many laborers expressed to me their dissatisfaction with the royal decree of December 26, 1892, fixing at 6 hours the duration of the workday for children between 12 and 13 years of age. A father said to me: "If you forbid my boy to work, he will have to go on the streets and beg, for I can neither leave my house open during my absence nor lock my child in it."(c)

Some parents complain of that article of the law which forbids the employment of children under 12. They see but one aspect of this prohibition, namely, the impossibility of allowing these children to earn a wage that in some big families would often be very welcome. And some employers criticise this provision from another point of view. In itself, they say, the law is a good one; but would it not be better for these children to work than to run the streets? If they went to school until the age of 12 years, the provision concerning the age limit could only be approved.(d)

In some brickyards parents have objected that certain children under 12 years of age are, without danger to their health, strong enough to work in the open air during the few weeks that the busy season lasts.(e) In the tenth district (Houdeng-Goegnies) an inspector found 34 children under 12 employed in a brickyard where they helped their parents. When the latter were notified of the illegality of this arrangement, "they vigorously resented the suspicion that they were overtaxing the strength of their boys and girls, asserting that the work was adapted to their size and amounted to play for them."

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[a] Rapports Annuels de l'Inspection du Travail, 1895, Vol. II, p. 127.
[b] Idem, 1895, Vol. II, p. 177.
[c] Idem, 1895, Vol. II, p. 182.
[d] Idem, 1895, Vol. II, p. 140.
[e] Idem, 1895, Vol. II, p. 193.

Another aspect of this problem of the need of the child's income to help out the family budget is suggested by the following significant quotation from one inspector's report:

The brickmakers in the Boom district are addicted to strong drink. The abuse of alcohol makes great ravages among men. The laborer stops work on all days of public celebration, and they are very numerous. On this score alone he spends more than 100 francs ($19.30) a year; this expenditure for drink represents approximately the price paid for the premature labor and fatigue that he imposes upon the young son or daughter who helps him in his trade from the twelfth year on. At Hemixem the laborer spends 5 to 6 francs (96.5 cents to $1.16) a week for gin; he often makes Monday a holiday, sometimes Tuesday also, and occasionally does not go back to work until Thursday. At Terhaegen there are 40 saloons for 2,200 inhabitants.[a]

By way of exception, workmen who have large families express their regret at not being permitted to let their young children work, because the wages they would earn, however small, would help out the family budget. They allege, moreover, that work would keep the children from vagabondage. Employers have told me that sometimes parents beg them to employ children under 12 years. Employers in general are of the opinion that these very young laborers render no real industrial services and interfere with the work of the other laborers.[b]

In my district the prohibition of the labor of children under 12 years has given rise to no complaints on the part of employers, but the same thing can not be said of the parents. One of the children employed in breaking flax was the eldest of a large and exceedingly poor family; as he earned a franc (19.3 cents) a day, his expulsion gave rise to a very lively complaint. The same is true of a boy employed in a brickyard as a carrier to help his father, who was chief molder at one of the tables.[c]

Of a somewhat more serious character is the objection of some employers that in the industries in which they are engaged a legal limitation of the hours of work for minors necessarily involves a like curtailment in the workday for adults, inasmuch as children and adults work together at complementary operations. When the children stop work the other laborers must also cease. In the manufacture of brushes, for instance—

employers complain that the protected persons can not work so many hours as the older employees. The division of labor in this industry requires the presence of young laborers who carry the wood and the bristles to the different workrooms as soon as those articles are ready. If these young people must stop after 9 hours of work in winter and 10 hours in summer, their departure necessarily means that the whole establishment must stop. The employers allege that it would be very difficult for them to use two shifts of young employees because of the

[a] Rapports Annuels de l'Inspection du Travail, 1895, Vol. II, p. 54 ff; see also p. 123.

[b] Idem, 1896, p. 31.

[c] Idem, 1896, p. 145.

disturbance this would cause in the shop. To replace the protected persons by boys over 16 years of age would increase the cost of production and make it impossible to compete with other producers, to say nothing of the fact that those older laborers could never take the place of the young children so far as agility is concerned.(a)

"The employment of young children as weavers' apprentices has, above all, a humanitarian and ethical purpose; it is intended to keep them off the streets and induce them to go to school by giving them a slight remuneration," reports the inspector for the district of Ghent, who discovered 5 such apprentices under 12 years of age in weaving establishments and 7 in other branches of the textile industry. He also found 11 children under 12 working in brickyards. The reason for this, according to the employers, "consists in the difficulty in finding a sufficient number of older children to carry the bricks from the table to the drying area." But the inspector adds:

I think that with a little effort on the part of the owners this difficulty could easily be overcome. I believe that the difference in wages is one reason for the employment of these young laborers.(b)

For many years the brick manufacturers sought to secure a modification of existing provisions, both with regard to the age of admission and the conditions governing night work; and some of the provincial inspectors appear to have favored a modification of the existing régime as far as it concerned this industry. But the effort has continued unsuccessful, and in default of a change in the law several employers have attempted to circumvent the law and to outwit the inspectors.

It has been a favorite device during recent years to persuade the chief molder at each table to sign a contract by which it appears that he is a subcontractor in charge of a certain portion of the plant as an independent enterprise. That this is a mere subterfuge is apparent from the facts (1) that the workman derives no profit from the labor of his associates, (2) that he assumes no responsibility for the payment of wages to his fellow-workers, and (3) that the factory rules are signed and the wages of the employees paid by the head of the plant and not by the chief molder.(c) In some cases, however, the courts have accepted this substitution of a dummy culprit for the responsible head of the establishment.(d) But the present tendency of the courts in such cases is to hold both the agent and the real employer responsible for violations of the law. Thus a decision of the court of appeals in 1907, regarding a case in which protected persons had been required to begin work before 5 o'clock in the morning, condemned

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a Rapports Annuels de l'Inspection du Travail, 1895, Vol. II, p. 195.

b Idem, 1895, Vol. II, p. 140.

c Idem, 1903, p. 255; 1904, p. 241; 1905, p. 8.

d Idem, 1905, p. 8.

both the owner of the plant and the chief molder, on the ground that in spite of all agreements that may be made with persons in his employ the head of an industrial establishment can not escape any of the responsibilities which the law intends to put upon him.[a]

Another method of circumventing the rules which limit the workday of protected persons in classified trades, and one against which it is doubtful whether anything can be done, consists in having separate workrooms, in some of which only those processes are carried on that are not subject to legal regulation. When, for instance, in a wool-manufacturing establishment the protected persons have terminated the 11¼ hours of work permitted in this industry by the royal decree of December 26, 1892, they are simply transferred to the rooms in which the nonclassified branches of the industry are carried on and thus escape the supervision of the inspectors.[b]

Devices for preventing the discovery of violations of the law are almost as varied as the industries themselves in which protected persons are employed. Moreover, as the inspectors testify—

infractions are difficult to discover, for employers surround them with a vigilance equal to that which we exert to unearth them. Employers and laborers display a spirit of solidarity in this regard.[c] Whenever one of us makes his appearance, alone or accompanied by a delegate, in the region where the brickworks are spread out over an area of several miles, the news of our arrival is carried to the whole neighborhood within a few minutes, and the children are warned, disappear, and their places taken by adults. This year the violations of the law involved in the employment of 10 children under 12 years of age were discovered, so to speak, by ruse, in approaching the brickworks by unusual and difficult means of access.[d]

If we consider the territory which each inspector is supposed to cover, the multifarious duties which he is called upon to perform, the score of laws and decrees which it is his duty to enforce, and the resourcefulness which he must display in some cases to outwit the combined efforts of employers and laborers to escape the discovery of infractions of the law, it is not surprising that more violations are not detected. One of the inspectors very frankly states:

The law of December 13, 1889, and the decrees issued for its execution have not yet attained the utmost desirable degree of enforcement. The service of labor inspection is not organized in a manner to exercise a sufficiently active supervision. But although we have not been able to make frequent visits with a view to the discovery of possible infractions, we have paid special attention to those offenses that were

[a] Rapports Annuels de l'Inspection du Travail, 1907, p. 16.

[b] Idem, 1906, p. 108.

[c] As a rule the children are well coached, and as soon as they are questioned by the inspector they run away to prevent the inquiries that are indispensable for prosecuting the case. Rapports Annuel de l'Inspection du Travail, 1898, p. 34.

[d] Rapports Annuels de l'Inspection du Travail, 1903, p. 90.

brought to our notice. As a consequence of reports sent to us, some of the graver offenses were discovered, such as the employment of children under 12 years, excessive labor of protected persons, night work and Sunday work under conditions contrary to the law. Were it not for reports from outside sources, these violations of the law would very probably have escaped our notice.(a)

In many cases, notably where children under the legal age are employed, parents are quite as responsible as the employers. The simple presence of children under 12 in an industrial establishment is no violation of the law; and in view of the common practice of having children bring food to their parents, and the frequency with which mothers engaged in certain open-air trades take their children with them to the place of work and attempt to watch over them during a part of the workday, it is not a simple matter for employers to exclude children under 12 years of age from the shop or the workyard. And when such children are allowed to be present, it will happen that they either voluntarily or at the injunction of their elders perform certain tasks that technically constitute labor. In such cases, however, the inspectors exhibit the utmost degree of indulgence for the employers. Probably the only way to prevent such occurrences and to make a more rigid but just enforcement of the law possible would be to forbid even the presence of children under 12 in the establishments subject to the law. This has, in fact, been suggested by some of the inspectors.

A partial step in the same direction is a severe holding to account of the parents of the children themselves. The increasing proportion of cases in which parents are punished for sanctioning the employment of children under 12 years of age indicates that this step is being taken by the inspectors and the courts.(b)

But in no respect can one speak of severity in applying the law, on the part of the inspectors, or of severity in punishing its infringement, on the part of the tribunals.(c) Although the labor laws provide for penalties as high as 1,000 francs ($193), and in cases of repeated offenses as high as 2,000 francs ($386), small penalties are the rule; and frequently their collection is dispensed with unless within a given period the guilty party commits another offense.

The first volume of the first annual report, containing a summary of the first year's work of inspection, sounds the keynote of the general policy:

The number of prosecutions may seem small, but it should be noted that at their first visits the inspectors, discovering the ignorance of the offenders with regard to the duties which the laws and regulations

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[a] Rapports Annuels de l'Inspection du Travail, 1905, p. 3.

[b] Idem, 1904, pp. 29, 37.

[c] The numerous quotations from the inspectors' reports given in this section are entirely typical.

impose upon them in these matters, simply gave warning, as a forerunner of stricter measures.(a)

Nor has this general attitude been departed from since then.

In 1897 complaint was not made in some cases because the children were "only a few days under 12 years old."(b) In another district, where 4 children under 12 were working "incidentally" on the days when they did not attend school, the inspector filed no complaint because "the previous year in a similar case a complaint had been made and no punishment was inflicted by the court."(c)

Six children under 12 found working in a brickyard in the third district in 1898 were not interfered with because "their occupations should be regarded rather as play."(d)

In 1899 the inspectors found 1,049 protected persons working at night contrary to the law. Of this total, 185 were employed in the manufacture of glassware, 21 in sugar manufacture, 15 in furniture factories, and 7 in paper mills, none of which gave rise to legal complaint by the inspector. In the manufacture of window glass, 770 persons were found working at night contrary to the law and 7 complaints were filed.(e)

Says one of the inspectors in his report for 1900: "We attached no importance to the fact of having seen some school children under 12 years of age in stone quarries engaged under the supervision of their fathers in cutting stone as a sort of recreation and apprenticeship."(f) "I do not consider as labor the operation of piling up a few unbaked bricks, a child's play that is abandoned as soon as begun."(g) In the same year, for 804 protected persons found working at night contrary to the law only 12 complaints were filed; among the cases in regard to which no steps were taken to have the offender tried at law were those of 503 protected persons employed in the manufacture of glassware, 15 in glass-bottle works, and 8 in making plate glass.(h)

Repeated warnings are given by the inspectors before steps are taken to secure punishment.(i) If foremen are negligent in requiring age certificates of children, or fail to examine them carefully, and as a consequence children are found in the factory under 12 years of age, inspectors are usually satisfied if such children are sent away immediately.(j) Employers are usually given the benefit of all extenuating circumstances, even though these circumstances consist in nothing

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[a] Rapports Annuels de l'Inspection du Travail, 1895, Vol. I, p. 140.
[b] Idem, 1897, p. 59.
[c] Idem, 1897, p. 105.
[d] Idem, 1898, p. 63.
[e] Idem, 1899, pp. 260, 261.
[f] Idem, 1900, p. 178.
[g] Idem, 1906, p. 207.
[h] Idem, 1900, pp. 290, 291.
[i] Idem, 1903, p. 200.
[j] Idem, 1904, p. 167.

more than some difficulty in understanding the rules which prescribe a different maximum workday at different seasons of the year.[a] Ignorance of the law, after the law has been in force for 17 years, is still a perfectly valid excuse.[b]

The almost universal example of leniency given by the inspectors is followed closely by the courts. Fines of 2 and 5 francs (38.6 and 96.5 cents) are common, those of over 50 francs ($9.65) exceedingly rare, and acquittals not at all infrequent.

In some cases the defendants were acquitted on the ground that the children under 12 years of age found at work were "not employed regularly."[c] The net result of 10 complaints against employers made in the first district in 1899 on the score of employing children under 12 years of age was 7 convictions—one of them conditional—entailing fines of 2 to 50 francs (38.6 cents to $9.65);[d] in the third district 2 complaints of illegal night work by protected persons resulted in 1 conviction.[e] The mining inspectors also report two prosecutions, one resulting in a fine of 1 franc (19.3 cents) and the other in an acquittal.[f]

In 1900, a year for which the inspector of the first district speaks of his "severity," 63 complaints were filed in this district, and at the end of the year the results of 51 were known. These 51 cases resulted in the imposition of 192 fines, 1 of 100 francs ($19.30), 3 of 52 francs ($10.04), 71 of 26 francs ($5.02), 2 of 20 francs ($3.86), 39 of 10 francs ($1.93), 37 of 5 francs (96.5 cents), 12 of 3 francs (57.9 cents), and 27 of 2 francs (38.6 cents) each.[g] The inspector of the fourth district found 75 children under 12 at work and filed 14 complaints; 7 of the cases were dismissed (*sans suite*) and at the end of the year the inspector knew nothing of the results of the others.[h] In the eighth district 3 complaints were filed. One of the employers was sentenced to a fine of 5 francs (96.5 cents) or imprisonment for one day, but sentence was suspended for six months; in the second case the sentence was a fine of 1 franc (19.3 cents) or one day's imprisonment, and in the third case a fine of 20 francs ($3.86) or three days' imprisonment, suspending sentence for six months.[i]

In 1903 there were in the second district 29 prosecutions for violating one or more provisions of the law of 1889, resulting in 1 acquittal,

[a] Rapports Annuels de l'Inspection du Travail, 1905, pp. 103, 197; 1906, p. 315; 1907, p. 351.
[b] Idem, 1906, p. 103 ff.
[c] Idem, 1898, p. 3.
[d] Idem, 1899, p. 4.
[e] Idem, 1899, p. 63.
[f] Idem, 1899, p. 298.
[g] Idem, 1900, p. 3.
[h] Idem, 1900, p. 90.
[i] Idem, 1900, p. 197.

and 65 fines varying from 1 franc (19.3 cents) to 26 francs ($5.02). Of the 65 fines imposed (the collection of most of them being suspended) 2 amounted to 26 francs ($5.02) each, 7 to 10 francs ($1.93) each, 6 to 5 francs (96.5 cents) each, 15 to 3 francs (57.9 cents) each, 32 to 2 francs (38.6 cents) each, and 3 to 1 franc (19.3 cents) each.[a]

Data for the subsequent years are somewhat less fragmentary with regard to violations brought to trial and the results of the trials. Many of the inspectors, however, continue to give no information concerning the judicial action taken upon the cases that are brought before the courts. In the second district protected persons were employed in 1904 contrary to the law in 266 establishments, and only 30 accusations were filed. The results of 4 cases are not given; there were 2 acquittals, and 82 fines were imposed, varying from 1 franc (19.3 cents) to 5 francs (96.5 cents). Of this total number of fines a textile manufacturer was sentenced to pay 54 of 2 francs (38.6 cents) each for having illegally employed 54 protected persons at night. In this case, however, as well as in all but 12 others, the collection of the fine was suspended or made conditional. No single fine of more than 5 francs (96.5 cents) was imposed.[b]

The inspector of the Ghent district was notified by letter that a manufacturer of matches required several protected persons among his employees to work until midnight. The accusation was found to be true, and when the employer was informed that 30 of his laborers had been working in violation of the law he retorted: "That will make a fine of 300 francs [$57.90]. I prefer that to not having the work done."[c]

The inspector for the district of Antwerp gives specified instances of exceptional judicial leniency during the year 1906. An employer pleaded that a child under 12 years of age in his employ had falsely stated his age to be over 12, and that therefore the employer could not be regarded as having knowingly violated the law. In spite of the fact that article 10 of the law requires every child to possess an age certificate before it may be employed, the court of first instance acquitted the employer, who was, however, subsequently found guilty. Two other cases resulted in acquittal because copies of the birth certificates of the children concerned were not attached to the complaint, although it would have been an easy matter for the court to obtain this information, and although the complaints filed by an inspector legally constitute valid evidence until proof is furnished

[a] Rapports Annuels de l'Inspection du Travail, 1903, p. 22 ff; see also p. 223.

[b] Idem, 1904, pp. 19 ff. and 66 ff. The inspector for this district remarks: "The ordinary police tribunals sometimes display what I regard as excessive indulgence" (p. 37).

[c] Idem, 1904, p. 137. For further data concerning the fines recently imposed by the courts consult particularly the report for 1905, pp. 74, 196, and 252; the report for 1906, pp. 4, 46 ff., 78, and 301; and the report for 1907, pp. 4 and 80.

to the contrary. In another case a brick manufacturer who employed a child under 12 was acquitted because he did not visit the brickyard every day, and therefore could not be held responsible for the offense; although this decision implied the responsibility of the foreman in charge of the establishment, no steps were taken to bring him to account. Still another brick manufacturer was accused of having employed a child under 12 years of age; some time later, when the court ordered a supplementary investigation, the same child was again found at work and a second complaint filed. But the court condemned the employer to pay only one fine, on the ground that there had been but one continuous infraction, and not two, punishable separately. "If this interpretation of the law should prevail," the inspector declares, "any brick manufacturer who is found violating the law at the beginning of the season can continue to the end with children under age, and incur but a single condemnation whenever (often several months later) the courts are informed of the matter. These decisions must be deplored, for they diminish the authority of our service and paralyze our activity."(a)

It must, nevertheless, be admitted that, on the whole, the law of 1889 appears to be gaining a wider acceptance and to be better enforced from year to year. At all events, the employers who resist the enforcement of the law and who consider its provisions as involving vexatious interference with their business are not so numerous as the earlier reports of the inspectors indicated they once were.(b)

EXTENT AND NATURE OF CHILD LABOR.

The law of 1889 created a class of so-called "protected persons" consisting of males under 16 years and females under 21 years of age employed in industrial establishments. It provided for the inspection of all industrial establishments in which such persons are employed. Naturally, therefore, this is the group of nonadult laborers concerning which our information will be found to be most complete and most recent; hence we shall first inquire into the number of these "protected persons" whose labor is regulated by the law of 1889 and by the decrees supplementing that law.

It must be borne in mind, however, that although Belgium is above all else an industrial nation, not all of the people in gainful occupations are employed industrially, nor does the law of 1889 apply to all branches of industrial activity. A large number of persons are en-

[a] Rapports Annuels de l'Inspection du Travail, 1906, pp. 105, 106.

[b] Conditions are at all events immeasurably superior to those of the first half of the nineteenth century. According to Dr. Louis Varlez, in his official report on the Cotton Industry of Ghent (Bruxelles, 1901) nearly 40 per cent of the employees in the cotton spinning mills of that city were under 13 years of age in 1817.

gaged in home industries, which, together with all agricultural occupations as well as the greater proportion of commercial enterprises, lie entirely outside the scope of the law of 1889. It is evident, then, that the "protected persons" whose labor is regulated by that law and the decrees based upon it are not the only nonadult workers in the Kingdom.

It should be noted, furthermore, that the term "protected persons" is not coextensive with "industrial child laborers," for the very simple reason that among males only those under 16 years of age are counted among the "protected persons" in industry. Males between 16 and 18 years of age, who in some countries the law designates as "young persons," are in Belgium not among those protected by the law of 1889. Indeed, males above 16 years of age are entirely assimilated to adult males, and in the reports of the labor inspectors are invariably grouped with adult males.

With regard to the statistics concerning protected persons given by the labor inspectors from year to year, it must be observed that these figures do not necessarily indicate the total number of such persons employed in establishments subject to the law. For not all establishments subject to the law are visited by the inspectors. Every year a considerable number are reported as visited for the first time. Consequently, the actual number of protected persons in the establishments subject to the law must be greater than the total number of such persons found in the establishments actually visited by the inspectors. How much greater, it is difficult to judge.

From the reports of factory inspectors the following table has been prepared indicating the number of protected persons in the establishments subject to the law of 1889 that were visited by the inspectors.

ESTABLISHMENTS AND EMPLOYEES SUBJECT TO THE LABOR LAW OF 1889, FOR THE YEARS 1895 TO 1907.

Year.	Establishments or sections of establishments visited.	Total number of employees in establishments visited.	Males under 16 and females under 21 employed in establishments visited.	Per cent of protected persons (a) (minors) of whole number employed.
1895	5,791	218,826	45,415	20.75
1896	7,599	217,872	43,437	19.94
1897	8,648	210,767	42,073	19.96
1898	8,903	235,867	46,693	19.80
1899	9,421	252,965	53,549	21.17
1900	10,117	275,363	56,020	20.49
1901	8,260	222,820	43,432	19.44
1902	12,180	315,045	64,513	20.48
1903	11,971	314,412	63,478	20.19
1904	12,012	298,912	62,378	20.86
1905	11,421	b 272,341	b 46,193	16.96
1906	13,797	b 279,770	b 53,212	19.02
1907	14,505	b 305,384	b 52,997	17.35

[a] Adult women are "protected" only by the provision that they must not work during the four weeks following confinement.

[b] The figures for one circuit are not given in the annual reports, and hence not included in these totals. Therefore these figures are incomplete.

NUMBER AND PER CENT OF PROTECTED PERSONS IN VARIOUS GROUPS OF INDUSTRIES, 1895.

Group of industries.	Total number of employees.	Protected persons.	Per cent of protected persons.	Girls between 12 and 16.	Boys between 12 and 16.	Girls between 16 and 21.
1. Textiles	66,198	18,109	27.34	4,311	5,040	8,758
2. Chemicals	10,047	1,712	17.04	370	504	838
3. Glass	20,433	5,410	21.58	3,201	697	1,512
4. Paper	5,884	1,100	18.69	405	167	528
5. Animal and vegetable products.	9,620	2,220	23.08	375	451	1,394
6. Foodstuffs	7,898	725	9.17	193	255	277
7. Meat and fish preparations	94	.....	.....	.....	.....	.....
8 and 9. Metal manufactures and building materials	43,174	3,380	7.83	2,281	307	792
10. Pottery, etc	21,420	5,036	23.51	2,647	1,190	1,199
11. Wooden manufactures (except furniture)	6,006	613	10.20	460	76	77
12. Furniture	1,649	380	23.59	107	49	224
13. Building trades (except wood)	607	76	12.52	70	.....	6
14. Clothing (first group)(a)	2,465	1,326	53.79	103	560	663
15. Clothing (second group)(a)	6,832	1,899	27.79	420	546	933
16. Art industries(b)	8,144	1,257	15.43	941	123	193
17. Miscellaneous	8,355	2,172	25.98	1,293	343	536
Total	218,826	45,415	20.75	17,177	10,308	17,930

[a] See pp. 100, 101. [b] See pp. 98, 99.

The year 1895 was the first for which a system of labor inspection was carried out, and the visits of the inspectors for that year were made the occasion of a fairly complete statistical enumeration of protected persons according to groups of industries. The officials of the Labor Office summarized the results in the first volume of the reports for that year, dividing the industrial establishments of the Kingdom into 17 groups, and indicating the total number of employees and of protected persons in each group, as given in the table above.

Considering the several groups of industries in more detail, it was found that although the average for all textile industries was 27.34 per cent, in spinning mills it was 33.01 per cent and in weaving mills 24.19 per cent; and among the spinning mills in particular the proportion engaged in spinning flax, hemp, and jute was, respectively, 41.93 per cent, 44.17 per cent, and 49.62 per cent of all employees.

In spinning mills, 2,465 boys under 16, 3,367 girls under 16, and 5,451 girls between 16 and 21 years of age were employed, making a total of 11,283 protected persons.

In weaving mills there were 1,612 boys under 16, 1,495 girls under 16, and 2,860 girls between 16 and 21 years of age.

Among the establishments engaged in the manufacture of chemical products, match factories are of peculiar interest. The protected persons employed in this occupation numbered 1,311, or 51.03 per cent of the total thus employed in the establishments inspected. Of the 1,311, 227 were boys under 16, 434 were girls under 16, and 650 were girls between 16 and 21 years of age. (a)

[a] The boys and girls under 14 years of age numbered 271.

In the manufacture of rubber products 24.75 per cent of the employees were protected persons (18 boys under 16, 41 girls under 16, and 93 girls between 16 and 21 years of age).

In glass manufactures the number of protected persons employed in bottle making was 65, or 45.45 per cent of the total number of employees in the bottle works visited; in making crystal and glassware, 2,678, or 35.60 per cent; and in making window glass, 2,506, or 26.25 per cent (consisting of 1,656 boys and 375 girls under 16 years of age).

In paper manufactures, 89 boys under 16 years of age in a total of 352 laborers were engaged in making wall paper.

Other occupations in which the absolute number or the proportion of young laborers was considerable are as follows:

NUMBER AND PER CENT OF PROTECTED PERSONS IN SPECIFIED INDUSTRIES, 1895.

Industry.	Boys 12 to 16 years of age.	Girls 12 to 16 years of age.	Girls 16 to 21 years of age.	Total laborers.	Per cent of protected persons.
Sorting rags	14	131	699	2,338	37.61
Clipping and plucking rabbit fur	162	260	402	1,735	47.46
Chicory	16	79	40	329	41.03
Sorting coffee	.....	150	50	200	100.00
Metal manufactures	2,281	307	792	43,174	7.83
Making bricks by hand	1,882	911	683	11,919	29.16
Pottery and terra cotta	269	205	350	2,560	32.19
Mounting brushes	47	43	173	558	45.33
Tobacco and cigars	1,151	314	451	6,266	30.68

The inspectors furnish some data concerning the duration of the workday in the classified industries. Thus, in the textile industries, children between 12 and 13 years of age are allowed by law to work not more than 6 hours a day in spinning and weaving flax, hemp, cotton, and jute; other protected persons may work 11½ hours. But of the 328 children under 13 years of age thus employed, 147 were reported as having worked more than 6 hours a day before the law went into effect. It was believed that the employers would resort to the employment of 12-year-old "half timers" after the law was passed, employing two shifts of children, each for 6 hours. But this system does not appear to have been introduced in many establishments, and the practical consequence of the law has been to keep children under 13 out of the spinning and weaving mills.

Protected persons over 13 years of age may work 11½ hours, but the inspectors found 2.37 per cent working in spinning mills for a longer period, i. e., illegally, and 23.57 per cent working in weaving mills for a longer period than the law allows. In making linen cloth and drills the proportion rose to 30.95 per cent.

In the woolen mills conditions were better. "Only 2.84 per cent," as the report puts it, "of the protected persons worked for a longer period than the legal maximum of 11½ hours per day."

In paper manufactures children between 12 and 14 years of age are allowed by law to work 6 hours a day, and other protected persons 10 hours. Yet 19.05 per cent of the former and 13.78 per cent of the latter were discovered to be working for longer periods.

In tanneries protected persons may work legally 10 hours a day, but 17.10 per cent of them were found to be working longer.

In preparing fibers for brushes, girls between 16 and 21 years of age may work 12 hours a day, children under 16 may work 10 hours in the summer and 9 in winter. Of the latter class, however, 49.02 per cent were found working in winter and 37.25 per cent in summer longer than the law allowed in the 22 establishments that were inspected.

In sorting rags, 844 protected persons were employed in 133 establishments, and of these protected persons 226 worked more than 12 hours a day in rooms that are reported as "highly insalubrious." In making glue and gelatin, 5.56 per cent, and in making oil and grease, 7.14 per cent, of the protected persons employed were found working more than 12 hours a day. In the metal trades included in group 18 (see p. 101), 45.56 per cent of the children under 14 years of age were working longer than the legal maximum of 10 hours a day, and 5.40 per cent of the other protected persons more than the permissible 11 hours a day. The corresponding proportions for the trades in group 19 (see p. 100) were 76.39 per cent and 15.43 per cent, and in the trades of this group in which all protected persons must not work more than 10 hours a day, 31.31 per cent were found to be working longer.

In tile works protected persons are permitted by law to work 8 hours in the winter; in the summer boys over 14 and girls over 16 years old may work 12 hours. Forty-eight manufactories in which tiles were made by hand were visited by the inspectors and 66.01 per cent of the protected persons reported as working more than 8 hours a day in winter. Eleven similar establishments using machines were also visited, and all the protected persons employed therein were working longer than the law allows. In the manufacture of fireproof clay products the proportion of protected persons exceeding the legal workday of 10 hours was 74.79 per cent in the 45 establishments visited, and in pottery and terra-cotta works, 45.63 per cent. In making bricks "by hand" 17.43 per cent of the protected persons worked longer than 12 hours, but in making bricks by machine only 3 children in a total of 144 were found working over 12 hours.

The general verdict of the inspectors concerning wood manufactures produced by machinery is that "the legal rules are little observed." In mounting brushes, 70 per cent of the children under 14 worked worked longer in winter than the 9 hours which the law allows, and in furniture making, 59.9 per cent. In tobacco and cigar

manufacturing, children between 12 and 14 are allowed to work 6 hours a day, but 44.53 per cent of them worked longer.

In all of the regulated trades a certain number of intervals for rest are prescribed by the royal decrees. These periods are, of course, not counted as hours of work. Thus, for example, in the industries permitting protected persons to work 11½ hours per day, and in which the law requires intervals amounting to 1½ hours, the actual period of sojourn in the factory is apt to be somewhat more than 13 hours in 24. Inasmuch as the law fixes no precise time for the periods of rest, and allows the employer within certain limits to determine the duration of each pause, it is manifestly very difficult to make certain that the provisions of the law concerning pauses are observed, and to learn exactly what is the general practice in this regard.(a)

The prevalence of night work among child laborers is certainly an important aspect of the general subject. Clearly one of the purposes of the law of 1889 was to do away with such work as far as possible. But large and numerous loopholes are provided for in some of the classified industries. What are the results disclosed by the report of 1895?

In making crystal and glass ware, 979 persons worked in alternate weeks at night, and of this number 274 were under 14 years of age, and therefore employed in violation of the law and of the royal decree which allows only boys over 14 and girls over 16 years of age to be employed at night.

Of the 9,547 persons of all ages and both sexes employed in window-glass factories visited by the inspectors, 73.71 per cent worked at night; but of the 2,506 protected persons employed in these factories, 79.96 per cent worked at night. In other words, a larger proportion of the protected persons were required to work at night than of the adults in the factory.(b)

Mining and the allied occupations are so important in Belgium that the reports of the mining engineers concerning nonadult workers under their supervision deserve mention here. In 1895 there were 121 active mines in Belgium, with a labor force of 117,103 persons. The mining engineers inspected 110 of them, with 80,882 employees, composed as indicated in the table on page 136.

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a Rapports Annuels de l'Inspection du Travail, 1895, Vol. I, p. 97.

b Idem, 1895, Vol. I, pp. 104, 105.

NUMBER OF DAY AND NIGHT MINE LABORERS WORKING ABOVEGROUND AND UNDERGROUND, BY SEX AND AGE GROUPS, 1895.

Sex and age.	Work aboveground.		Work underground.		Total.
	Day.	Night.	Day.	Night.	
Males:					
12 to 14 years	866	.....	883	.....	1,749
14 to 16 years	1,200	.....	1,798	942	3,940
16 years and over	11,839	1,606	35,134	20,159	[a] 69,088
Total	13,905	1,606	37,815	21,101	74,727
Females:					
12 to 16 years	1,242	.....	.....	.....	1,242
16 to 21 years	2,624	107	661	.....	3,392
21 years and over	1,000	85	410	26	1,521
Total	4,866	192	1,071	26	6,155
Total males and females	18,771	1,798	38,886	21,127	80,882

[a] This is not the correct total of the items; the figures are given as shown in the official report.

The information concerning the wages paid child laborers is fragmentary and meager, and therefore of relatively small value. It is evident, moreover, that wages depend upon the nature of the work performed, the age of the employee, and a host of other circumstances.

In making bricks, an industry employing considerable numbers of children under 16 years of age, and the one most frequently found violating the law forbidding the employment of those under 12, these young people carry molding frames full of bricks from the molding tables to the drying area and bring the empty frames back again. When full the frames weigh about 17 pounds; empty they weigh one-third as much. For 12 hours of this work at Boom-Noeveren the "carriers" get 91 centimes (17.6 cents). But the weather frequently interferes with the 12-hour workday, and the daily output fluctuates considerably. If, therefore, we take the whole summer season into account, the actual working period is equivalent to 150 days, and upon this basis the carrier's average daily wage for the season is 80 centimes (15.4 cents). At Hemixem the wages are 10 per cent lower. At Rumpst and Terhaegen the daily wage of a carrier for the season averages 20 cents. Boys 14 and 16 years old who sieve coal receive 36 francs ($6.95) a month, and boy coal carriers 1 franc (19.3 cents) a day. The seasonal character of this occupation frequently leads to exceedingly long workdays when the weather is good, and therefore to frequent violations of the rule which forbids children to work before 5 o'clock in the morning. In such cases employers argue that it is preferable during the hot summer days to begin work earlier and to lengthen the pause at midday. Says one inspector:

In spite of the difficulty of discovering de visu such infractions of the law, three cases of this sort were noted at 4 o'clock in the morn-

ing; one of them at the moment an employer was giving a big glass of gin to a child 13 years old, with the remark that nothing equaled it as a stimulus to work.[a]

In glass works certain processes carried on by night are said to be better performed by young girls than by adults; hence considerable numbers of them, usually between 15 and 20 years of age, spend the nights at work under circumstances peculiarly unfavorable to their moral development.[b]

Apprentices in cotton-spinning mills earn 80 centimes (15.4 cents) a day; in making plate glass, 1 franc (19.3 cents); boys 14 years old in metal manufactures are paid 25 francs ($4.83) a month for 11 hours' work per day; in iron and copper foundries boys 16 years old who have served an apprenticeship of a few months earn 1.50 to 2 francs (29 to 38.6 cents), and after a year's experience, 2.50 to 3.50 francs (48.3 to 67.6 cents) a day. In making nails, apprentices between 12 and 14 years old receive from 1 to 2 francs (19.3 to 38.6 cents) a day.

In an elaborate study prepared for the Labor Office in 1898 concerning wages in the cotton industry at Ghent, and based on answers received from 1,920 employees, Dr. Louis Varlez gives the average weekly wages for juvenile cotton spinners and weavers as follows:[c]

AVERAGE WEEKLY WAGES OF COTTON SPINNERS AND WEAVERS IN GHENT, BY SEX AND AGE.

Age.	Males.	Females.	Age.	Males.	Females.
13 years	$0.79	$0.94	18 years	$1.98	$1.73
14 years	1.11	.98	19 years	2.06	1.91
15 years	1.28	1.18	20 years	2.33	2.22
16 years	1.43	1.34	21 years	2.69	2.31
17 years	1.60	1.64			

The same author finds[d] that cotton weavers aged 13 to 16 years average 1.30 francs (25.1 cents) per day for males, and 0.78 franc (15.1 cents) for females, while girls 13 to 16 engaged in work preparatory to weaving get 1.07 francs (20.7 cents) per day, and boys similarly engaged receive 0.68 franc (13.1 cents). In a study of

[a] Rapports Annuels de l'Inspection du Travail, 1900, p. 39. In many glass works and occasionally in other establishments employers provide the laborers with a ration of beer or gin. In the Hainaut region it is customary for the employer to provide a barrel of beer for every 100,000 bricks molded. A decree of March 30, 1905, forbids the introduction of distilled alcoholic beverages into work places subject to the law of December 24, 1903, concerning accidents and employers' liability.

[b] Idem, 1895, Vol. II, pp. 289 ff.

[c] Les Salaires dans l'Industrie gantoise: I. Industrie Cotonnière, Annexes, pp. 110, 112. Bruxelles, 1901.

[d] Idem, p. 538.

wages among the flax spinners of Ghent, Doctor Varlez, ([a]) gives the average weekly wages of boys and girls as follows:

AVERAGE WEEKLY WAGES OF FLAX SPINNERS IN GHENT, BY SEX AND AGE.

Age.	Males.	Females.	Age.	Males.	Females.
12 years	.....	$0.45	16 years	$1.43	$1.48
13 years	$1.26	.89	17 years	1.66	1.68
14 years	1.17	1.19	18 years	1.87	1.84
15 years	1.29	1.39			

The reports of the labor inspectors for 1895, from which most of the above data concerning wages and hours of work have been taken, constituted the only source of up-to-date information at the time they were published. There had been no general census of trades and occupations since October, 1846. The results of an investigation made in 1866 were never published, and the industrial census of 1880 concerned only a few industries, and included but half the working population of the Kingdom. At the time the Labor Office was created, it was felt that a complete and careful statement of the industrial resources and activities of the nation was absolutely indispensable to the intelligent organization and performance of the duties of this office, and to serve as a basis for intelligent legislation. The office, therefore, undertook the industrial census of October 31, 1896, the results of which were published in 18 volumes between 1898 and 1903. This report, together with subsequent investigations of the labor office concerning Sunday work, wages in coal mining, textile industries and home industries, constitute the main sources of the information concerning child labor given in the remainder of this section of the present study.

The census of 1896 indicated that (excluding home industries) on October 31 of that year 76,147 children under 16 years of age were employed industrially by other persons than their parents; that is to say, 13.28 per cent of the total population between 12 and 16 years of age. The boys numbered 50,493 and the girls 25,654. Compared to the total population employed industrially (671,596) the child laborers numbered 11.3 per cent. The largest number of child laborers were found in the textile industries (11,863), coal mining (10,167), the clothing trades (9,674), and glass works (4,429).

[a] Les Salaires dans l'Industrie gantoise: II. Industrie de la Filature du Lin, p. 23. Bruxelles, 1904.

The separate industries or occupations in which more than 500 children under 16 years of age were employed are as follows:

NUMBER OF BOYS AND GIRLS UNDER 16 YEARS OF AGE IN INDUSTRIES OR OCCUPATIONS EMPLOYING A TOTAL OF 500 AND OVER, 1896.

Industry or occupation.	Children under 16 years.		
	Boys.	Girls.	Total.
Dressmaking	.....	8,607	8,607
Coal mining (underground)	5,472	44	5,516
Coal mining (overground)	2,321	2,330	4,651
Flax weaving (power looms)	1,063	1,850	2,913
Window glass	1,861	383	2,244
Crystal and glass ware	1,645	366	2,011
Cotton spinning (power looms)	764	1,093	1,857
Shoemaking	1,652	131	1,783
Cigar and tobacco manufactures	1,344	401	1,745
Carpentry and joining	1,474	.....	1,474
Stone cutting	1,399	.....	1,399
Printing	1,245	32	1,277
Flax spinning by machine	714	529	1,243
Cabinetmaking	1,146	27	1,173
Men's tailors	1,007	60	1,067
Locksmithing	990	.....	990
Sugar manufactures	820	76	896
Iron puddling and rolling	841	26	867
C tton spinning by machine	461	395	856
Building trades (except masons, painters, and plumbers)	843	.....	843
Laundering	2	806	808
Machine making	722	1	723
Iron and steel foundries	715	4	719
Masons	683	1	684
Weaving carded wool by machine	547	119	666
Knitting	39	627	666
Weaving combed wool by machine	295	361	656
Baking	621	5	626
Bookbinding	511	89	600
Blacksmithing	599	.....	599
Weaving wool by machine	230	353	583
Milliners	.....	510	510

In 4,681 industrial concerns employing both children under 16 and adults, and having at least 10 laborers, it was found that in 1,737 concerns, or 37.1 per cent, the children were less than 10 per cent as numerous as adult employees; in 1,675 concerns, or 35.9 per cent, the children were 11 to 25 per cent as numerous as adult employees; in 821 concerns, or 17.3 per cent, the children were 26 to 50 per cent as numerous as adult employees; in 361 concerns, or 7.9 per cent, the children were 51 to 100 per cent as numerous as adult employees; and in 87, or 1.8 per cent, the children were more than 100 per cent as numerous as adult employees.

The establishments in which child laborers were more numerous than adult workers were textile factories (26), tobacco manufactures (10), book printing (8), the manufacture of clothing (7), and the manufacture of chocolate (6).

One wool-weaving establishment and two dressmaking shops employed children under 16 exclusively. Glass works with more than 10 laborers employ from one-tenth to one-half as many children as adults.

Subdividing the children according to age, the results were a follows in 1896:

NUMBER OF BOYS AND GIRLS UNDER 16 YEARS OF AGE AT WORK, BY AGI 1896.

Age.	Boys.	Girls.	otal.
Under 12 years	248	191	439
12 to 14 years	13,814	6,948	20,762
14 to 16 years	36,431	18,515	54,946

Children under 14 years of age are most numerous in the foll ving industries:

NUMBER OF BOYS AND GIRLS UNDER 14 YEARS OF AGE AT WORK IN EACH SPECIFIED INDUSTRY, 1896.

Industry.	Children under 14	ears.
	Boys.	Girls.	otal.
Dressmaking	.....	2,547	2,547
Coal mining (overground)	949	759	1,708
Coal mining (underground)	1,285	.....	1,285
Flax spinning (power looms)	342	620	962
Crystal and glass ware	681	122	803
Window glass	609	81	690
Shoemaking	596	42	638
Cotton spinning (power looms)	303	312	615
Cigars and tobacco	446	108	554

With regard to the duration of the daily workday, the num er of hours was found as a rule to be greater in small concerns t ın in large establishments. Exclusive of coal mines, the number of c ldren under 16 years of age at work each specified number of hours p r day was found to be as follows:

NUMBER AND PER CENT OF BOYS AND GIRLS UNDER 16 YEARS OF . GE AT WORK EACH SPECIFIED NUMBER OF HOURS PER DAY, 1896.

Hours worked per day.	Children under 16 yea			
	Boys.	Girls.	Total.	er cent.
8 or less	1,852	1,262	3,114	5.05
8 to 9	2,559	1,827	4,386	7.11
9 to 10	14,337	6,682	21,019	34.09
10 to 10½	5,958	3,168	9,126	14.80
10½ to 11	6,751	2,826	9,577	15.54
11 to 11½	5,962	5,313	11,275	18.29
11½ to 12	1,810	612	2,422	3.93
12 and over	501	232	733	1.19
Total	39,730	21,922	[a] 61,652	100.00

[a] Not including 4,309 for whom hours were not reported.

It is thus apparent that about one-eighth of the children ',500) work 9 hours or less a day, over one-third (21,019) work bet een 9

and 10 hours a day, nearly one-third (18,703) work between 10 and 11 hours a day, and nearly one-fourth (14,430) work more than 11 hours a day.

Of the 65,961 children under 16, it was found that, not including coal mines, 61,314, or 92.99 per cent of the total, work only in the daytime, 36 work only at night, and 4,611, or 6.99 per cent, alternately in the daytime and at night.

The longest workday for children—more than 11 hours—was found to be most frequent in the following industries:

TOTAL CHILDREN UNDER 16 YEARS OF AGE AT WORK IN CERTAIN INDUSTRIES FOR WHOM THE NUMBER OF HOURS OF WORK WAS KNOWN AND NUMBER WORKING MORE THAN 11 HOURS EACH DAY, 1896.

Industry.	Children working more than 11 hours.	Total children employed in the industry.	Industry.	Children working more than 11 hours.	Total children employed in the industry.
Blacksmiths	205	578	Weaving wool	480	641
Locksmiths	145	960	Rope making	325	561
Matches	151	161	Dressmaking	661	8,017
Spinning jute and hemp	181	417	Men's clothing	347	1,016
Weaving jute	187	269	Laundering	175	777
Spinning cotton	159	256	Making clogs	131	284
Weaving cotton	1,736	1,818	Joiners	266	1,474
Spinning flax	595	856	Cabinetmakers	218	1,123
Making twine	2,806	2,913	Shoemaking	432	1,711
Weaving linen	237	243	Brush making	110	332
Spinning carded wool	901	1,216	Other industries	3,418	32,395
Spinning combed wool	438	621			

As for night work, the 4,647 children engaged therein were largely employed in glass works (3,262); iron manufactures come next with 657, and sugar manufactures with 447.

The above figures do not include coal mines, with regard to which the industrial census of 1896 gives the following results concerning the 10,697 children under 16 years of age employed (out of a total of 116,274 laborers).

Those working in coal mines exclusively by day number 9,307 (6,698 boys and 2,609 girls). No girls under 16 work at night in coal mines, but 1,364 boys under 16 work exclusively at night, and 26 alternately by day and at night.

The duration of the workday (for the 9,153 children concerning whom information was obtained) was 10 hours or less for 4,482 working only by day, and for 1,294 working only at night. For 2,893 it was between 10 and 10½ hours; for 330, between 10½ and 11 hours; and for 152, more than 11 hours.

With regard to the wages of child laborers the results of the census are based on data concerning 70,688 such laborers (45,577 boys and 25,111 girls). Dividing this total number into four wage groups the table following indicates the number in each group.

NUMBER OF BOYS AND GIRLS UNDER 16 YEARS OF AGE IN EACH OF FOUR WAGE GROUPS, 1896.

Age.	Number earning daily—			
	Under 0.50 franc (9.7 cents).	From 0.50 to 1 franc (9.7 to 19.3 cents).	From 1 franc to 1.50 francs (19.3 to 29 cents).	1.50 francs (29 cents) and over.
Boys under 16	[a] 7,511	12,748	15,090	10,228
Girls under 16	[b] 9,718	8,444	4,633	2,316
Total	[c] 17,229	21,192	19,723	12,544
Per cent of total	24.37	29.98	27.91	17.74

[a] Including 2,844 receiving no wages.
[b] Including 6,141 receiving no wages.
[c] Including 8,985 receiving no wages.

Thus it appears that in round figures one-fourth of the child laborers earn no wages at all or earn less than 9.7 cents a day, more than one-half receive from 9.7 to 29 cents a day, and less than one-fifth earn 29 cents or more. In fact, of the latter group about two-thirds earn between 29 and 38.6 cents and one-third earn between 38.6 and 48.3 cents a day.

In the principal occupations employing over 500 children the wages are as follows:

CLASSIFIED DAILY WAGES OF CHILDREN UNDER 16 YEARS OF AGE, BY INDUSTRIES, 1896.

Industry.	Total employed.	Number for which wages were reported.	Number earning—			
			Under 0.50 franc (9.7 cents).	From 0.50 to 0.99 franc (9.7 to 19.1 cents).	From 1 franc to 1.49 francs (19.3 to 28.8 cents).	1.50 francs (29 cents) and over.
BOYS.						
Coal mines (underground)	5,026	4,830	3	80	1,999	2,748
Coal mines (overground)	2,338	2,206	8	734	1,126	338
Stone cutting	1,379	1,240	94	395	396	355
Iron puddling and rolling	833	811	1	95	293	422
Machines	796	765	35	263	362	105
Iron and steel foundries	743	685	27	312	232	114
Blacksmithing	645	447	162	185	74	26
Locksmithing	996	778	225	379	106	68
Glassware	1,584	445	.....	218	221	6
Window glass	1,786	1,609	26	116	960	507
Bakeries	568	363	199	120	29	15
Sugar manufactures	767	751	.....	64	341	346
Cotton spinning	774	687	12	256	301	118
Flax spinning	1,239	1,158	.....	374	743	41
Linen weaving	849	584	9	270	218	87
Men's clothing	1,117	609	292	204	90	23
Masons	579	561	4	14	105	438
Other building trades	1,463	1,286	151	266	306	563
Joiners	1,579	1,033	319	342	235	137
Cabinetmakers	1,187	974	350	346	172	106
Shoemaking	1,802	1,138	498	382	177	181
Cigars and tobacco, including cutters	1,684	1,359	366	688	208	97
Printing and lithographing	1,412	1,266	285	611	312	108
Book binding	542	457	129	194	95	39
GIRLS.						
Coal mines (over ground)	2,620	2,508	3	1,138	[a] 1,367	.....
Cotton spinning	1,081	939	13	430	[a] 496	.....
Flax spinning	2,099	2,003	62	800	[a] 1,141	.....
Linen weaving	689	568	13	263	[a] 292	.....
Hosiery and knitting	634	582	178	280	[a] 124	.....
Dressmaking	8,801	2,935	1,690	1,016	[a] 229	.....
Millinery	600	225	117	88	[a] 20	.....
Corsets, etc	657	642	529	88	[a] 25	.....
Laundering	755	683	183	385	[a] 115	.....

[a] Number earning 1 franc and over.

The above figures, it must be remembered, do not include "home industries" (see p. 131) which in Belgium constitute a very important part of the industrial activity of the nation. In fact, Belgium industries in 1896 employed 118,620 persons working in their homes for manufacturers or dealers. Of this total, 41,690 were males and 76,930 females. The children under 16 years of age in home industries numbered 12,098 (2,512 boys and 9,586 girls).

Home industries occupy more than one-sixth of the industrial population of Belgium; out of every 100 laborers 17 work in their homes.[a] Moreover, in spite of the progress of large-scale machine production, production by hand continues to hold its own in a number of industries. Thus it was found that there were actually more weavers making cotton, woolen, and silk cloths with "hand looms" than with power looms (25,751 of the former and 23,541 of the latter). And of course home industries continue to be important in those branches of production in which the machine can not do the same work as that done by hand. For instance, in the manufacture of lace, and embroidery on network, 49,000 persons, out of a total of 51,000 engaged in this industry, work in their homes.

The elaborate investigation of Belgian home industries begun ten years ago (ten volumes of the results of which have already been published) furnishes comparatively little information upon the extent of the employment of children in their homes. This investigation consists mainly of a series of monographs on home industries in particular trades and regions, together with the budgets of some of the laborers engaged therein.

It should be noted, moreover, that this report, as well as the census of 1896, concerns only industrial laborers. Neither investigation includes agriculture or commerce; and in default of a general official investigation of child labor, as well as of any satisfactory figures concerning conditions later than 1896, the above data are neither complete nor very enlightening as to the present status of child labor in Belgium.

FRANCE.

BEGINNINGS OF CHILD-LABOR LEGISLATION.

Four dates in the nineteenth century are of particular importance in the history of child-labor legislation in France: 1841, 1874, 1892, and 1900. But it must not be supposed that the law of March 22, 1841, was the first enactment in behalf of the laborer. An ordinance of September 26, 1806, regulated the hours of labor in certain build-

[a] A. Julin, in his study on "Les Industries à Domicile en Belgique, etc." (Liege, 1908), based on the official returns of the census for 1896, calculates (p. 11) that in reality 21.87 per cent of the industrial laborers of Belgium work at their homes in the employ of manufacturers, dealers, or other intermediaries.

ing trades; the law of November 18, 1814, inspired wholly by religious considerations, regulated work on Sundays and public holidays; and the decree of January 3, 1813, fixed at 10 years the minimum age limit for underground workers in mines. But these three measures were of little practical significance.

By 1830 the industrial revolution, which greatly modified the economic life of western Europe, had produced results in France similar to those observed somewhat earlier in England. As in England, the discovery of children of tender years employed under most unfavorable conditions, for shamefully long periods of work, aroused public sentiment and provoked a parliamentary investigation. During the reign of Louis Philippe a number of philanthropists and of public-spirited manufacturers urged the passage of a law for the protection of young children against unscrupulous employers and those who were forced to use child labor because others used it and against selfish or ignorant parents. Statesmen like Sismondi and successful manufacturers of a humanitarian turn of mind like Daniel Le Grand became the vigorous protagonists of child-labor legislation, and pointed to the laws already enacted in England and to the measures about to be taken in Prussia as suitable examples to be followed in France. But in the parliamentary debates of 1838 on this subject it was urged by many members that the child workers of France were much better treated than those of England, and that legal intervention was not necessary. Others questioned the right of the State to interfere in industrial matters at all.

Probably conditions were not so appalling in French factories as in those across the channel. But in certain parts of France there was abundant and reliable evidence to show that, particularly in the cotton factories, children of 6 and even 5 years of age were kept in the mills for 14 and 15 hours a day; sometimes they fell exhausted upon the machines at which they were working. There were also, as in England, cases in which these young employees were brutally treated. The Count of Tascher told the House of Lords that the owners of some of the smaller plants used a cowhide to secure obedience among their child laborers, and that a certain employer threatened his young apprentices with a red-hot iron.[a] Many of the employers of children, however, were among the first to deplore the existence of child labor and to admit its disastrous effects. But they insisted that it was impossible for them separately to remedy the evil, and that the necessities of competition forced all to adopt like methods to economize in expenses of production. As early as 1827 a Mulhouse spinner, Jean Jacques Bourcart, urged the industrial society of that city to investigate the problem of child labor; and

[a] Moniteur of 1840, p. 419. See also Levasseur: Histoire des classes ouvrières en France de 1789 à 1870, Vol. II, p. 124. Paris, 1904.

during the ensuing ten years this society conducted a campaign of public agitation in favor of legislation against the employment of too young children and repeatedly presented bills and petitions to the national legislature for this purpose.

But the national legislature, bewildered by conflicting testimony with regard to the extent and conditions of child labor, deemed it wise to order an investigation before attempting to regulate it by law. The minister of commerce therefore, in 1834 and 1837, ordered inquiries to be made concerning the age of children in factories, the hours of work, night work, and school attendance. Traces of this inquiry may still be found in the archives of some of the Departments. Thus the Orleans Chamber of Commerce, after having examined three different projects sent by the minister, declared that if the maximum workday for children were fixed at 8 hours it would drive children entirely out of the factory; the chamber furthermore considered the appointment of factory inspectors impossible outside of the large centers of industry, but requested that factory inspection be carried on by the Government, if introduced at all.

The Academy of Moral and Political Sciences charged one of its own members, Doctor Villermé, with the preparation of a report on the condition of the working classes in textile factories. Villermé insisted upon seeing everything himself. He questioned the employers, visited the factories, went into the houses of the laborers and took part in their amusements, seeking, as he himself put it, "to become the confidant of their joys and their troubles, their sorrows and their hopes, and the witness of their vices and their virtues." His report, comparable in kind and in importance to Booth's more recent studies of the life and labor of the people of London, was a revelation to the academy when presented in 1839, and subsequently to the public when published in 1840.(a)

Concerning woolen and cotton mills Villermé wrote:

> These two industries, it is true, require of the children nothing more than simple watchfulness. But for all laborers alike, the long working period causes excessive fatigue. They must stand for 16 or 17 hours a day, at least 13 of these hours in a closed room, with scarcely a change of place or of position. This is not work, not toil, but torture. Yet it is inflicted upon children 6 to 8 years old, badly fed, poorly clothed, obliged at 5 o'clock each morning to walk the long distance which separates their homes from the mill and which completes their exhaustion every night when they return home again * * *. The remedy for the ruin of children in factories, and for the murderous abuses to which they are exposed, can be provided only by a law or a regulation that fixes the maximum workday in accordance with the age of the laborers.(b)

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a Louis Villermé: Tableau de l'Etat Physique et moral des ouvriers employés dans les manufactures de coton, de laine et de soie. 2 vols. Paris, 1840.

b Idem, vol. 2, p. 92.

Meanwhile an official investigation of 1837, instituted by the ministry, showed that in wool, cotton, and silk factories, children worked 12 to 14 hours a day, exclusive of the 1½ or 2 hours for meals. In some regions children between 6 and 7 years of age were admitted to the factories, and nearly everywhere they were admitted at 8 and 9 years. Night work was the rule in a large number of establishments. The results of the official investigation, the publication of Villermé's report, and the example of England and of several other nations that had recently taken action in regard to child labor,[a] stimulated the parliamentary discussions of the subject; and although some of the local boards of conciliation (*Conseils de Prud'hommes*) and chambers of commerce which had been consulted upon the matter were unfavorable to child-labor regulation, declaring that it was impossible to do without the children in the factories, the greater number of them suggested that it might be advisable to forbid children to work at night, to require that they receive an education, to regulate their employment according to their strength, and not to permit children under 15 years of age to be employed regularly as laborers. Whereupon the minister of commerce asked the legislature to authorize the Government to adopt such administrative measures as it might find necessary to protect children under 16 years of age against excessive labor.

In the House of Lords this project was opposed by two different groups. The first of these opposed all labor legislation as the beginning of socialism. The other accepted the principle of legal regulation, but objected to leaving such matters to the arbitrary discretion of administrative officials. The latter opinion triumphed in the discussions of the parliamentary committee, which proceeded to draft a new bill; and the lower house approved the principle of governmental intervention. The debate in this house was hard fought, manufacturers objecting particularly to the application of the law to factories alone and not to house industries. They asked with a touch of irony whether the Government intended to go into the homes of the people and see that children were properly fed and clothed, and whether the Government planned to drive the children to compulsory idleness. If, they argued, organized society can not guarantee the productivity of labor, nor even guarantee to provide work, what right has it to regulate work? But their adversaries met this argument easily enough by calling attention to the fact that the manufacturers themselves had frequently asked the State to come to their aid and to interfere in economic matters on their behalf. Most vigorously, however, did the manufacturers protest against the provision for a paid corps of factory inspectors. This, they declared,

[a] Prussia passed a child-labor law on March 9, 1839; Bavaria, on January 15, 1840; and Baden, on March 4, 1840.

was tantamount to the creation of a special police force to spy upon them and infringe upon their authority. The Chamber yielded on this point and substituted inspectors chosen from among the manufacturers and former manufacturers, who were to perform their services gratuitously. In this form the bill was passed with a large majority by the Chamber and returned to the House of Lords. Here only the spokesman for the original bill, Ch. Dupin, objected seriously to the changes, on the ground that the law made no provision for adequate enforcement. The bill became a law on March 22, 1841.(a)

The provisions of the law were very moderate. They applied only to large and medium sized establishments; as the law put it," to manufactories and shops using mechanical motors or employing continuous fire, and to all factories having more than 20 laborers in one establishment." In such establishments it was forbidden to employ children under 8 years of age. From 8 to 12 years of age they could be employed 8 hours a day, interrupted by an interval for rest. From 12 to 16 years of age, 12 hours' work were allowed, interrupted by periods of rest. Night work was forbidden children under 13 years of age. But children over 12 could be employed at night in establishments requiring continuous fire or in factories which had been required to shut down because of circumstances beyond human control (vis major); 2 hours of night work were to be counted as equal to 3 hours of work by day. Until they reached the age of 12 years, children were obliged to go to school. After that age they did not need to go any longer if in possession of a certificate of primary studies. Inspectors were authorized to supervise the heads of industrial establishments, who were made responsible for violations of the law. The penalties which might be imposed for violating these provisions were slight, but gave a sort of " moral sanction " to the law.

The law, moreover, gave certain discretionary powers to the officials of the Government by permitting them to extend its provisions to other shops and factories, to increase the minimum age of admission in certain industries in which this might prove necessary, and to prohibit altogether the employment of children at certain dangerous tasks and in certain kinds of workshops. In a general way, furthermore, it authorized these officials to " secure the maintenance of good behavior and public decency in workshops and factories; to assure the primary education and religious instruction of children; to protect them against bad treatment and abusive punishments; and to secure and preserve the conditions of salubrity and safety necessary to the life and health of children."

This law of 1841 was bound to become a dead letter. The number of hours (8 per day) that children under 12 years of age were allowed

(a) Levasseur: Histoire des classes ouvrières en France de 1789 à 1870, Vol. II, p. 124 ff.

to work did not harmonize at all with the exigencies of the prevailing organization of industry, because only three-fourths or four-sevenths of the workday for adults was over at the hour the law required the children to stop work. If parents were to work 12 or 14 hours a day, what would become of the children dismissed 4 or 6 hours earlier? Schools were needed to receive them, but there were not enough schools, nor were they rightly located, to provide for the 70,000 children scattered in the 500 establishments to which the law applied. Schools were started in several Departments of the country in connection with factories, and received financial assistance from the Government, but they were lamentably insufficient.

The law was received with favor neither by employers nor by parents, and the difficulty of organizing relays of laborers was so great that the majority of employers were led to violate or circumvent the law. Even at Mulhouse, a center of reform movements of this sort, it was complained that the law was badly enforced. The committees of volunteer inspectors, receiving no salary, and consisting of manufacturers, performed their work indifferently. During the first few years after the passage of the law they met occasionally, but they soon ceased meeting at all.

In 1847 Dupin, who had presented the law in its original form before it was modified by the Chamber, frankly told the House of Lords that the law had become an absolutely dead letter, and proposed the enactment of a new measure. A new bill was drawn up and passed by the House of Lords on February 22, 1848, providing for half-time work for children, the regulation of female labor, and the establishment of a corps of salaried inspectors. But the outbreak of the revolution of 1848 cut off further consideration of the matter by the Chamber.

The provisional government of 1848 was pledged to action on behalf of the laboring classes, who had taken an active part in the revolution. In fact, two representatives of the laboring classes were members of the Government—Louis Blanc and Albert. The first fruit of the new régime was the hastily framed decree of March 2, 1848, fixing the maximum workday for all laborers at 11 hours in the Departments and 10 hours in Paris.

The reaction in June brought with it a proposal to abrogate the decree entirely, but a compromise was finally adopted, largely at the instigation of the Christian socialist Leroux, and of Senard, minister of the interior. This compromise law of September 9, 1848, preserved some of the appearances of the decree of March 2, but really constituted, as one member of the majority subsequently admitted, "a platonic concession to the excited passions" of the laboring classes. It established a maximum workday of 12 hours; it applied,

like the law of 1841, only to industrial concerns employing a mechanical motor or continuous fire or having more than 20 employees in one establishment; and it allowed employers, by using two shifts of laborers alternately by day and night, to keep their factories going continuously. This law, which is still valid, doubtless owes its continuance in force to the fact that for many years no provision was made for its enforcement and the Government seems never to have taken it seriously. In the first place, numerous and elastic exceptions were provided for by the decrees of May 15, 1851, and January 31, 1866; and, in the second place, no officials were charged with its enforcement and no courts willing to punish violations. Not until the passage of the law of February 16, 1883, which provided for the appointment of labor inspectors charged with its enforcement, did the law of 1848 acquire any practical significance.

Something, however, was accomplished in behalf of apprentices, who were sorely in need of protection of some sort. The law of February 22, 1851, fixed the maximum workday for apprentices in all trades at 10 hours and forbade night work for those under 16 years of age.

Under the Second Empire the central government exhibited the same lack of interest in the enforcement of labor legislation in general, and of the provisions in favor of children, as its immediate predecessors. Some of the departmental governments, however, took it upon themselves to appoint inspectors and to pay them out of the departmental funds, largely as a consequence of the agitation of the subject by philanthropic societies and of the stir occasioned by a remarkable book by Jules Simon entitled The Eight-Year-Old Laborer,[a] the influence of which at this time was scarcely less considerable than that of Villermé's revelations in 1840. But all this agitation resulted, on the part of the central government, simply in the decree of December 7, 1868, adding the enforcement of the child-labor provisions of the law to the duties of the inspectors of steam boilers—much against the will of those officials. Ultimately the decree of May 27, 1869, confirmed the appointment of existing labor inspectors by the Departments and placed them under the direction of the mining engineers. These almost insignificant measures, however, did not satisfy the growing demand for legislative and administrative intervention. Hence in 1870 a new law was proposed, providing that children between 8 and 13 years of age be allowed to work not more than 6 hours a day; that those between 13 and 16 be allowed to work not more than 10 hours a day; and that a permanent, distinct corps of inspectors be created. But the Franco-Prussian war

[a] L'ouvrier de huit ans. Paris, 1867.

cut off the debates upon the subject, and nothing was done until after the establishment of the Third Republic.

Indeed, the regulation of the conditions of labor was one of the first problems to occupy the attention of the new National Assembly. On June 19, 1871, Ambroise Joubert introduced a bill for which in the committee an entirely new measure was substituted. Reported to the legislature in 1872, this measure gave rise to long and tedious debates and was not passed until May 19, 1874, after many modifications had been introduced, concerning which the principal spokesman for the bill, Tallon, remarked that they ill disguised the selfish interests which prompted them.

The law of May 19, 1874, which remained in force for nearly two decades, provided for the first time in France for a really effective system of protection for child laborers. The age of admission was raised from 8 to 12 years. Children must not be employed for more than 12 hours a day, interrupted by periods of rest. In certain specified cases, the law allowed children 10 years old to work 6 hours a day, interrupted by an interval for rest; among the dozen industries to enjoy this concession were silk, cotton, wool and flax spinning, paper manufactures, and glass works. Up to the age of 16 for boys and 21 for girls night work was prohibited; so also was work on Sundays and legal holidays. But these provisions, too, were subject to certain exceptions. Underground work in mines and quarries was forbidden for all females and for boys under 12 years of age, and the underground work of boys between 12 and 16 was made subject to administrative regulation. The administrative authorities were also empowered to forbid the employment of children in such trades or occupations as might be declared dangerous or unhealthful.

The scope of this law was wider than that of 1841. It applied, according to the " ministerial instructions " of May 29, 1875, not only to work places containing a specified number of laborers, but to all children and to all female minors engaged at industrial labor in manufactures, factories, workshops, work yards, mines, and quarries. It did not apply to home industries. The enforcement of the law was intrusted to fifteen divisional inspectors having the right of entry to all manufacturing establishments. Apart from these inspectors, a local " commission " in each Department was instituted to supervise their activities; and for the country as a whole a superior commission was attached to the Ministry of Commerce and appointed by the President for advisory purposes and for presenting lists of candidates for appointment as inspectors. Violations of the law were punishable by fines of 16 to 200 francs ($3.09 to $38.60), payable as many times as there were persons found employed contrary to the law.

Hardly had the law been passed when various plans for its modification were proposed.(a) The law of 1874 was most severely criticised by the parliamentary "Left," which complained that the law did not apply to so-called "ouvroirs"—charitable institutions in which children were sometimes subjected to shameless exploitation; that the law was not posted up in all factories; that children under 12 years of age were still being employed; that there were too many exceptions to the law; that its provisions were being applied only half-heartedly; and that the activity of the inspectors was paralyzed by the antagonism of employers and by all sorts of political considerations.

Some of these criticisms were well founded. In 1876, 6.5 per cent of the children employed in the establishments subject to the law were under 12 years of age. The decree of May 14, 1875, contained a list of establishments regarded as "unsuitable, dangerous, or unhealthful," in which the employment of children was forbidden, and thus amounted to an extension of the law; on the other hand, it contained a list of occupations in which, although child labor was as a rule forbidden by the law, it might under certain conditions be permitted. The decree of March 3, 1877 (supplemented by that of May 14, 1888), and decrees of November 3, 1882, increased this list of exceptions, while the decree of March 27, 1875, authorized the employment of children between 10 and 12 years of age in spinning mills, paper manufactures, glass works, printing cloth, and the manufacture of net lace ("tulle"). Under date of May 12, 1875, it was decreed that children between 12 and 16 years of age must not work in mines more than 8 hours in 24. A decree of May 13, 1875, forbade the employment of children under 16 years of age at certain machines while the machines were in motion, and another under date of May 22, 1875, regulated the labor of children in paper factories, glass works, the manufacture of sugar, and metallurgical establishments.

A number of decrees were passed during the following years, some of them extending the application of the law in certain directions, others weakening it by exceptions. On the whole, it must be admitted that the law of 1874 was not consistently enforced in all trades or in all parts of the nation, although the laws of February 16, 1883, and March 27, 1885, increased the number of divisional inspectors from 15 to 21 and also intrusted these officials with the enforcement of the law of September 9, 1848, concerning the maximum workday for adults.

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a On December 7, 1874, a law was passed forbidding the employment of young persons under 16 years of age in "wandering trades" (*professions ambulantes*). Inasmuch as this law, modified April 19, 1897, is still valid, a summary of its contents will be given in the next section of this report, devoted to a systematic exposition of the legislation now in force.

Meanwhile, the activity of the inspectors increased considerably. In 1876 they visited 10,041 establishments and in 1891, 69,951. Particularly the Seine Department (including Paris) had an efficient corps of local inspectors, comprising, in 1891, 1 supervising inspector, 30 male and female inspectors, and 12 substitutes. But the law, even where it was put into force, had these serious defects: (1) It did not apply to a large number of small industrial establishments; (2) it furnished no protection for male children over 16 years of age; and (3) it placed no limits upon the employment of adult women at night.

Drafts of a new law were introduced in 1879, and in 1881 the Chamber adopted a bill to limit the workday for women and children to 11 hours, but the Senate refused to accept it. The subject was taken up again in 1885 but not debated in the Chamber. The next year the radical ministers Lockroy and Demôle introduced a bill which was modified several times, sent back and forth between the Chamber of Deputies and the Senate (which violently opposed the suggestion to regulate the workday of adult women), and finally became a law on November 2, 1892. Two matters deserve to be mentioned here as contributing very essentially to the enactment of this measure. The first of these was the international conference on labor regulation called by the Emperor of Germany, which met in Berlin in March, 1890, and which attracted an unusual amount of public attention to the evils of child labor and female labor and to the question of legal intervention. The second, more important factor, having a more immediate bearing upon French conditions, was an investigation made by the French Government between 1883 and 1886, which showed that large numbers of women were employed at night and sometimes required to work 16, 18, and 20 hours consecutively, and that children were found working under conditions which, according to M. Sibille, the chief spokesman for the bill, "doomed them to incurable debility because of premature and sustained toil."

The law of November 2, 1892, subsequently modified by the law of March 30, 1900, and by a series of decrees, constitutes the basis of the present regulation of child labor in France. An account of its provisions belongs, therefore, to the following section of this report, which summarizes existing legislation on this subject.

PRESENT LAWS CONCERNING CHILD LABOR.

It has frequently been proposed to codify the several laws and decrees that regulate the conditions of labor in France; but thus far only the preliminary steps in this direction have been taken.[a] It is

[a] The Chamber of Deputies accepted such a code April 15, 1905, but the Senate has taken no action upon it.

therefore necessary, in attempting to present a complete statement of the present regulations concerning child labor, to indicate the provisions contained in a series of laws and decrees stretching back over a period of half a century, for the apprenticeship law of 1851 still has an important bearing upon certain phases of child labor.

The main features of the present situation, however, are determined by the law of November 2, 1892, which concerns "the labor of children, of female minors, and of women, in manufactures and workshops."(a)

The precise scope of the law is set forth in the first article. "The labor of children, female minors, and women, employed in workshops, mills, mines, quarries, work yards, factories and the establishments connected therewith, is subject to the terms of this law, no matter what the nature of the labor may be, whether the establishments be public or private, secular or religious, and even when they are of an eleemosynary character or are designed to provide trade or technical instruction." It applies to apprentices and to aliens as well as to natives. It does not apply to labor that is performed in establishments in which only the members of the family are employed under the direction of father, mother, or guardian, unless the labor performed in these establishments is performed with the aid of steam or of a mechanical motor, or if the industry carried on therein is classified among those recognized as dangerous or unhealthful, in which cases the inspector shall have the right to prescribe what measures shall be adopted to insure healthfulness and safety.

Children under 13 years of age shall neither be permitted to work in, nor be admitted to, any of the establishments subject to the law. But if they possess a certificate of primary studies(b) and a certificate of physical fitness, the age limit is lowered to 12 years. This certificate of physical fitness shall be furnished free of charge by any of the physicians in the public employ designated by the prefect. If the parents are unwilling to abide by the judgment of this physician, they may call in others to testify with regard to a child's physical fitness. The labor inspectors may at any time require that a medical examination be made of any children under 16 years of age employed in an establishment subject to the law, in order to ascertain whether the work they are doing does not exceed their strength. If it does, the inspectors may require the dismissal of such children upon the testimony of any physician in the public employ designated by the

[a] The statements relative to the provisions of the law of 1892 and of other labor laws and decrees are based on the text of the latest official volume containing these measures: Lois, décrets, arrêtés concernant la Réglementation du Travail et Nomenclature des établissements dangereux, insalubres ou incommodes. Paris, June, 1909.

[b] Provided for by the law of March 28, 1882.

prefect; but in this case, too, the parents have the same right as in regard to a child's admission at the age of 12 years. In orphan asylums and charitable institutions providing primary instruction, manual or trade instruction shall not exceed 3 hours per day for children under 13 years of age, or those 12 years of age possessing a certificate of primary studies.

No child under 18 years of age, no female minor, and no woman may be employed in any sort of work at night, i. e., between 9 p. m. and 5 a. m. (The law provided in this connection that work might be done between 4 a. m. and 10 p. m. if divided between two shifts of laborers, each working not more than 9 hours and having 1 hour for rest. This provision, however, was abrogated by the law of 1900.) But permission may be granted to adult women and to girls over 18 years of age to work until 11 p. m. at certain periods of the year for a total period not exceeding 60 days in certain industries determined by an administrative regulation and under such conditions as shall be laid down by this regulation. In no such case, however, shall the actual working period (a) per day exceed 12 hours. Certain industries designated by the same administrative regulation are also permanently exempted from compliance with the above provisions concerning night work; but in no such case shall the actual hours of work exceed 7 in 24. The same regulation may exempt certain industries temporarily from the above provisions. Furthermore, if accidents or agencies beyond human control should cause the stoppage of work in any industry, the inspector may suspend the above prohibition of night work in that industry for a fixed period.

No child under 18 years of age and no woman shall be employed on legal holidays, even to arrange goods, in the establishments subject to the law. Nevertheless, in establishments with continuous fire adult women and male children may be employed at night in such work as is indispensable, provided they have at least 1 day of rest per week. The kinds of work to which this provision applies and the daily period during which such work may be carried on are fixed by an administrative regulation.

The provisions concerning the duration of the daily working period may be suspended temporarily by the divisional inspector, with regard to women and to children under 18 years of age, in certain industries determined by the same administrative regulation.

Children under 13 years of age may not be employed as actors, supernumeraries, etc., in public performances given in theaters and music halls. By way of exception, however, the employment of one or of several children for the performance of a certain play may be

a The actual working period does not, of course, include periods allowed for rest according to the schedule of work.

authorized in Paris by the minister of public instruction and the fine arts, and in the Departments by the departmental perfects.

The employment of any female person at underground work in mines and quarries is forbidden. Boys between 13 and 18 years of age may be thus employed under conditions determined by administrative regulations. Such regulations may also determine what mines need by their nature to be exempted from compliance with the provisions concerning night work, and may permit children to work underground between 4 a. m. and midnight upon the express condition that they be not employed to work more than 8 hours in 24 and that they shall not remain in the mines longer than 10 hours.[a]

For all children under 18 years the mayors shall furnish, free of charge, to parents, guardians, or employers, a work book (*livret*) containing the full names, the date and place of birth, and the domicile of such children. If a child is less than 13 years old, the book must state whether the child possesses a certificate of primary studies. Employers must enter upon this book the dates on which the child's employment begins and ends. They must also keep a register bearing the above data concerning every child in their employ.

Employers, factory owners, and persons who use mechanical motive power must post up in their establishments the provisions of the law, of the administrative regulations concerning its application, and of those affecting the particular industry in which they are engaged, as well as the names and addresses of the inspectors of the district in which the establishments are situated. They must also post a notice of the precise time at which work begins and ends, and the time and duration of the intervals of rest. Copies of this notice must be sent to the inspector and to the mayor's office.

In all the working rooms of orphanages, charitable institutions, and similar religious or secular establishments, a notice must be posted indicating for the children therein the hours for manual labor and the periods for rest, study, and meals; such notice must be approved and countersigned by the inspector. A complete list of the children being brought up in such establishments, giving their full names and the date and place of birth, certified by the directors thereof, shall be sent every three months to the inspector and shall indicate all changes in the above data that have taken place since the last statement was made.

The kinds of labor that involve danger to females and children or exceed their strength or jeopardize their morality, and in which, therefore, they are forbidden to engage, shall be determined by administrative regulations.[b] No woman or child may be employed in unhealthful or dangerous establishments in which the laborer is ex-

[a] See page 162 for a subsequent modification of these provisions.

[b] See page 165 ff.

posed to processes or emanations injurious to his or her health, except under such special conditions as are fixed for each category of laborers by administrative regulations. All the establishments to which the law applies must constantly be kept clean and suitably illuminated and ventilated; employers must take all measures necessary to insure the health and safety of their employees. In those containing power machinery the wheels, belts, gearing, and other possible sources of danger must be so inclosed as to prevent avoidable and unnecessary contact with them. Shafts, trapdoors, and similar openings must be fenced in.

Every accident resulting in the injury of one or more laborers shall be reported within 48 hours by the employer or his representative, together with the names of witnesses, to the mayor of the commune. This report shall be accompanied by a physician's certificate, obtained by the employer, indicating the condition of the injured person, the probable consequences of the accident, and the time when it will be possible to know the final results thereof. The mayor shall immediately notify the divisional or departmental inspector.

Employers and owners of industrial establishments are responsible for the maintenance of moral conduct and public decency among persons in their employ.

The execution of this law and of the law of September 9, 1848, is intrusted to labor inspectors who are also charged, together with the police authorities (*commissaires de police*), with the enforcement of the law of December 7, 1874, relating to the employment of children in "wandering occupations." With regard to labor in mines and quarries, however, the execution of the law is exclusively assigned to the engineers and controllers of mines who are in this matter responsible to the minister of labor and insurance.[a] This minister also appoints the labor inspectors.

The corps of inspectors comprises (1) divisional inspectors and (2) departmental inspectors and inspectresses.

A decree shall determine, at the advice of the committee on arts and manufactures of the superior commission of labor, in what Departments departmental inspectors should be appointed, and shall fix their number, salary, and allowances for traveling expenses. Departmental inspectors and inspectresses are responsible to the divisional inspector. All labor inspectors take an oath not to reveal manufacturing secrets or the methods of production that come to their knowledge in the exercise of their office. Violations of this oath are punishable in conformity with article 378 of the Penal Code. No person can be appointed a divisional or departmental inspector who

[a] Formerly the minister of commerce and industry. This new ministry was created October 25, 1906, under the title "Ministère du Travail et de la Prévoyance Sociale."

does not fulfill the conditions prescribed by the superior commission and pass a competitive examination. The inspectors have the right to inspect the register of employees, the work books (*livrets*), and factory rules provided for by the law, and, should there be occasion for it, the certificates of physical fitness of children under 13 years of age. Violations of the law shall be recorded in writing by the inspectors and inspectresses, whose reports are valid evidence until proof is furnished to the contrary. Two copies are made of each such report, one of which is sent to the prefect of the Department and the other to the magistrate (*parquet*). The rules of the common law apply to the proof and prosecution of infractions of the labor laws. It it also a duty of the inspectors to prepare statistics of the conditions of industrial labor in the regions assigned to them. A general report summarizing these communications is published annually by the minister of labor and insurance.

The superior commission already referred to consists of 9 members without salary, 2 senators and 2 members of the Chamber of Deputies elected by their colleagues, and 5 other persons appointed for a period of four years by the President of the Republic. Its functions are: (1) To supervise the uniform and vigilant application of the law; (2) to furnish advice concerning the regulations to be issued, and in general upon such questions as concern the laborers protected by the law; and (3) to fix the conditions that shall be fulfilled by candidates for the positions of divisional and departmental inspectors, and the nature of the competitive examination they are required to pass. (Inspectors already in the service were not required to take an examination.)

The president of the superior commission shall each year send a report to the President of the Republic concerning the results of labor inspection and of the enforcement of the law. The general council [a] of each Department is required to appoint one or more committees to present reports to the minister of labor and insurance concerning the enforcement of the law and possible improvements therein; these reports are communicated to the superior commission. Each Department also has committees to look after the interests of apprentices and children employed in industrial establishments, as well as the development of their technical and trade education (*comités de patronage*).

Manufacturers, directors, and superintendents of the establishments subject to the law, who violate its provisions or those of the regulations concerning its execution, shall be tried in a police court (*tribunal de simple police*), and are liable to a fine of 5 to 15 francs (96.5 cents to $2.90), payable as many times as there are persons

[a] An elective administrative body in charge of certain local interests.

employed contrary to the law. But the penalty shall not be imposed if the infraction of the law was the result of an error due to false age certificates or to work books containing incorrect information or in the possession of other persons than those entitled to them. The owners of industrial enterprises are liable at civil law for the fines imposed upon their agents or superintendents.

In case an offense is repeated within a year the offender is tried before a lower criminal court,(a) and is liable to a fine of 16 to 100 francs ($3.09 to $19.30). The fine is imposed as many times as there are cases of conduct contrary to the law. That is to say, for example, if, after having been once punished for employing children under the legal age of admission, an employer repeats the offense within one year by employing 10 children not of legal age, he is liable to a fine of 16 to 100 francs ($3.09 to $19.30) multiplied by 10. The court may, however, in case of repeated offenses give the defendant the benefit of the provisions of article 463 of the Penal Code, concerning extenuating circumstances; (b) but in no case may the fine for each infraction of the law be less than 5 francs (96.5 cents). The court may order the sentence to be publicly posted and to be inserted in one or more newspapers of the Department, at the expense of the offender. Whoever places any obstacle in the way of an inspector engaged in the performance of his duties is punishable by a fine of 100 to 500 francs ($19.30 to $96.50), and in the event that this offense is repeated, by a fine of 500 to 1,000 francs ($96.50 to $193).(c)

This law of 1892, which went into effect on the 1st of January of the following year, immediately gave rise to numerous objections. It must be admitted that in spite of the good intentions of those who had formulated it, many of the objections to the law were both serious and well founded.

In the first place, the law was complicated and difficult to apply because it recognized four distinct provisions with regard to the duration of the workday. For adult laborers, the old law of 1848, which limited the workday to 12 hours, continued to be binding. For women over 18 years of age the new limit was 11 hours. For young people between 16 and 18 years of age, it was 60 hours a week and not more than 11 hours a day.(d) For children under 16 years of age, it was

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[a] French criminal jurisprudence recognizes three grades of violations of the law: "Contraventions," "délits," and "crimes." The first are tried before ordinary police courts (*tribunaux de simple police*); délits are tried before lower criminal courts (*tribunaux correctionnels*); and crimes, the most serious grade of offenses, are tried in the higher criminal courts (*tribunaux criminels*).

[b] This article will be referred to later on in discussing the enforcement of labor laws in France.

[c] Article 463 of the Penal Code applies to this offense also.

[d] This provision it was expected would introduce the English system of a half holiday on Saturdays.

10 hours. Thus, in an establishment employing these four classes of laborers, there were four different working régimes—a situation still further complicated, if possible, by the requirement of 1 day's rest out of 7 (not necessarily Sunday) for children and all female persons. Many of the partisans of the law had hoped that the multiplicity of régimes would result practically in the general and gradual introduction, at least in the industries in which child labor played an important part, of the 10-hour workday. As a matter of fact, however, what took place in many establishments was precisely the reverse. At first, children were kept at work an hour longer than the law allowed, and ultimately all employees alike—men, women, and children—were in many mills kept at work 12 hours a day. A large number of employers flatly declared that it was not practicable to comply with the law and that therefore its execution was impossible. This was not strictly true, for there were undoubtedly some employers who complied with it by means of more or less ingenious relays and combinations of the rest periods for different classes of laborers.

Spinning and weaving mills organized their hands in alternating shifts by means of which it was possible to keep the machines going 14 hours a day, and still remain within the limits of the law, by means of different resting periods at various hours of the day for small fractions of the labor force.

The inspectors complained of this cutting up of the periods of rest, and the retention of all laborers in the mill for 13 or 14 hours. It was, at all events, manifestly impossible to attempt a rigid enforcement of the legal provisions concerning the length of the workday, when the employer was in a position to say with regard to the children entering the factory at 6 a. m. and leaving it at 8 p. m. that they had had 4 hours of rest and had therefore not been employed longer than the law allowed.

Nor could much be said in favor of the relay system, by which employers were authorized to keep the factories going day and night, and which made it practically impossible in many cases for all the workers of the laborer's family to get together at any time during the day or night. In the Loire region, for example, where the system of two relays was widely practiced and legally permitted for female laborers, one of the relays worked from 4 a. m. until 1 p. m. and the other from 1 to 10 p. m. This system really sanctioned night work, inasmuch as the women had to get up at 3 o'clock in the morning in order to begin work at 4. In certain wool-combing establishments in the north the work never ceased; the girls between 16 and 18 years of age remained in the factory 12½ hours, working from 5.30 until 8 a. m., then from 8.30 to 11.30 a. m., then from 1 to 4.30 p. m., and again from 5 to 6 p. m., a perfectly legal arrangement;

the shift of adult men worked from 6 p. m. to midnight and from 1 to 5 a. m. Under such an arrangement the employer attained a maximum productivity. But at certain seasons of the year there were long and trying periods of idleness. This condition of affairs resulted in numerous strikes, and led the inspectors to ask with some degree of appropriateness whether such a system was one of the objects aimed at by the law of 1892.

In a large number of establishments, moreover, the practice of a uniform 11-hour workday became established for all persons alike, men, women, and children, the law to the contrary notwithstanding. Indeed, Senator Lecomte introduced a bill providing for a uniform workday of 11 hours for all employees alike on November 14, 1893, largely on the ground that a uniform workday was necessary, and that 11 hours conformed to the prevailing practice in a large number of manufacturing enterprises.

As a countermove, M. Ricard a week later introduced a bill in the Chamber of Deputies providing for a uniform workday of 10 hours for all laborers alike. Upon this basis attempts were made to obtain an agreemnt of both branches of the legislature. A joint commission of both houses agreed, in March, 1894, upon 11 hours to start with and a gradual reduction to 10 hours. In July of the same year the Senate voted for 11 hours and the suppression of relays, but the committee on labor of the Chamber of Deputies considered 11 hours excessive for children and refused to agree. This debate continued until 1900, when M. Millerand, the newly appointed minister of commerce, after an investigation of the matter, reached the conclusion that a uniform workday was really necessary in establishments employing both children and adults.[a] But instead of drawing from this premise the conclusion that therefore children in such establishments must be allowed to work as many hours as seemed reasonable for adults, he reached the opposite conclusion, viz, that the working hours for adults in such establishments must be reduced to the number that is reasonable for children. He proposed that the workday be fixed at 11 hours, and gradually reduced in six years to 10 hours for all establishments employing both adults and children. The Chamber, however, accepted an amendment to complete the change in four years instead of six by means of half an hour's reduction in 1902 and a further reduction to 10 hours in 1904. This, of course,

[a] Upon his appointment in 1899, M. Millerand learned that the labor inspectors had been "confidentially" advised by the Government not to prosecute employers employing children for 11 hours, although the law fixed the limit at 10 hours. M. Millerand repudiated these confidential instructions and ordered inspectors to file a complaint in all cases violating the law. The resulting protest from manufacturers employing children contributed to the agitation for a new law.

was not radical enough for the socialists of the Guesde stripe, who proposed to forbid entirely the labor of children under 16 years of age and to establish a legal maximum workday of 8 hours for all laborers. Indeed, they succeeded in getting 115 votes in favor of this proposal in the Chamber, 25 more than a similar proposal had obtained in 1896.

Despite the opposition of the "Liberal" leaders, who condemned the increasing interference of the Government in industrial matters and asserted that it would reduce the productivity of labor and hence the wages of the laborer, the bill was passed by a large majority in the Chamber and adopted by the Senate, becoming the law of March 30, 1900, frequently called the Millerand law.

This law, modifying in some respects that of 1892 (in the account of which the provisions that were entirely abrogated by the law of 1900 have been omitted), declares that laborers of both sexes under 16 years of age, and females above 16, shall not be employed to work for a longer period than 11 hours per day (reduced to 10½ hours on the 1st of April, 1902, and to 10 hours on the 1st of April, 1904). The working period must be interrupted by one or more pauses for rest amounting to at least 1 hour, during which all labor is forbidden. The pauses for rest must be the same for all persons employed in establishments subject to the law, excepting mines and those employing continuous fire.

The law of 1892 had permitted children under 18 and women to work between the hours of 4 a. m. and 10 p. m. if the work was carried on by means of two relays, each working not longer than 9 hours, interrupted by a pause for rest of at least 1 hour. The law of 1900 did away with this permission except for males under 18 employed in underground work in mines and quarries.

Whereas the law of 1892 provided simply that children under 18 years of age and all female persons must not work on legal holidays, the law of 1900 added that they must not work more than 6 days a week, and that the day of rest must be indicated by a notice posted up in the places of work. This additional provision, however, was subsequently modified by the Sunday law of July 13, 1906, of which a summary is given later on.

The employment of relays, except in establishments employing continuous fire and such others as are determined by an administrative regulation, is forbidden female persons and all male persons under 18 years of age. When relays are permitted by this regulation during certain seasons of the year, work shall never continue later than 11 p. m., nor shall the total period for which such permission is granted exceed 60 days; and when the said regulation authorizes relays permanently, night work shall not exceed 7 hours in 24. In other words, as a general principle, shifts were allowed, but relays forbidden; or,

as Prof. Raoul Jay puts it, the law established the rule: "Work must start for all laborers at the same time; the rest periods must be at the same time for all; and all must be allowed to leave the mill at the same time." [a]

The basis, then, for the present system of labor regulation is furnished by the laws of 1848, 1892, and 1900. The first relates to adults and fixes a maximum workday of 12 hours; the law of 1892, modified by that of 1900, fixes a maximum workday of 10 hours for all laborers in establishments subject to the law in which there are child laborers as well as adults. These three laws, however, by no means contain all the provisions now governing the employment of children. Hence, before undertaking to set forth the machinery, the difficulties, and the results of the enforcement of these laws, it will be necessary to give some account of the other laws that involve benefits for working children, as well as the numerous decrees and ordinances bearing upon this subject.

The law of 1848, fixing the maximum workday at 12 hours for adult laborers, is still valid for adults working in establishments employing no persons affected by the laws of 1892 and 1900. [b] Moreover, for the employees in mines who are engaged in the work of actual mining (*abatage*) the maximum workday was fixed by the law of June 29, 1905, at 9 hours, including the time for descent and ascent, with the provision that it be further reduced to 8½ hours in 1907 and to 8 hours in 1909. This law consequently instituted the 8-hour workday for this particular category of workers, whether adult or nonadult, and hence modified in this respect the decree of May 3, 1893, concerning the labor of children in mines.

This decree of May 3, 1893, provided that boys under 16 years of age must not work underground in mines for more than 8 hours out of 24; that boys between 16 and 18 years of age must not work more than 10 hours per day nor more than 54 hours per week; and that in counting these hours of work the time required for descent and ascent, the time required for going to and from the place of work, and the periods of rest (which must not amount to less than 1 hour per day) shall not be included. These children may be employed at sorting and loading, at attending and moving the wagons, at watching and attending doors, at attending to "hand" ventilators, and at other auxiliary tasks which do not overtax their strength. They must not operate ventilating fans for more than half a workday, interrupted by a pause of at least half an hour for rest. Young persons between 16 and 18 years of age must not be employed in the actual work of

[a] R. Jay: La Protection légale des Travailleurs, p. 86. Paris, 1904.

[b] The present exceptions to the 12-hour limit are enumerated by the decree of March 28, 1902.

mining except as assistants or apprentices, and then only for a period not exceeding 5 hours a day. Apart from the above provisions, all children and young persons are forbidden to work in the underground galleries of mines. In coal mines with small veins, however, employing two shifts of laborers, one of which is employed at removing the rock bedding and waste which could not be attended to by the extracting shift, children may work between 4 a. m. and midnight (but not for more than 8 hours nor be detained in the mines more than 10 hours out of 24).

The law of 1892 provided, it will be remembered, for the enactment of a number of "administrative regulations" concerning the industries that might be exempted from compliance with certain provisions of the law, and concerning the establishments and occupations to be regarded as dangerous or unhealthful for women and children. The latter subject is regulated by the decree of May 13, 1893, subsequently modified by the decrees of June 21, 1897; April 20, 1899; May 3, 1900; November 22, 1905; March 7, 1908; September 10, 1908; and December 15, 1908. These successive decrees have as a rule gradually increased the number of "classified" trades and establishments, and are thus tantamount to a gradual extension of the scope of the measures for protecting laboring women and children.

The main provisions of these decrees are as follows:

No women and no children under 18 years of age may be employed to oil, to clean, to inspect, or to repair machinery in motion; nor may they be employed in establishments in which dangerous machinery is not provided with safety appliances. Children under 18 are not allowed to operate machines propelled by foot, nor to turn horizontal wheels. Children under 16 must not be employed to turn vertical wheels for longer than half a workday, interrupted by at least half an hour's rest; nor to work at circular saws, band saws, shears, or other cutting machines propelled by steam or similar motive power; nor to work the pedals of so-called "hand-looms;" nor to attend to steam stopcocks; nor to serve as doublers in wire rolling and drawing mills, unless this work is safeguarded by protective apparatus; nor to work on hanging scaffolding at cleaning or repairing buildings; nor to blow glass by mouth, in bottle glass and window glass works. Children under 13 years of age in glass works must not be employed to manipulate liquid glass nor at glass blowing; between the ages of 13 and 16 they must not manipulate a quantity weighing more than 1 kilogram (2.2 pounds). In works where glass is blown by mouth each employee under 18 years of age shall have his own blowing apparatus.

No male employee under 18 years of age or any female employee in an industrial establishment is permitted, either inside or outside of

the work place, to carry, draw, or push loads in excess of the following weights:[a]

	Pounds.
(1) Carrying loads:	
Boys under 14 years of age	22.0
Boys 14 and 15 years of age	33.1
Boys 16 to 18 years of age	44.1
Girls under 14 years of age	11.0
Girls 14 and 15 years of age	17.6
Girls 16 and 17 years of age	22.0
Girls 18 years of age and over	55.1
(2) Transportation by means of wagons on rails:	Pounds.[b]
Boys under 14 years of age	661.4
Boys 14 to 18 years of age	1,102.3
Girls under 16 years of age	330.7
Girls 16 and 17 years of age	661.4
Girls 18 years of age and over	1,322.8
(3) Transportation by wheelbarrows:	
Boys 14 to 18 years of age	88.2
Girls 18 years of age and over	88.2
(4) Transportation by means of vehicles with 3 or 4 wheels (carts, etc.):	
Boys under 14 years of age	77.2
Boys from 14 to 18 years of age	132.3
Girls under 16 years of age	77.2
Girls 16 years of age and over	132.3
(5) Transportation by means of two-wheeled carts (handbarrows, handcarts, etc.):	
Boys 14 to 18 years of age	286.6
Girls 18 years of age and over	286.6
(6) Transportation by tricycles propelled by foot:	
Boys 14 and 15 years of age	110.2
Boys 16 to 18 years of age	165.3

Boys under 14 and girls under 18 years of age must not be employed to transport goods by the methods numbered 3 and 5. No boy under 14 or female person of any age may be employed to transport goods by tricycles propelled by foot; nor may boys under 18 or female persons of any age transport goods by means of truck wagons. Girls under 16 must not be employed at sewing machines propelled by foot.

A decree under date of December 28, 1909, extended the scope of the above provisions beyond industrial establishments. They now apply to "manufactures, factories, workshops, work-yards, workrooms, laboratories, kitchens, cellars, stores or shops, offices, loading and unloading goods and the establishments connected therewith, no matter whether their nature may be private or public, secular or religious, educational, eleemosynary, or commercial."

[a] Decree of March 7, 1908. Weights have been changed from kilograms to pounds.
[b] Vehicle included.

It is forbidden to employ children or female persons in the production of writings, printed matter, posters, notices, drawings, pictures, paintings, emblems, images, or other objects the sale, offer for sale, exhibition, or distribution of which is punishable by law as contrary to public decency and morality. Nor may children under 16 or nonadult female persons be employed in work places in which objects are produced that are apt to offend their sense of decency and morality.

The decrees concerning dangerous and unhealthful trades provide also that in a long list of occupations, comprising 46 processes that are dangerous because of the production of deleterious gases and dust or because of the risk of poisoning, children under 18 and female persons of all ages are forbidden to enter the places in which these processes are carried on. A second list of occupations enumerates other dangerous sorts of work and provides that children under 18 years of age are not allowed to enter the places in which such work is carried on. A third list designates nearly a hundred establishments, occupations, and processes in which children under 18 and women may be employed only under certain conditions stated in connection with each enumerated occupation or establishment.

TABLE A.—OCCUPATIONS IN WHICH CHILDREN UNDER 18 YEARS OF AGE, AND FEMALES OF ALL AGES, ARE FORBIDDEN TO ENGAGE.

Industry or occupation.	Reasons for prohibition.
Acid, arsenic, manufacture of, by the use of arsenious and nitric acid.	Danger of poisoning.
Acid, hydrofluoric, manufacture of	Noxious gases.
Acid, nitric, manufacture of	Do.
Acid, oxalic, manufacture of	Danger of poisoning; noxious gases.
Acid, picric, manufacture of	Noxious gases.
Acid, salicylic, manufacture of, by means of carbolic acid	Injurious gases.
Acid, uric. (See Murexide.)	
Alkaline chlorides, Javelle water, manufacture of	Injurious emanations.
Aniline. (See Nitrobenzine.)	
Aqua fortis. (See Acid, nitric.)	
Arseniate of potash, manufacture of, from saltpeter	Danger of poisoning; noxious gases.
Benzine, derivatives of. (See Nitrobenzine.)	
Blue, Prussian, manufacture of. (See Cyanurate of potassium.)	
Céruse or white lead, manufacture of	Special diseases due to injurious emanations.
Chlorine, manufacture of	Injurious gases.
Chloride of lead, foundry of	Do.
Chloride of lime, manufacture of	Do.
Chlorides of sulphur, manufacture of	Injurious gases.
Chromate of potash, manufacture of	Special diseases due to emanations.
Cinders, goldsmith's, treatment of, with lead	Special diseases due to injurious emanations.
Curing of skins or fur of hares or rabbits	Injurious or poisonous dust.
Cyanurate of potassium and Prussian blue, manufacture of	Danger of poisoning.
Cyanurate of potassium, red; or red prussiate of potash	Do.
Dyestuffs, manufacture of, from aniline and nitrobenzine	Injurious emanations.
Enamels, pulverizing of, in the manufactories of fine glass	Injurious dust.
Fertilizer, depots and factories, from animal matter	Injurious emanations.
Flesh, fragments and offal, depots of, from slaughtered animals	Injurious emanations; danger of infection.
Founding and rolling of lead	Special diseases due to emanations.
Fulminate of mercury, manufacture of	Injurious emanations.
Glass, dry polishing of	Dangerous dust.
Javelle water, manufacture of. (See Alkaline chlorides.)	
Lace, bleaching of, with white lead	Do.
Lead, founding and rolling of. (See Founding.)	
Lead, red, manufacture of	Special diseases due to emanations.
Lead, white. (See Céruse.)	
Litharge, manufacture of	Special diseases due to emanations.
Massicot, manufacture of	Do.

TABLE A.—OCCUPATIONS IN WHICH CHILDREN UNDER 18 YEARS OF AGE, AND FEMALES OF ALL AGES, ARE FORBIDDEN TO ENGAGE—Concluded.

Industry or occupation.	Reasons for prohibition.
Meat cutting, butcher shop	Nature of the work; injurious emanations.
Metals, sharpening and polishing of	Dangerous dust.
Millstones, quarrying and manufacture of	Do.
Mirrors, coating of with quicksilver, manufacture of	Special diseases due to emanations.
Murexide, manufacture of, in closed vessels by the reaction of nitric acid and the uric acid of guano.	Noxious gases.
Nitrate of methyl, manufacture of	Do.
Nitrobenzine, aniline, and derivatives of benzine, manufacture of.	Injurious gases.
Oils and other fatty extractives from animal refuse	Injurious emanations.
Phosphorus, manufacture of	Special diseases due to fumes.
Prussian red and English red	Noxious gases.
Prussiate of potash. (See Cyanurate of potassium.)	
Purpurate of ammonia. (See Murexide.)	
Rags, cutting and tearing of	Injurious dust.
Refining of metals in the furnace. (See Roasting of ores.)	
Refuse of animals, depots of. (See Fish, etc.)	
Roasting of sulphurous ores (except the case specified in Table C).	Injurious emanations.
Skins of hares or rabbits. (See Curing.)	
Sulphate of mercury, manufacture of	Special diseases due to the emanations.
Sulphide of arsenic, manufacture of	Danger of poisoning.
Sulphide of sodium, manufacture of	Deleterious gases.
Treatment of lead zinc, and copper ores to obtain the crude metals.	Injurious emanations.

TABLE B.—OCCUPATIONS PROHIBITED FOR CHILDREN UNDER 18 YEARS.

Industry or occupation.	Reasons for prohibition.
Air, compressed, work in	Danger involved.
Cartridges, ball, factories and magazines of	Necessity of careful and attentive work.
Celluloid and similar niter products, manufacture of	Do.
Cocoons, extraction of silky portions of	Injurious emanations.
Dogs, hospital for	Danger of bites.
Dynamite, factories and storehouses	Necessity of careful and attentive work.
Operation and supervision of electrical apparatus, machines, and transmission devices of all kinds, the potential of which with respect to the earth exceeds 600 volts for direct currents, and 150 volts (effective potential) for alternating currents.	Do.
Fireworks, manufacture of	Do.
Mining powder, compressed, manufacture of cartridges of	Do.
Percussion caps, manufacture of	Do.
Percussion caps for toy pistols, manufacture of	Do.
Quick matches, manufacture of, with explosive materials	Do.

TABLE C.—ESTABLISHMENTS IN WHICH THE EMPLOYMENT OF CHILDREN UNDER 18 YEARS, OF MINOR GIRLS, AND OF WOMEN IS AUTHORIZED UNDER CERTAIN CONDITIONS.

Establishment.	Conditions.	Reasons.
Alabaster, sawing and dry polishing of.	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Acid, hydrochloric, production of, by the decomposition of the chlorides of magnesium, aluminium, etc.	Children under 18 years, minor girls, and women shall not be employed in the workshops where fumes are generated and acids are handled.	Danger of accidents.
Acid, muriatic. (See Acid, hydrochloric.)		
Acid, sulphuric, manufacture of	.....do.....	Do.
Bark, grinding mill. (See Grinding.)		
Beating of carpets on a large scale.	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.

TABLE C.—ESTABLISHMENTS IN WHICH THE EMPLOYMENT OF CHILDREN UNDER 18 YEARS, OF MINOR GIRLS, AND OF WOMEN IS AUTHORIZED UNDER CERTAIN CONDITIONS—Continued.

Establishment.	Conditions.	Reasons.
Benzine, manufacture and storage of. (See Petroleum, etc.)		
Bladders, cleaning of and removal of membranous material from (shop for the inflation and drying of).	Children under 18 years, minor girls, and women shall not be employed in the work of inflation.	Danger of pulmonary diseases.
Bleaching, cloth, straw, paper..	Children under 18 years, minor girls, and women shall not be employed in workshops where the chlorine and sulphurous acid are given off.	Injurious fumes.
Bolt making and other machine metal working.	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Bristles, hog's, preparation of....	.....do.....	Do.
Cakes, olive, treatment of, by carbon sulphide.	Children under 18 years, minor girls, and women shall not be employed in workshops where the carbon sulphide is handled.	Injurious emanations.
Caoutchouc, application of coatings of.	Children under 18 years, minor girls, and women shall not be employed in workshops where the fumes of carbon sulphide and of benzine are given off.	Injurious fumes.
Caoutchouc, work in, with employment of essential oils or the sulphide of carbon.	Children under 18 years, minor girls, and women shall not be employed in workshops where fumes of carbon sulphide are given off.	Do.
Carding of wool. (See Picking.)		
Carpet beating on a large scale. (See Beating.)		
Catgut factory.....	Children under 18 years, minor girls, and women shall not be employed at suffiation.	Danger of pulmonary diseases.
Cement ovens.....	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Chromolithography.....	Children under 16 years shall not be employed in machine bronzing.	Do.
Cleansing of woolens and cloth by the wet method.	Children under 18 years, minor girls, and women shall not be employed in workshops where acid fumes are present.	Injurious emanations.
Cloth, oil. (See Taffetas, etc.)		
Cloth, print, factory.....	Children under 18 years, minor girls, and women shall not be employed in workshops where poisonous materials are used.	Danger of poisoning
Collodion, manufacture of.....	Children under 16 years shall not be employed in workshops where the raw materials and solvents are manipulated.	Danger of fire.
Copper, scouring of, with acids..	Children under 18 years, minor girls, and women shall not be employed in workshops where acid fumes are given off.	Injurious fumes.
Copper, trituration of the compounds of.	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Cork, shops for the grinding of..	.....do.....	Do.
Cotton, bleaching of waste.....	Children under 18 years, minor girls, and women shall not be employed in workshops where sulphide of carbon is used.	Injurious fumes.
Dye works.....	Children under 18 years, minor girls, and women shall not be employed in workshops where poisonous materials are used.	Danger of poisoning.
Enamel, application of, to metals.	Children under 18 years, minor girls, and women shall not be employed in workshops where the materials are pulverized and sifted.	Injurious dust.
Enamels, manufacture of, with furnaces that are not smoke-consuming.	.....do.....	Do.
Fabrics, glazed, manufacture of. (See Taffetas.)		
Faïence ware factory.....	.....do.....	Do.
Felt and glazed visors, manufacture of.	Children under 18 years shall not be employed in the preparation and use of the lacquer.	Danger of fire and injurious fumes.
Felt hats, manufacture of.....	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Flax, wet spinning.....	Children under 18 years, minor girls, and women shall not be employed when the outflow of water is not provided for.	Injurious dampness.
Flax, stripping of, on a large scale. (See Stripping.)		
Fluids, illuminating, storehouses of, compounds of alcohol and essential oils.	Children under 16 years shall not be employed in the stores.	Danger of fire.

TABLE C.—ESTABLISHMENTS IN WHICH THE EMPLOYMENT OF CHILDREN UNDER 18 YEARS, OF MINOR GIRLS, AND OF WOMEN IS AUTHORIZED UNDER CERTAIN CONDITIONS—Continued.

Establishment.	Conditions.	Reasons.
Foundries for the second fusion of iron, zinc, and copper.	Children under 16 years shall not be employed in fusing metals.	Danger of burns.
Furnaces, blast	....do	Do.
Glass works, flint and plate glass factories.	Children under 18 years, minor girls, and women shall not be employed in workshops where dust is freely given off and where poisonous materials are used.	Injurious dust.
Gold and silver plating	Children under 18 years, minor girls, and women shall not be employed in workshops where acid or mercurial vapors are produced.	Injurious emanations.
Greasy liquids; extraction of oils contained in them for the manufacture of soap and for other purposes.	Children under 18 years, minor girls, and women shall not be employed in workshops where sulphide of carbon is used.	Do.
Grinding of bark in the cities	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Hair, dyeing of. (See Dye-works.)		
Hemp, impervious. (See Tarred felt.)		
Hemp, stripping of, on a large scale. (See Stripping.)		
Hog's bristles. (See Bristles.)		
Horn, bone, and mother-of-pearl, dry working in.	....do	Do.
Iron, galvanizing of	Children under 18 years, minor girls, and women shall not be employed in workshops where acids are used or their fumes are present.	Injurious fumes.
Iron, scouring of	....do	Do.
Jute, stripping of. (See Stripping.)		
Leather, dressing of	Children under 18 years, minor girls, and women shall not be employed in the depilation of skins.	Danger of poisoning.
Limekilns	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Marble, sawing and dry polishing of.	....do	Do.
Matches, chemical, manufacture of.	Children under 18 years shall not be employed in mixing and dipping the paste.	Special diseases due to the emanations.
Matches, chemical, storehouses of.	Children under 16 years shall not be employed in the stores.	Danger of fire.
Menageries	Children under 18 years shall not be employed when the menagerie includes savage beasts or venomous reptiles.	Danger of accidents.
Metallic nitrates, obtained by the direct action of acids, manufacture of.	Children under 18 years, minor girls, and women, shall not be employed in workshops where the fumes are evolved and where the acids are handled.	Injurious fumes.
Mills for crushing plaster, lime, gravel, and pozzuolana.	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Mineral black, manufacture of, by grinding the residuum of the distillation of bituminous schist.	....do	Do.
Mortars, mechanical, for drugs	....do	Do.
Mustard plasters, manufacture of by means of hydrocarbides.	Children under 18 years, minor girls, and women shall not be employed in workshops where the solvents are handled.	Injurious fumes; danger of fire.
Oakum, shredding of cordage, tarred or otherwise, into.	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Oils, essential, or essences of turpentine, lavender, etc. (See Oils, petroleum, etc.)		
Oils, extracts, etc. (See Oils, petroleum, etc.)		
Oils, petroleum, bituminous oil, oil of tar, essences and other hydrocarbides used for lighting, heating, the manufacture of colors and varnish, the removal of grease, etc. (Wholesale manufacture and distillation of.)	Children under 16 years shall not be employed in the distillation shops or in the storage houses.	Danger of fire.

TABLE C.—ESTABLISHMENTS IN WHICH THE EMPLOYMENT OF CHILDREN UNDER 18 YEARS, OF MINOR GIRLS, AND OF WOMEN IS AUTHORIZED UNDER CERTAIN CONDITIONS—Continued.

Establishment.	Conditions.	Reasons.
Olive cakes. (See Cakes.)		
Ores, dry crushing of	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Paper, manufacture of	Children under 18 years shall not be employed in sorting and preparing rags.	Injurious dust.
Papers, print. (See Cloth, print.)		
Patent leather, manufacture of. (See Felt and glazed visors.)		
Petroleum. (See Oils, petroleum, etc.)		
Picking, carding, and cleaning wool and cleaning of hair and feathers.	Children under 18 years shall not be employed in workshops where dust is freely given off.	Do.
Plaster kilns	....do	Do.
Porcelain, manufacture of	....do	Do.
Potteries, earthenware, manufacture of, with furnaces that are not smoke consuming.	....do	Do.
Pozzuolana, artificial, kilns of	....do	Do.
Rags, storehouses of	Children under 18 years shall not be employed in sorting and handling rags.	Do.
Rags, treatment of, with the vapor of hydrochloric acid.	Children under 18 years, minor girls, and women shall not be employed in workshops where acids are used.	Injurious fumes.
Refining gold and silver with acids.	Children under 18 years, minor girls, and women shall not be employed in workshops where the fumes are generated and acids are handled.	Danger of accidents.
Refrigeration, apparatus for, with sulphurous acid.	Children under 18 years, minor girls, and women shall not be employed in workshops where acid fumes are evolved.	Injurious emanations.
Roasting of sulphurous, nonarsenious ores.	Children under 18 years, minor girls, and women shall not be employed in workshops where the roasting is done.	Do.
Sandstone, quarrying and dressing of.	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Sheet iron and lacquered metals.	Children under 18 years, minor girls, and women shall not be employed in workshops where poisonous materials are used.	Danger of poisoning.
Silk or other hats, in the making of which shellac is used, manufacture of.	Children under 18 years shall not be employed in workshops where shellac varnish is made and applied.	Noxious fumes.
Silk waste, carding of	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Silver plating of metal. (See Gold and and silver plating.)		
Singeing and gassing of fabrics	Children under 18 years, minor girls, and women shall not be employed while the products of combustion remain in the workshops.	Injurious emanations.
Skins, glossing and finishing of	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Skins of rabbits and hares, pressing and cutting of the fur of.	....do	Do.
Skins, woolen goods, and wool waste, cleaning of, with petroleum and other hydrocarbides.	Children under 18 years shall not be employed in workshops where the materials are treated with solvents or where sorting, cutting, and handling of waste are going on.	Danger of fire; injurious dust.
Smoking pipes, manufacture of	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Soldering conserve boxes	Children under 16 years shall not be employed in soldering boxes.	Injurious gases.
Stone, cutting and polishing of	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Stove maker, furnace maker; stoves and furnaces in faïence and terra cotta. (See Faïence.)		
Strings of instruments. (See Catgut factory.)		
Stripping of flax, hemp, and jute on a large scale.	....do	Do.
Sulphate of peroxide of iron, manufacture of, from sulphate of iron protoxide and nitric acid (nitro-sulphate of iron).	Children under 18 years, minor girls, and women, shall not be employed in workshops where acid fumes are given off.	Injurious fumes.

TABLE C.—ESTABLISHMENTS IN WHICH THE EMPLOYMENT OF CHILDREN UNDER 18 YEARS, OF MINOR GIRLS, AND OF WOMEN IS AUTHORIZED UNDER CERTAIN CONDITIONS—Concluded.

Establishment.	Conditions.	Reasons.
Sulphate of protoxide of iron or green copperas by the action of sulphuric acid on scrap iron.	Children under 18 years, minor girls, and women, shall not be employed in workshops where acid fumes are given off.	Injurious fumes.
Sulphate of soda, manufacture of, by the decomposition of sea salt through the agency of sulphuric acid.	.....do	Do
Sulphide of carbon (factories in which it is used on a large scale).	Children under 18 years shall not be employed in workshops where injurious fumes are given off.	Deleterious gases; danger of fire.
Sulphide of carbon, manufacture of.	.....do	Do.
Sulphide of carbon, storehouses of.	.....do	Do.
Superphosphate of lime and potash, manufacture of.	Children under 18 years, minor girls, and women shall not be employed in workshops where acid fumes and dust abound.	Injurious emanations.
Taffeta and oilcloth or glazed fabrics, manufacture of.	Children under 16 years shall not be employed in workshops where the varnishes are prepared and applied.	Danger of fire.
Tan, mills for grinding	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Tanneries	.....do	Do.
Tarred felt, manufacture of	.....do	Do.
Tin foil	Children under 16 years shall not be employed in bronzing the tin foil by hand.	Do.
Tobacco, manufactures of	Children under 16 years shall not be employed in workshops where the breaking bulk or opening up is done.	Injurious emanations.
Turpentine, distillation and wholesale manufacture of. (See Oils, petroleum, etc.)		
Varnish, alcoholic, manufacture of.	Children under 16 years shall not be employed in workshops where the varnish is prepared and handled.	Danger of fire.
Varnish, shops where application is made of, to leather, felt, taffeta, cloth hats. (See these words.)		
Visors, glazed, manufacture of. (See Felt and visors.)		
Wadding, manufacture of	Children under 18 years shall not be employed in workshops where dust is freely given off.	Injurious dust.
Wool waste, scouring of. (See Skins, woolen goods, etc.)		
Zinc white, manufacture of, by burning of the metal.	Children under 18 years shall not be employed in the burning and condensing shops.	Injurious fumes.

With regard to the exceptions to the law of 1892 allowed by administrative regulation, decrees have been issued on July 15, 1893; July 26, 1895; July 29, 1897; February 24, 1898; July 1, 1899; April 18, 1901; July 4, 1902; August 14, 1903; November 23, 1904; December 24, 1904; July 3, 1908, and February 7, 1910. These decrees institute five groups of exceptions:

(1) Those in which female employees over 18 years of age may work until 11 p. m. at certain seasons for a total period not exceeding 60 days in 1 year, provided the actual working period be not more than 12 hours in 24. These are: Tailoring and dressmaking for women and children; the manufacture of hats for men and women; making fur wearing apparel, embroidery, and trimmings for dressmaking; and folding, rolling, and packing ribbons. A decree under date of February 17, 1910, however, withdrew this privilege for all of these occupations except millinery and dressmaking for "deep mourning."

(2) Those in which night work is permitted regularly for adult women, on condition that the actual working period lasts not more than 7 hours in 24. This group consists of scalding and drying cornstarch, sewing or stitching printed matter, folding newspapers, and lighting miners' lamps.

(3) Those in which night work is permitted temporarily for women and children, but not for a longer working period than 10 hours in 24. This group includes fish, fruit, and vegetable canning; the industrial manufacture of butter and cheese; the treatment of milk in industrial establishments; extracting perfumes from flowers; making biscuits and pastry involving the use of fresh butter; the manufacture of glue and gelatin; making confectionery; the urgent repair of ships and of machines for the production of motive power; cooperage for packing the products of fisheries. The maximum period during which in any year this group of occupations may carry on night work varies from 30 days for pastry bakers to 120 days for urgent repairs to ships, etc., in which last-named occupation, however, only persons over 16 years of age may work at night.

(4) In establishments with continuous fire employing adult women and male children at night, the following kinds of work are permitted for these classes of laborers: For both women and children, certain specified auxiliary labor in sugar-beet distilleries, in paper mills, in sugar refineries, and in glass works; for children alone, certain specified auxiliary labor in the manufacture of enameled ware, in the extraction of oils, and in metallurgical establishments. Whenever adult women and children are employed all night their work must be interrupted by periods of rest amounting to at least 2 hours, and the duration of actual work for these persons must not exceed 10 hours in 24.

Plants with continuous operations.	Workers.	Work permitted.
Beet-sugar working....	Children and women.	Washing, weighing, sorting of the beets; operating the water valves and sirup valves; working around the diffusion boilers and the distilling apparatus.
Iron and enameled castings (factories making articles of).	Children	Working at a distance from the doors of the furnaces.
Oils (plants for the extraction of).	.....do	Replacing the bags; drying them after compression; carrying the empty bags and the sieve frames.
Paper products	Children and women.	Helpers to operators of the machines; cutting, sorting, arranging, rolling, and finishing the paper.
Sugar (factories and refineries of).	.....do	Washing, weighing, sorting the beets; operating the water valves and sirup valves; watching the filters; working around the diffusion boilers; cutting the filter cloths; washing the apparatus and the work rooms; working up the sugar into tablets.
Metallurgical plants...	Children	Aiding in preparing the mixing beds, in work accessory to the refining; rolling into sheets, hammering, and drawing; in preparing the molds for the articles to be melted; in arranging the bundles, the sheets, the tubes, and the wires.
Glass works.....	.....do	Presenting the tools, making the gathering, aiding in the first blowing and in the molding, carrying into the annealing ovens, withdrawing the articles; all such work to be done under the conditions prescribed by article 7 of the decree of May 13, 1893.
Do.....	Women.....	Sorting and arranging the bottles.

(5) The industries in which divisional inspectors may temporarily suspend the provisions of the law concerning the maximum workday for children under 18 years of age and for women, constitute a list of approximately 50 specified occupations, as follows:

Furnishings, upholstering, fringe for furniture.
Orthopedic apparatus.
River boats (construction and repair work on the outside of).
Building work (outside work in the work places).
Creameries.
Jewelry, working of precious stones.
Biscuits using fresh butter (factories for).
Bleaching of fine linen.
Boxes (and cans) for fruits, vegetables, etc. (factories for, and printing on metals for).
Fine hosiery.
Brickmaking in open air.
Stitching of printed matter.
Embroidery and fringe for garments.
Paper boxes (factories for) for toys, bonbons, visiting cards, ribbons, etc.
Hats (manufacture of) of all kinds for men and women.
Foot wear.
Glues and gelatins.
Coloring by stencils or by hand.
Garment making, sewing and making of white goods for women and children.
Garment making for men.
Fur garments.
Preserves of fruit and confectionery, canned legumes and fish.
Rope making in the open air.
Corsets (manufacture of).
Funeral wreaths (factories for).
Removing wool from hides of sheep.
Gilding for furnishings.
Gilding for frames.
Industrial establishments in which is executed work on the order of the Government and in the interest of the national safety and defense, upon the opinion of the ministers interested expressly confirming the necessity of the exemption.
Spinning and twisting of crepe threads (curled, thrown, and colored).
Flowers (extracting perfume of).
Flowers and feathers.
Cheese making conducted as a business.
Sheath making.
Printing of combed wool, bleaching, dyeing, and printing of yarns of wool, cotton, and silk intended for the weaving of novelty fabrics.
Letterpress printing.
Lithographic printing.
Printing from copper plates.
Toys, playthings, etc., articles of Paris (factories for).
Jewelry (polishing, gilding, engraving, chasing, engine turning, etc.).
Paper (manufactures of), manufacture of envelopes, cardboard, school copy books, blank books, and fancy papers.
Paper hangings.
Perfumery.
Porcelain and earthenware (shops for decorations on).
Bookbinding.
Urgent repairs on ships, engines, and agricultural machinery.
Silk (reeling of) for fancy fabrics.
Dyeing, finishing, bleaching, printing, figuring, and watering of fabrics.
Weaving of fancy fabrics intended for clothing.
Nets, laces, and widths of silk.
Sails of vessels equipped for deep-sea fishing (making and repairing of).

It is also provided by decree that whenever employers take advantage of the privileges granted them in groups 3 and 5 with regard to continuing work during the night hours, they must notify the inspector every time they propose to make use of this privilege. Such notice shall be given, before the extra work begins, by mail or tele-

graph, in order that the time at which it is sent may become a matter of record. A copy of the notice must be promptly and conspicuously posted in the work places, and remain there during the entire period of extra work.

Reference was made in the preceding section of this report to the law of December 7, 1874, concerning children employed in "wandering" occupations. This law as modified by the law of April 19, 1897, imposes imprisonment of 6 months to 2 years and a fine of 16 to 200 francs ($3.09 to $38.60) upon any person who shall require children under 16 years of age to perform acrobatic feats; and upon any acrobats, mountebanks, animal tamers, menagerie directors, or circus managers employing children under 16 years of age, unless these children are their own, in which case the age limit is 12 years. The same penalty may be imposed upon parents, guardians, employers, or any other persons having the care of children under 16 years of age or authority over them, who place them either gratuitously or for a remuneration in charge of persons exercising the above vocations, or of vagabonds or persons making a business of mendicity. The same penalty may be imposed upon any agents or intermediaries who induce children under 16 years of age to leave home to follow individuals engaged in the above vocations. This offense may, moreover, involve the withdrawal of parental authority or guardianship. Whoever employs children under 16 years of age as habitual beggars, either openly or under the guise of a trade, shall be considered as the author of, or accomplice in, the crime of habitual mendicity, punishable according to article 276 of the Penal Code; and parents or guardians committing this offense may be divested of parental authority or the rights of guardianship.

Every person exercising one of the vocations mentioned above must have a birth certificate for each of the children in his charge, and render account of their origin and identity. Violations of this provision are punishable by imprisonment of 1 to 6 months and a fine of 16 to 50 francs ($3.09 to $9.65).

For violation of any provisions of this law the municipal authorities shall forbid the guilty parties to give any performances. Whenever French children are found abroad in violation of this law, the French authorities shall be informed thereof by the consular agents, who shall take the steps necessary to send the children home. (Article 463 of the Penal Code also applies to offenders against this law.)

The oldest law still in force that applies particularly to children is the apprenticeship law of February 22, 1851. A large part of it has to do with the form, nature, and conditions of the contract of apprenticeship, and sets forth the duties of the master to the apprentice and vice versa. Some of its provisions furnish scarcely so large

a measure of protection for children as the laws of 1892 and 1900. The master must treat his apprentices as a good father would treat his own children. He must not employ them, unless otherwise agreed, for any other work than that of his trade or profession. No apprentice under 16 years of age shall be required by his master to work at night. Nor may he work on Sundays or on legal holidays, unless it be to clean up and make order, in which case he shall not work later than 10 a. m. If an apprentice under 16 years has not learned to read, write, and count, or if he has not yet terminated his primary religious education, the master must give him opportunity to attend school during the working hours; but the time granted for this purpose shall not exceed 2 hours a day.

The law of 1851 is the oldest French law now in force that particularly concerns nonadult workers. On the other hand, the most recent law concerning this class of persons is that of April 30, 1909. This law relates to the work in commercial establishments in which women and children are forbidden to engage. The latest in a long series of laws and decrees designed to insure the health and safety of employees, it is of particular interest because it applies to commercial establishments. All the laws previously referred to apply only to industrial establishments. The law of April 30, 1909, to be sure, is not the first concerning commercial establishments; but it is the first to recognize that women and children in stores and mercantile enterprises are as much in need of special protective measures as those employed in factories and workshops. Just what degree of special protection the law will introduce in mercantile establishments can not yet be stated, for it provides that "the different kinds of work which are forbidden women and children under 18 years of age because of the danger they involve, or because they overtax the strength of women and children, or because they are morally harmful, shall be determined by administrative regulations issued upon the advice of the superior commission of labor and the consulting committee of arts and manufactures." But no such regulations have yet been issued.

Meanwhile women and children continue to benefit in the same way as adult male laborers by the provisions of a score of laws and decrees concerning the hygiene and safety of industrial and commercial establishments,[a] and nearly a dozen laws and decrees concerning accidents to laborers.[b]

[a] The provisions now in force are contained in the laws of June 12, 1893; July 11, 1903, and April 30, 1909; the decrees of June 29, 1895; July 18, 1902; November 21, 1902; March 27, 1904; June 28, 1904; July 15, 1904; July 28, 1904; November 29, 1904; March 2, 1905; April 4, 1905; July 11, 1907; April 23, 1908, and December 15, 1908; and the ordinances of March 21, 1906, and December 28, 1908.

[b] Under date of April 9, 1898; June 30, 1899; March 22, 1902; March 23, 1902; March 31, 1905; April 12, 1906; April 17, 1906; July 18, 1907; and March 26, 1908.

Legislation concerning the hygiene and safety of work places is of very recent date in France, except as regards mines, quarries, and establishments using steam engines. It began with the law of June 12, 1893,[a] which at first applied only to individual establishments and commercial establishments using mechanical motors, but which was subsequently modified (by the law of July 11, 1903) to include all mercantile shops, stores, and commercial enterprises employing persons not belonging to the immediate family of the employer. Enterprises employing only members of the family are also included if work in them is carried on by means of steam or mechanical motive power and if they are classified among the dangerous or unhealthful establishments. The law also includes theaters, circuses, and similar enterprises, whenever they make use of mechanical motive power. But it does not apply to transportation, agriculture, government offices, or working places subject to special legislation.

In general these laws and decrees concern safety appliances, cleanliness, regular inspection by government officials, the prompt declaration of all accidents, the nature and condition of dormitories for employees and inmates, fire escapes, ample exits, and provisions for heating and lighting.

In terminating this account of French legislation affecting the employment of children brief reference must be made to the enactments concerning weekly rest, to the law of December 29, 1900 (concerning female employees in stores and mercantile concerns), and to the laws concerning accidents and workmen's insurance. These measures necessarily redound to the benefit not only of adult laborers, but of children also; a detailed account of them, however, lies beyond the scope of the present study.

The measures concerning weekly rest [b] provide in general that every employee in an industrial or commercial establishment shall have at least 24 consecutive hours of rest each week; that unless otherwise provided this day of rest shall be Sunday; that in certain specified enterprises which do not admit of interruption different groups of employees may be given their period of rest on different days; and that in other specified enterprises laborers may be given Sunday afternoons for rest and a whole weekday every other week.

The law of December 29, 1900, provides that in mercantile establishments ("wherever goods are exhibited and offered for sale") there must be as many seats as there are saleswomen, and that the

[a] Earlier enactments, such as the decree of October 15, 1810, protected the public against certain dangerous, disagreeable, or unhealthful enterprises, but did not concern the laborers employed therein.

[b] Under date of July 13, 1906; August 24, 1906; July 13, 1907; August 14, 1907; March 16, 1908; September 10, 1908; and April 30, 1909.

saleswomen must be permitted to use these seats to the extent that the nature of their employment permits.(a)

The laws concerning accidents and workmen's compensation,(b) which, of course, apply equally to children and to adults, fix the liability of employers and provide for the payment of benefits and pensions to injured laborers or, in case of death due to accident, to their heirs. The amounts paid are determined according to the wages of the employee. For apprentices and employees under 16 years of age the basis for calculation is the wage received by the lowest-paid adult laborer in the establishment; provided that in cases of temporary disablement the allowance paid workers under 16 years of age must not exceed their regular wage when at work.(c)

ORGANIZATION AND WORK OF THE LABOR INSPECTORS.

It has already been stated that the law of 1892 intrusted the enforcement of the labor laws to a corps of divisional and departmental inspectors.(d) In fact, the law of 1874 had already provided for salaried inspectors. But the present system of inspection was established by the decrees and ordinances of May 17, 1905; July 11, 1906; May 3, 1907; March 19, 30, and 31, 1908; and April 3 and 4, 1909.

These measures provide for 11 divisional inspectors and 128 departmental inspectors (of which 18 are women). The number of departmental inspectors varies in different "divisions" from 6 in the ninth division to 34 in the first division (which includes Paris).

The total number of inspectors has increased from 106 in 1893 to 139 in 1909. This increase, however, is by no means proportionate to the increased work that devolves upon the inspectors. At the present time these officials are intrusted with the enforcement of the laws of 1874, 1892, and 1900 (concerning the labor of women and children), the laws of 1848 and 1900 (concerning the labor of adults), the laws concerning hygiene and safety in industrial and commercial establishments, and the laws on weekly rest. They must also keep a record of accidents reported; these in 1908 numbered 354,027. It is their duty to examine and take action upon requests to prolong the working period or to suspend Sunday rest; upon this score alone the inspector at the head of the first division (Paris) granted 6,114 authorizations in 1907, which presupposes at least 6,114 investigations, or an average of nearly 17 per day. In the same division, for 1907, the inspectors prepared 766 reports on violations of the law.

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[a] It is generally conceded that this law is of little or no practical significance because of nonenforcement. Consult—Ferrette: Manuel de législation industrielle, p. 186. Paris, 1909. "La Protection Légale des Travailleurs, III série," p. 349. Paris, 1907.

[b] See note, p. 174.

[c] Article 8 of the law of April 9, 1898.

[d] See p. 156 ff.

The number of establishments subject to inspection has risen (largely because of new legislation increasing the scope of the labor laws) from 267,906 in 1894 to 545,932 in 1908; and the number of persons employed therein increased during the same period from 2,454,943 to 4,048,312. It appears, then, that while the number of inspectors increased only 31 per cent, the number of establishments subject to inspection has doubled, and the number of laborers employed therein increased 65 per cent.

The service of inspection is in a sense under the central direction of the director of labor, an official of the Ministry of Labor and Insurance. The rules for admission to the service are determined by the superior commission of labor. In 1907 the nature of these examinations was somewhat changed in order to make it possible for intelligent laborers with considerable practical experience to become inspectors. In 1907 the best examination was passed by a laborer.

Candidates must be French citizens not under 26 nor over 35 years of age. The examination is in part written and in part oral. The written examination consists of three essays—the first on a question concerning the labor laws and their enforcement, the second concerning a topic in industrial hygiene, and the third on some subject in mechanics and electricity. The oral examination concerns: (1) The labor laws and the criminal laws relative to their violation; (2) the general principles of labor legislation; (3) the elements of industrial hygiene; (4) the elements of mechanics and electricity; (5) applied hygiene; (6) applied mechanics; and, if the candidate desires, (7) the practical management of a selected industry. The last-named subject is counted to a candidate's credit only if he possesses a "very satisfactory" knowledge of a specified industry, and receives in this subject a mark of at least 75 per cent. The written test precedes the oral test, and no candidate is admitted to the oral examination who did not receive a mark of at least 65 per cent in the written test. To facilitate the admission of persons with long practical experience, however, the minimum mark for the written test is reduced to 35 per cent for candidates who are able to prove that they have had at least ten years' experience in some industry as employer, engineer, foreman, or laborer.

The labor inspectors have charge alone of the enforcement of the laws of 1848, 1892, and 1900. The enforcement of the remaining labor laws is intrusted to them in cooperation with the ordinary local police authorities. The laws concerning labor in mines and quarries are enforced by mining engineers and controllers. In establishments belonging to the navy or the war department, and in other government establishments, special officials are designated to supervise the application of the labor laws.

Three provisions of the law are designed to facilitate the work of the labor inspectors: (1) The requirement that children under 18 years of age carry a work book (livret) indicating name, date, and place of birth. (2) The requirement that the employer having women or children at work in his establishment shall post up a working schedule indicating the precise times at which the working periods and the pauses for rest begin and end. By means of this schedule the inspector can more easily discover whether the law is being violated. (3) Provisions for keeping the inspectors in touch with labor organizations. Manifestly, the laborers themselves are best able to keep the inspectors informed of violations of the law. To facilitate the cooperation of inspectors and groups of laborers, several ministerial "circulars" [a] require the inspector to maintain permanent relations with the secretaries of labor exchanges (*bourses du travail*), local trade unions, and labor organizations not affiliated with the exchanges or unions. The principal object of this arrangement is to obtain information concerning infractions of the law.

Unfortunately, the requirement of a working schedule (which applies only to establishments employing women and children) has been robbed of much of its value by court decisions. A judgment handed down by the court of appeals (*cour de cassation*) on November 30, 1901, declared that in establishments employing adult males as well as women and children the schedule did not apply to the adult males and need contain only the names of the women and children working therein. A still more important decision of the criminal court, on May 6, 1902, declared that if women and children are found working at times not indicated in the posted working schedule this does not constitute a violation of the law unless it is proved that the employer required them to work more than 10 hours per day. Because of these decisions the posted working schedule loses its significance as an aid to the enforcement of the law. Apart from altogether exceptional circumstances, the only way inspectors can discover how long the workday lasts is by consulting the posted schedule. Hence it has been suggested that the law of 1892 should be so modified as to specifically require adherence to the schedule of hours and make it an offense if laborers are found working at other hours than those indicated in the schedule.

Commenting upon the present attitude of the courts in this respect, M. Eugène Petit, former chief secretary of the minister of commerce, remarks:

Article 11, section 2, of the law of November 2, 1892, prescribes that the hours of work shall be posted. The posted schedule is obligatory; but, we are told, its observance is not. If we agree with the court of appeals, the legislators who enacted the law of 1892 intended

[a] The most important are those of January 19, 1900, and November 22, 1906.

to compel employers to post up a schedule having precisely the same significance as a blank sheet of paper. The legislator, in other words, indulged in the following admirable line of argument: The schedule is indispensable to the discovery of violations, but it will serve to discover violations only if its observance is obligatory; therefore the observance of the schedule shall not be obligatory. It seems impossible to conceive a worse breach of common sense or to go further in the art of killing the spirit of the law by adherence to the letter.(a)

M. Petit also calls attention to the decision of the court of appeals under date of July 12, 1902, in which it is declared that an inspector has no right to enter an establishment at night unless he is reasonably certain that night work is being carried on therein. "But how," M. Petit asks, "is the inspector to acquire this quasi certainty unless he can enter the establishment?"

It has already been pointed out that the enforcement of the labor laws concerning mines and quarries is in charge of mining engineers and controllers. The organization of this branch of the service is important and interesting for more than one reason.

In the first place, the number of mines, quarries, and enterprises connected therewith is quite considerable; so also is the number of laborers employed therein. In 1908 the officials in charge of this service reported the existence of 39,279 mines, quarries, etc., having a total of 359,408 employees, of which 29,340 were under 18 years of age.

In the second place, the inspection of mines is more intensively organized than the general service of inspection. Whereas there are 139 officials in the general service, having charge in 1908 of the application of the law in 545,932 establishments, there are 175 officials for the inspection of less than 40,000 mines. The enforcement of the labor laws, to be sure, is not their sole function; but it is none the less true that they are able to make many more visits per year to the enterprises under their control than are the inspectors in the general service.

In the third place, the engineers in charge of inspecting mines and quarries are assisted by approximately 500 delegates (*délégués mineurs*), appointed for the purpose of securing compliance with the laws regarding the safety and the hygienic condition of mines, investigating the nature and causes of accidents therein, and reporting violations of the Sunday law.(b) These delegates are paid by the Government, elected by the miners themselves, and must have had at least 5 years' experience at underground work in mines. This system of

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a La Réforme de l'Inspection du Travail en France, Report to the French Association for Labor Legislation, fifth series, p. 50. Paris, 1909.

b Laws of July 8, 1890; March 25, 1901; May 9, 1905; July 13, 1906; and July 23, 1907. The law of March 12, 1910, also requires them to report violations of the general labor laws of 1892 and 1900, and of the law of June 25, 1905, concerning the duration of the workday in mines.

active and paid cooperation of representatives of the laborers themselves is of particular interest because it is proposed to institute a similar arrangement in connection with the general service.

The main sources of information concerning the activity of the inspectors are the annual reports on the application of the laws regulating labor.(a) These volumes contain an admirable critical summary of the results for the year, presented by the superior commission of labor; the annual report of the minister of labor on the enforcement of the laws of June 12, 1893, and July 11, 1903; reports on the application of the labor laws in establishments belonging to the ministries of war and the navy; a report on the application of labor laws in Algeria; the annual reports of the divisional inspectors and of the chief mining engineers; and numerous statistical tables.

These annual volumes are supplemented by the following official publications containing additional information with regard to the enforcement of the labor laws: The Bulletin de l'Inspection du Travail et de l'Hygiéne Industrielle, published every two months; the minutes (*compte-rendus*) of the sessions of the superior council of labor (an investigating and advisory body consisting of 27 delegates chosen by employers' organizations, 3 senators, 5 deputies, and 5 other persons representing various organizations of employers and employees); and the monthly bulletin of the Labor Office (*Bulletin de l'Office du Travail*).

The following table indicates the recent annual changes in the number of establishments and employees affected by the labor laws now in force (excluding mines, quarries, and establishments connected therewith):

NUMBER OF ESTABLISHMENTS AND OF EMPLOYEES COVERED BY LABOR LAWS, 1896 TO 1908.

Year.	Establishments.	Employees.	Year.	Establishments.	Employees.
1896	296,797	2,673,314	1903	528,703	3,550,829
1897	290,305	2,591,228	1904	508,849	3,662,167
1898	299,468	2,633,570	1905	511,783	3,726,578
1899	309,675	2,715,569	1906	548,225	3,864,007
1900	309,377	2,802,006	1907	552,130	3,999,402
1901	327,703	2,865,832	1908	545,932	4,048,812
1902	322,289	2,888,687			

The increase in the number of establishments during this period is due to three factors. In the first place, the industrial and com-

a Rapports sur l'Application des lois Réglementant le Travail. Ministère du Travail et de la Prévoyance sociale. Direction du Travail. Paris, Imprimerie nationale. The latest report, issued a few months ago, is for the year 1908. The most compact, systematic summary of French labor laws known to the author is Ferrette's Manuel de Législation Industrielle. Paris, 1909.

mercial development of the nation is responsible for part of the growth in the number of establishments, and especially for the increased number of employees. In the second place, nearly every year brings to the knowledge of the authorities additional establishments subject to the law that were not previously noted, even though they are not new. In the third place, and most important of all, the ever-widening scope of labor legislation inevitably results in an increase in the number of establishments made subject to inspection.(a)

The third factor is alone sufficient to explain the jumps made in 1901, 1903, and 1905. In 1901, 17,487 establishments were subjected to inspection by virtue of the law of December 29, 1900, concerning seats for saleswomen; had this law not been enacted, the number of establishments for 1901 would have been only 839 more than in 1900. The remarkable increase between 1902 and 1903 from 322,289 to 528,703 establishments is due very largely to the law of July 11, 1903, which extended the scope of the law of June 12, 1893 (concerning hygiene and safety), to commercial and mercantile establishments, and enterprises connected therewith. The increase of nearly 30,000 between 1905 and 1906 consisted in part of the nearly 20,000 establishments brought under inspection by the law of July 13, 1906, concerning Sunday rest.

The above table indicates that at the end of 1908 there were over 500,000 establishments subject to the law, employing 4,000,000 laborers. It must not be supposed, however, that all of these establishments were inspected during the year. That would have been a physical impossibility for the 128 officials then constituting the force of departmental inspectors, who, it must be noted, have a considerable amount of correspondence and office work to attend to, in addition to their tours of inspection. It would have meant that each of these officials inspected, in the course of the year, an average of 4,265 establishments. As a matter of fact, very many of the enumerated establishments have never been visited at all. At the end of 1908 there were still 173,136 such establishments, concerning which the service possessed only such indirect information as could be obtained from the mayors of towns, from census reports, trade annuals, directories,

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[a] A fourth source of changes in the number of establishments may consist in varying interpretations of the term "establishment." Until 1901 there seems to have been no precise agreement with regard to its significance. Take, for instance, a plant having three separate buildings, each devoted to a distinct branch of production, but all belonging to the same firm or company. Have we to do with three establishments or one? In 1901 definite rules were laid down to the effect that in such a case as this the inspectors report one establishment. See Rapports sur l'Application des lois Réglementant le Travail, 1901, p. xi.

etc. Furthermore, many of the "visited" establishments have not been inspected for two or three years, for in 1908 the officials were able to inspect only 162,059 establishments. That the inspection of many of these must have been very cursory indeed requires no further proof than the simple statement that each departmental inspector visits annually, at least once, an average of more than 1,250 establishments. Many of these, to be sure, like many of the establishments that have never been visited at all, are small and of comparatively little importance. But it is certainly not in harmony with the spirit of the law that it be applied only to the larger concerns, and it is hardly probable that the law was strictly observed in the 383,873 establishments not visited at all during the year 1908. For this reason the superior commission, as well as the French section of the International Association for Labor Legislation, has persistently demanded that the force of inspectors be very considerably increased.

For the purposes of the present article, however, the total number of establishments and the total number of laborers employed therein are not as important as the number of nonadult workers in these establishments. In 1908, 270,629, or nearly half of the total number of enumerated establishments, contained only adult male employees; the remaining 275,303 employed women and children, and were therefore subject to the laws of 1892 and 1900. The following table indicates for the past nine years the absolute number and the proportion of the several age and sex groups of these persons:

NUMBER AND PER CENT OF EMPLOYEES IN ESTABLISHMENTS SUBJECT TO INSPECTION BY LABOR INSPECTORS, BY AGE GROUPS AND SEX, 1900 TO 1908.

NUMBER.

Year.	Employees 18 years and over.		Employees under 18 years.		Total employees.
	Male.	Female.	Male.	Female.	
1900	1,719,916	623,565	238,498	220,027	2,802,006
1901	1,716,890	667,835	246,719	234,388	2,865,832
1902	1,747,860	670,413	236,425	233,989	2,888,687
1903	2,216,185	782,291	297,578	254,830	3,550,829
1904	2,293,725	801,037	301,066	266,339	3,662,167
1905	2,363,457	797,483	300,988	264,650	3,726,578
1906	2,462,868	826,689	302,907	271,543	3,864,007
1907	2,564,504	846,313	313,499	275,086	3,999,402
1908	2,586,109	861,079	321,778	279,846	4,048,812

PER CENT.

Employees.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.
Under 18 years:									
Male	8.5	8.6	8.2	8.4	8.2	8.0	7.8	7.8	7.9
Female	7.8	8.2	8.1	7.2	7.3	7.1	7.0	6.9	6.9
18 years and over:									
Male	61.4	59.9	60.5	62.4	62.6	63.4	63.8	64.1	63.9
Female	22.3	23.3	23.2	22.0	21.9	21.5	21.4	21.2	21.3

From this table it appears that the proportion of boys has decreased in nine years from 8.5 per cent of the whole number of laborers to 7.9 per cent, and the girls from 7.8 per cent to 6.9 per cent. There has, however, been a slight increase in the absolute number of boys and girls employed, except in the years 1902 and 1905. These exceptions may be attributed, at least in part, to the law of 1900, which provided that the workday for all persons in establishments employing women and children should be reduced to 10½ hours on April 1, 1902, and to 10 hours on April 1, 1904; employers who were unwilling to reduce the workday of their adult employees to 10 hours, simply discharged the women and children in their employ.

The above figures do not include employees in mines, quarries, and the establishments connected therewith, which are not subject to inspection by the labor inspectors, but by the mining engineers and controllers. These officials have, during the periods since 1901, had charge of the inspection of the establishments and employees indicated in the following table:

NUMBER OF ESTABLISHMENTS, OF EMPLOYEES, AND OF CHILDREN UNDER 18 YEARS OF AGE, SUBJECT TO INSPECTION BY MINING ENGINEERS AND CONTROLLERS, 1901 TO 1908.

Year.	Establishments.	Employees.	Children under 18 years.		Total.
			Overground.	Underground.	
1901	39,743	320,272	8,678	13,706	22,384
1902	39,983	322,057	9,152	13,567	22,719
1903	39,985	327,218	8,547	14,157	22,704
1904	38,555	329,850	9,324	14,278	23,602
1905	38,912	330,796	9,134	14,925	24,059
1906	38,747	339,171	9,826	15,779	25,605
1907	39,166	349,849	10,662	17,122	27,784
1908	39,279	359,408	11,287	18,053	29,340

The reports of the mining engineers are separate from those of the general labor inspectors, and an examination of them will be deferred until the activity of the general service with regard to the enforcement of the labor laws has been discussed.

The first important feature of the law of 1892 was that it raised the age of admission to 13 years, except for children possessing both a certificate of primary studies and a physician's certificate of physical fitness. In practice, the latter certificate is so easily obtained that it is usually a mere formality. As for the certificate of primary studies, the school law of France requires children to attend school as a rule from the sixth to the thirteenth year; they may, however, take an examination to obtain the certificate of primary studies at the age of 11 years, and if they pass they are no longer required to attend school. Children possessing this certificate may go to work in any establish-

ment subject to the law as soon as they are 12 years of age. The following table indicates how many in recent years availed themselves of this privilege:

NUMBER OF CHILDREN BETWEEN 12 AND 13 YEARS OF AGE AT WORK, 1901 TO 1908.

Year.	Boys.	Girls.	Total.
1901	1,041	955	1,996
1902	1,080	1,187	2,267
1903	[a]951	[a]1,213	[a]2,164
1904	1,277	2,179	3,456
1905	1,518	3,745	5,263
1906	1,165	2,547	3,712
1907	1,433	2,689	4,122
1908	2,076	3,772	5,848

[a] Excluding those subject to the law of July 11, 1903.

The increase of over 50 per cent in the number of children under 13 in the year 1904 is largely due to the law of July 11, 1903, which for the first time subjected a large number of commercial establishments, shops, stores, and offices to the provisions of the law of June 12, 1893, concerning hygiene and safety.

The provision that children under 13 years of age must possess the two certificates was intended to give an opportunity to strong children to start work at 12, provided they had satisfactorily completed their elementary education. It was assumed that the physical examination would amount to a careful selective process. But in reality it is nothing of the sort. The certificate of physical fitness is often given by physicians who are not legally qualified to grant it; and in very many cases it is given for the mere asking, and without even taking the trouble to examine the child carefully. In his report for 1901 one of the inspectors relates, as an altogether exceptional occurrence, the refusal of a physician in the department of Haute-Vienne to give a certificate to a 12-year-old child whose parents wanted to send him to work in a paper mill.([a]) The same inspector merely echoes the statements of his colleagues when he says that "the guarantee furnished by a medical certificate is illusory. * * * The parents always succeed in finding a complaisant physician." The superior commission speaks of "the deplorable facility with which most of the physicians designated for this purpose deliver certificates of physical fitness. * * * It seems that the opportunity to have the children examined by any one of a large number of physicians, at the choice of the parents, results in the suppression of all responsibility, and prevents the uniformity of action in this regard that could be had if one physician in each canton or commune were designated for examining children."

[a] Rapports sur l'Application des lois Réglementant le Travail, 1901, pp. xxxvii and 53.

"For several years," said the commission in 1902, "there have been hardly any cases of a refusal to grant certificates to children between 12 and 13 years of age. It is, on the contrary, to be noted that the physicians in charge of the delivery of these certificates regard this function more and more as a simple formality. A few of the reports mention physicians who hesitated at first to grant certificates, but who were ultimately moved by the supplications or the poverty of the parents to deliver them."(a)

In view of the manifest futility of this provision of the law regarding children under 13 years of age, many of the inspectors and the superior commission have suggested its abrogation. "This provision appears all the more useless because another clause of the law of November 2, 1892, permits the inspectors to require a medical certificate concerning any child under 16 years of age engaged at work which seems to exceed its strength. This provision, properly applied, offers a better safeguard than the certificate for children under 13 years; for the latter certificate makes no mention of the kinds of work in which the child may engage without danger to its physical development, whereas the certificate that the inspector may insist upon having must indicate the kinds of work in which the child can safely engage."

Unfortunately, however, this provision, too, has been of little more practical consequence than the first-named one. Occasionally, it is true, inspectors have found weak and sickly looking children at work and have insisted upon a medical examination. But the examination almost invariably results in a more or less laconic statement by the physician that the children are fit to work. Says one inspector, for example:

The medical examination was insisted upon in the cases of 4 children, 1 in a glass factory and 3 in a metallurgical establishment. In all 4 cases the physicians delivered favorable certificates. One of the children, however, looked exceedingly weak, even sickly. But the certificate concerning this child stated: "I have examined the said ———, 14 years of age, and have only discovered slight symptoms of systolic breathing, which place no obstacle in the way of his continuing work." The result of these examinations seems to prove that this provision of the law is applicable only to children absolutely incapable of doing any work at all, in which case the intervention of a physician is not necessary.(b)

Most of the inspectors have had similar experiences and have therefore rarely considered it worth while to ask for a medical examination of the children that seem physically unfit for the work in which they are engaged.

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a Rapports sur l'Application des lois Réglementant le Travail, 1902, p. xxx.

b Idem, 1902, p. 118.

In view of the facility with which the medical certificate is obtained for children under 13 years of age, it is fortunate that only 5,848 such children were, according to the reports of the labor inspectors for 1908, employed in the establishments subject to their supervision,[a] and that their number does not increase. As a general rule, children do not begin work in these establishments until they are 13 years old, the normal age of admission fixed by the law of 1892.

To what extent is this provision of the law violated? The following table indicates the violations discovered by the inspectors during the past nine years and the principal industries concerned:

VIOLATIONS OF THE LAW CONCERNING THE AGE OF ADMISSION, 1900 TO 1908.

Industry.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.
Glass works	223	552	193	142	45	28	47	151	90
Charitable institutions	210	68	49	103	65	31	32	37	2
Brick and tile works	11	49	18	39	150	49	64	51	55
Cardboard and paper mills	18	23	11	10	10	38	17	15	8
Clothing and dressmaking	22	22	51	25	21	16	28	29	26
Rope making	23	20	9	21	14	9	16	7	.....
Hosiery	4	17	11	16	10	9	3	9	18
Printing	14	18	4	18	15	9	17	17	10
Boots and shoes	9	12	4	6	10	19	16	1	6
Wool spinning and combing	22	12	9	6	3	1	5	1	15
Silk weaving	7	12	7	15	5	6	8	13	23
Sugar manufacturing	13	3	21	34	12	9	9	6	13
Network and curtains	7	7	16	31	12	15	41	33	18
Metallurgy	7	6	1	.....	.....	1	7	16	6
Canning fish, fruits, and vegetables	3	3	.....	.....	10	15	.....	.....	5
Other establishments	195	200	217	173	129	179	170	191	175
Total	783	1,019	621	689	511	434	480	577	470

Conspicuous offenders against the provision of the law fixing the age of admission are the owners of glass works and brick manufacturers.

Concerning these two occupations and the reasons why so many children under the legal age are found in them, the annual reports of the inspectors give abundant information.

For the year 1907 the divisional inspector at Lille notes that—

in glass works the persistent employment of children under age must be attributed to the difficulty in finding laborers, the competition of the mines, and the deplorable conditions of labor. Workmen's families, even those which include glass workers, hesitate more and more to send their children to the glass works, where for a meager wage they often have bad examples and difficult and disagreeable work to execute. Whoever visits a manufactory of glass must, he declares, be unfavorably impressed by the appearance of the scantily clad children and their ill-developed but agile bodies, many of which bear the marks of burns on their faces or hands. The glass-making trade, moreover, is a dangerous one, especially for children. Proof of this is furnished by the accidents reported. In 1907, 16 per cent

[a] In mines and quarries there were 171 children between 12 and 13 years of age in 1908. Idem, 1908, p. cvi.

of the boys and 10 per cent of the girls employed in glass works were reported, in conformity with the law of April 9, 1898, as having been injured in the course of their employment.

The employment of children is found desirable, wherever possible, principally because of the low rate of wages paid them. For this reason they are most frequently found in glass works and in brickyards. In other industries, like the manufacture of network, lace, and gauze, employers declare that, in view of the dexterity which these occupations demand, children can not start too early to learn the trade. It should be added that the birth rate in France does not keep pace with the development of industry, and that therefore the supply of child labor in certain regions has become insufficient. Hence the illegal employment of children under age and the importation of foreign-born children.

The number of violations detected every year in glass works, large as it is, falls far short of the reality. To quote upon this point from recent reports of the inspectors:

The increase in the number of children employed under age is considerable. This need occasion no surprise, for this condition of affairs has long existed in the north, and it is our conviction that the numerous infractions discovered by means of the vigilance of the service and special devices to unearth them have not yet revealed the whole truth. The motives that lead employers to prefer child laborers are always the same—above all the desire to obtain cheap labor. The tricks used by a large number of glass manufacturers to conceal the children when the inspectors arrived led us to believe that there had been some improvement and to hope that soon there would be no more children under 13 engaged in the irksome toil of this industry. But such was not the case. On the contrary, the proportion of children between 9 and 12 years of age exceeded 50 per cent in certain establishments, and for a number of years even little girls have been found among the employees. Inasmuch as threats and numerous prosecutions by the inspectors at each of their frequent visits produced no salutary effect, a minute inspection of all the glass works was made in October (in 1901 in the Lille division). Visits in the daytime and at night during the working periods of all the shifts were made by several cooperating inspectors in order to learn the real condition of affairs, with the result that 300 boys and 100 girls under age were found at work. Complaints were filed in every instance, and, inasmuch as the employers had previously been found guilty of the same offense, every case was prosecuted before a lower criminal court (*tribunal correctionnel*). Several interesting condemnations ensued.

With regard to such wholesale violations of the law the superior commission remarks:

There is no use attempting to conceal the gravity of this state of affairs. All that the commission can do is to call attention to this veritable revolt against the law, to note again the necessity of putting an end to practices that are dangerous for the health and development of these young laborers and to express its complete approval of the measures taken to remedy such conditions. It hopes that a considerable increase in the number of labor inspectors in the north, which is

recognized as the center of infractions of this sort, will bring about a prompt change in a state of affairs that can not continue without grave injury to the good reputation of French industry.(a)

In 1906 the divisional inspector at Lyon reported that in the glass works of Rive de Gier 16 children under age were found, 14 of them in possession of work books (*livrets*) which did not belong to them. According to the local inspector who discovered this—

It is useless to point out how much time and how many investigations were necessary to discover these frauds. The children are well coached and lie glibly with regard to their names and the names of their parents. The work books circulate from hand to hand with deplorable facility. We found some that had served consecutively for three children. It may be affirmed without exaggeration that the work book has ceased to be a satisfactory means of control and regulation. It is necessary to change the conditions of its delivery and to take measures to prevent its use by any other child than the one for whom it is intended. At the present time the habit of deceiving the inspectors is spreading rapidly. From Savoy and Ardèche numerous children come to the glass works of Rive de Gier equipped with false age certificates, and we lose valuable time making fruitless investigations with insufficent means of action at our disposal.(b)

In the manufacture of tile and brick almost as many children are found under the legal age, and there is every reason to believe that the number of infractions discovered in these establishments by the inspectors constitutes but a fraction of the number actually committed. Said the divisional inspector at Dijon in his report for 1904 concerning the illegal employment of children in tile works:

The illegal employment of 24 children (9 of which were not yet 10 years old, 5 between 10 and 11, and 10 under 12 years old) was confined almost exclusively to the tile works. In spite of the severity of the inspectors and, one may add, in spite of numerous condemnations already pronounced, the employment of children under age persists like an incurable disease. Children employed as carriers or rollers earn from 1.15 to 1.25 francs (22.2 to 24.1 cents) a day, and most frequently work longer than the law allows. One-third of them can neither read nor write, and attend school only during the dead season and only at very long intervals. The employers who at first gave suppleness and dexterity in handling the tiles as the only reason for employing these young children now allege that it is necessary to have them begin work between the ages of 10 and 12 years, because as soon as they get older they leave the tile works to go to the farms and to other workshops. This appears to be true, and is due to the fact that on farms and in other workshops the children get better wages.(c)

The same abuses are found in the Lille division, where, in 1904, 226 children between 8 and 12 years of age were found at work; the

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[a] Rapports sur l'Application des lois Réglementant le Travail, 1901, p. xxxv.

[b] Idem, 1906, p. xxviii.

[c] Idem, 1904, p. xxii.

preceding year, 354 such children were found, but the divisional inspector, far from concluding that conditions had meanwhile improved, states that the evils will continue as long as the penalties imposed are not more proportionate to the gravity of the offense. In a flax-spinning mill near Lille, frequently visited by the inspectors, nothing abnormal was noted, and the inspector assumed that no children under age were employed in it. But at the beginning of the year 1905 the employment of a little girl 11½ years old was accidentally discovered; and an investigation, made at once with great circumspection, disclosed the presence of 25 children under legal age.

These unfortunates were detained 10 hours a day in combing and dry spinning rooms full of dust, or in rooms where moist flax is spun in an excessively hot and damp atmosphere. After such discoveries, is it surprising that the health of laborers in certain branches of the textile industry does not improve? There can be no doubt that physical overwork in such an environment, begun in the tenderest years of childhood, combined with nourishment that is not substantial and sometimes insufficient, together with other causes, is favorable to the spread of tuberculosis.(a)

The considerable number of violations for which charitable institutions are responsible will occasion some surprise on the part of persons unfamiliar with the numerous instances of cruel exploitation of children discovered in these institutions.(b) There seems to have been good reason for having the law of 1892 specifically include institutions of an eleemosynary character. In 1900 these institutions in 210 cases violated the provision concerning the age of admission, out of a total of 783 cases in all establishments. In 1901, thanks to the vigilance of the inspectors, the number decreased to 68; but soon thereafter it increased again, and in 1903 reached 103. The superior commission at that time remarked that this figure "proves conclusively that the exceptionally strict supervision of these institutions is entirely justified."

The laws concerning these institutions (the number of which has considerably decreased lately) are sufficiently complex to warrant a brief summary. Children under 13 years of age in such institutions may work not more than 3 hours a day, provided their labor possesses the character of training for a trade. They must also receive the equivalent of a primary school training and are in this respect subject to the school law of 1882. Children between the ages of 13 and 18 years, as well as female persons over 18 employed therein, are subject to the law of 1892, precisely as in any industrial establishment. This law requires also that the conditions of employment be

[a] Rapports sur l'Application des lois Réglementant le Travail, 1905, p. xxiii.

[b] This subject is discussed by Dr. H. Thulié in a book entitled "La Charité Criminelle." Paris, 1905.

posted, including the hours of work, the rest periods, and the times for study and for meals. The heads of charitable institutions in which such persons work must furthermore send a complete and correct list of inmates to the labor inspector every three months.

A large percentage of the inmates of orphanages and other charitable establishments are under 13 years of age.(a) The provision permitting these children to be employed at work for not more than three hours a day, provided the work is of an educational character, is not interpreted to mean that the products must not be sold; and, as a matter of fact, most of them are sold or produced on behalf of contractors or dealers. Several inspectors report that they encounter considerable difficulty in gaining access to the workrooms of these establishments, and that when conducted to them by the persons in charge, after all manner of delays, they are sometimes led through circuitous ways of approach.

Other inspectors, to be sure, report that they are well received, and allowed to enter the workrooms at once. But one of those who reported thus in 1902 had occasion to add that when he arrived 3 boys under 13 years of age were concealed in a cellar. The inspector at Chartres reported that many of the children under 13 years of age are employed at work that has nothing to do with their training, and that he was admitted to the workrooms only after waiting for some time in the parlor.

In one such establishment I waited 20 minutes in the parlor before the portress concluded to open the double and triple gates that confine the poor children as in a cloister. Meanwhile there was an infernal noise of little girls moving chairs about and descending staircases * * *; when this noise ceased the doors were opened for me * * *. There is no doubt that the little girls had been sent into the garden before I was admitted to the workrooms.(b)

In 1901 a charitable institution near Vichy refused to admit the inspector, on the ground that no "industrial" work was done therein, and the courts upheld the directors of the institution after hearing the testimony of witnesses called by the defendants.(c) To enter such establishments at night, moreover, is practically impossible, according to a number of inspectors, because of bolted and locked doors, and the removal at night of doorbells, knockers, and other means of attracting the attention of the doorkeepers.(d) In 1902 an inspector was told by the head of a religious institution at Villefranche-de-Rouergue that there was no orphanage and no workroom connected with the estab-

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[a] In 1908 these institutions subject to the law numbered 1,207 and contained 17,183 children under 13 and 19,556 between 13 and 18 years of age, a total of 36,739 minors under 18, of which 32,833 were girls.

[b] Rapports sur l'Application des lois Réglementant le Travail, 1902, p. 160.

[c] Idem, 1901, pp. 53, 78.

[d] Idem, 1901, p. 306.

lishment, but an investigation disclosed a workroom in which little girls were working, 13 of them employed illegally. Similar establishments at Limoges, which in 1899 gave rise to 13 prosecutions concerning 130 violations of the law, were prosecuted during the succeeding year for 195 contraventions of the following character: Employment of children under 13 years of age solely for profit, 53; overwork for children under 13 years of age, 40; overwork for children under 18 years of age, 32; for working on the 14th of July, a national holiday, 42; missing work books and registers, 23; failure to post up the law, 4; placing obstacles in the way of the inspector, 1.(a)

Says an inspector in the third circuit:

Four times I visited an establishment called The Good Shepherd, and each time I was led to the workrooms through so many halls and doors, and by such different ways, that at the present moment I would not know how to get to them directly.(b)

And an inspector in the fifth circuit reports:

Behind the walls of these charitable and religious institutions, whose doors are hermetically closed, the workrooms are far in the rear, and the doorbells removed at night. How can there be any "presumption" (such as the courts require) that work is being done inside? These institutions can do what they please at night, and a visit during the daytime * * * does not enable the inspector to discover exactly what takes place.(c)

The most redoubtable adversary of the inspectors is certainly electricity, in the shape of telephones and electric bells. It is used not only in orphanages, but also in certain industrial establishments. In religious establishments electric bells take the place of the old doorbell which warned all the inmates of the arrival of an inspector. Hence he is no longer required to wait at the door or in the parlor; but no matter how quickly he hurries to the workrooms, an electric bell gives the warning before he reaches them, and it is very exceptional for him to discover contraventions of the law. Moreover, the working women and children are advised to answer the questions of the inspectors evasively.(d)

Very frequently the children are found working on legal holidays in these institutions, and at times even on religious holidays, such as Easter Monday, in violation of the law.(e)

Charitable institutions are required by the school laws to give their wards an education at least equivalent to that provided by the public primary schools. In practice, however, this requirement is often ignored.

The inspectors of the tenth circuit visited 123 orphanages in 1901, containing 2,511 children between 13 and 18 years of age, and not one of the children had a certificate of primary studies.

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[a] Rapports sur l'Application des lois Réglementant le Travail, 1900, p. 85.
[b] Idem, 1904, p. 67.
[c] Idem, 1904, p. 192.
[d] Idem, 1904, p. 165.
[e] Idem, 1903, p. 235, and 1902, p. 59.

This fact shows clearly that primary instruction is neglected in all of these institutions.(a)

Primary instruction is given, but not with the desire to have the children profit by it. Several directresses declared to me that "the girls will know enough, anyway, to do what is required of them when they leave the establishment."(b)

Primary instruction is provided, but the time devoted to it sometimes does not exceed 4 hours a day, whereas in the public schools 6 hours are usually given.(c)

It was found that although (in the seventh circuit) the time devoted to instruction seems normal, the instruction itself is often insufficient and given under deplorable conditions. The inspector at Brest found the children in one of the largest orphanages in his district writing their exercises on old shreds of paper from all conceivable sources—laundry bills, order blanks, printed reports from the barracks of the town, etc. The books provided for the children were in a pitiable condition. To justify these unhappy expedients, the need of economy was urged.(d)

Yet the children usually receive no pay for their labor, and the institutions sometimes refuse to relieve parents of the care of their children unless they are allowed to work 8 to 10 hours a day.(e) In a charitable institution in the Haut-Rhin district the written exercises of the girls during six months amounted to 15 pages in their copy books.(f) In an orphanage in the sixth circuit an inspector found 5 little girls between 12 and 13 years of age washing linen. He was told by the directress that this work was assigned to them to give them exercise and to promote their physical development.(g) In another similar institution 11 children, aged 8, 9, and 10 years, were required to work from 5 to 7 hours a day.(h) The White Sisters, at La Rochelle, let the children in their charge work in cold rooms, heated only during the coldest weeks of the winter, and then by means of large pans of burning coals.(i) In the same region the directress of an establishment named The Child Jesus was sentenced to pay three fines for the illegal employment of children under 13 years of age.(i) In another charitable institution, although the working schedule showed that girls worked 11 hours a day, not counting the periods of rest, and that some of the girls were at work even at the times indicated by the schedule as resting periods, the directress was acquitted.(j)

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a Rapports sur l'Application des lois Réglementant le Travail, 1901, p. 400.
b Idem, 1902, p. 206.
c Idem, 1900, p. 123.
d Idem, 1904, p. 165.
e Idem, 1906, p. 204
f Idem, 1903, p. 56.
g Idem, p. 102.
h Idem, p. 131.
i Idem, 1900, p. 346.
j Idem, p. 476.

In 1902 an orphanage near Châteauroux kept little girls between 12 and 13 years of age at work longer than the 3 hours permitted by law, and the persons in charge of it were found guilty and fined; in 1903, less than a year later, 4 little girls were again found working longer than the law allows, 3 of whom had been found doing the same thing the year before. Whereupon the lower criminal court imposed the same fine as for the previous offense, 5 francs (96.5 cents) for each child. "This mild punishment," says the inspector, "is not apt to discourage the exploitation of childhood, for the illegal employment of a child for one year is certainly worth more than 5 francs."(a)

In view of the vigilance and ruses which the inspectors must occasionally employ in order to discover violations of the law, and the number of violations that probably escape detection, such penalties seem altogether inadequate. Not only in charitable institutions, but particularly in commercial and industrial establishments, the devices employed to prevent the detection of the employment of children under age are as numerous as they are ingenious. Time and again the inspectors learn of the presence of such children in mills, and particularly in glass works, only when accidents happen to them and must be reported to the authorities, who institute an investigation that frequently reveals the correct age of the children.

The complicity of parents, moreover, is in some cases shocking. Sometimes it is attributable to the desire for the small wage the children earn; sometimes peculiar conditions of employment are responsible. In his report for 1900 one inspector remarks:

We call attention to the complicity of parents, especially when they are employed in glass works and are paid by the piece. They have every interest in encouraging the employment of their own children or of young relatives, for if there are not enough children the output is diminished and adult laborers are the first to suffer. Such infractions of the law, moreover, are difficult to detect, for the work places have several outlets that permit the children to leave hastily. By watching the furnaces that are in operation it is, of course, easy to note how many carriers are missing, but as they do not return it is impossible to file a complaint. Sometimes it is necessary to send two or three inspectors in order to discover the actual facts.(b)

Says the superior commission in its report for 1903:

The inspectors' visits are not always frequent enough to enable them to discover the illegal employment of children under 13 years of age. Often their employment is known only by means of complaints sent to the inspectors by outside persons. * * * In the Vosges region the labor inspector first examines the school records, and by this means is able to unearth a certain number of children under age employed in his district. * * * The divisional inspector

a Rapports sur l'Application des lois Réglementant le Travail, 1903, p. 30.
b Idem, 1900, p. xxxvi.

at Lille considers that "in view of the ingenious methods employed to prevent the inspector from discovering children when he visits an establishment—methods that are being improved upon from day to day—it is impossible to state even approximately how many are really employed before they have attained the requisite age." There is reason to believe that the service is still far from having learned the whole truth. * * * In one case an electric bell warned employees of the arrival of the inspectors; the children disappeared by means of a trapdoor and were stowed away in a cellar under the furnace. A premium was paid them for passing rapidly through this door, and stimulated their zeal and their agility. As a consequence it was very difficult, not to say impossible, to enter the establishment suddenly enough to catch them.[a]

It has already been noted that as a means of facilitating the work of the inspectors, the law of 1892 (like that of 1874) requires children under 18 years of age to carry a work book (*livret*) indicating the full name and age of the bearer, his place of birth and residence, and similar data concerning the child's parents or guardian. Nor is this all. Employers are required to keep a register of all such children in their employ, and the employment of a child having no work book constitutes a violation of the law. To facilitate compliance with the requirement of a work book, the law provides that the mayors of all communes shall furnish this document free of charge to parents or guardians requesting it. One of the chief functions of the mayor is to act as custodian of the records of births, deaths, and marriages, which in France, as in most European countries, must be made a matter of public record. The mayor of the commune in which the child is domiciled is the competent authority to issue the work book; if the child was not born in the commune in which he or she works, the mayor of the domiciliar commune sends to the mayor of the commune in which the child was born for the information necessary to prepare the work book. If the child in question is not 13 years old the work book must also state whether he possesses a certificate of primary studies.

So much for this provision of the law, which is being better observed from year to year, as the following table shows:

PER CENT OF CHILDREN POSSESSING THE REQUISITE WORK BOOK FOR THE YEARS 1900 TO 1908, BY CIRCUITS.

Circuit.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.
Paris	90.6	91.5	92.3	93.3	96.6	94.6	94.0	94.6	94.6
Limoges	86.0	92.2	91.0	94.6	94.2	95.9	96.6	97.6	96.3
Dijon	95.0	86.2	96.0	95.5	95.4	96.0	95.8	97.0	97.4
Nancy	96.0	96.7	96.6	96.3	98.2	98.8	98.8	92.7	96.3
Lille	93.0	97.6	97.2	98.0	98.7	98.7	98.9	99.0	99.0
Rouen	95.0	94.5	95.5	93.8	94.4	94.8	96.2	95.8	96.7
Nantes	84.0	77.0	93.3	91.4	92.0	92.4	94.3	95.3	95.8
Bordeaux	81.0	79.6	77.5	93.7	92.7	92.3	93.9	94.5	95.8
Toulouse	89.3	88.0	92.1	91.2	92.1	93.1	95.7	95.3	94.8
Marseille	97.9	97.1	96.3	96.3	98.1	98.1	98.0	98.3	97.2
Lyon	98.0	97.2	97.3	99.3	98.1	97.6	98.0	98.3	97.6

[a] Rapports sur l'Application des lois Réglementant le Travail, 1903, p. xxiv.

The total number of violations of the provisions concerning work books and concerning registers required of employers during the past nine years were:

1900	2,264	1905	2,744
1901	3,164	1906	2,541
1902	2,246	1907	2,199
1903	2,568	1908	2,266
1904	2,239		

Considering the increase since 1900 in the number of laborers under 18 years of age subject to the law of 1892, and assuming that the service of inspection is at least as well performed now as then, the above figures indicate a certain degree of improvement.

Unfortunately, however, all manner of frauds and subterfuges are resorted to in connection with the work books, and the mayors in delivering them sometimes exhibit almost criminal carelessness in neglecting to investigate the truth of statements made with regard to children.(a) In 1907, the superior commission, looking back over the experience of several years with regard to the provisions of the law regarding work books and registers, declared:

The same irregularities occur again and again in spite of the repeated instructions given by the inspectors. Sometimes the mayors deliver work books to children under 13 years of age who have no certificate of primary studies, and without requiring the presentation of a certificate of physical fitness; sometimes the work books signed by the mayor are not filled out, but given in blank to the parents or even to employers, who fill them out to suit themselves; sometimes the mayors, in spite of the terms of the law, ask to be paid for the work books they deliver, or refuse to grant them at public expense; sometimes, finally, the work books contain false data concerning the age of the children.(b)

At times it happens that several work books are obtained for the same child, a possibility which gives rise to curious abuses, one of which is reported by the inspector at Valenciennes.

Several times it was learned that children under 18 years of age, victims of a slight accident, stay away for a certain number of days from the mill in which the accident took place; but a day or two later, armed with a new work book, they take work elsewhere until completely cured, thus receiving half a wage from one employer and a whole wage from the other. Then, according to whether or not they like the new job, they decide whether or not to go back to the first one.(c)

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[a] In the Lille circuit a mayor deliberately changed the records concerning the date of birth of children, and a mayor's secretary was fined 100 francs ($19.30) for altering work books by modifying the date of birth, so as to make the bearers appear older than they were.

[b] Rapports sur l'Application des lois Réglementant le Travail, 1907, p. lxi.

[c] Idem, 1907, p. lxii.

Another equally reprehensible practice is that by which some smaller establishments ask for a child's work book only after one or two months of trial employment.

The owners of glass works sometimes keep the work books of children leaving their employ, and subsequently exhibit them to the inspectors as belonging to other children, generally children under 13 years of age.(a) To remedy this evil, an inspector requested the mayor to investigate whether each child asking for a work book had already received one, and in this case to ask him to get a certificate from his last employer to the effect that the work book had been returned. Since then, the inspector reports, books are more frequently solicited by the children and returned by the employers.

Says the divisional inspector at Lille, concerning frauds with regard to work books:

> Several processes are employed. The most usual one consists in delivering work books to children between 10 and 12 years old bearing their correct date of birth, and the parties concerned scratch out the date and substitute another. In other cases a duplicate birth certificate is delivered to persons bearing the same family name as younger relatives, and then transferred to the latter to be used as their own. Sometimes the old style work book is delivered, which merely states that the bearer is over 13 years old, without indicating the date of birth. Frauds of this sort have been committed by the hundreds in this region, and in spite of the minute investigations that have been made it is not always possible to punish the guilty parties.(b)

Probably the most serious abuses in connection with the requirement of a work book arise in the case of foreign-born children, particularly those of Italian birth. The immigration of large numbers of Italian children under the direction of persons who contract with French employers for their services has in some instances acquired the proportions of a veritable traffic.(c) Many of these strangers are under 13 years of age.(d) Some of them pretend to have no proofs of their age; others submit foreign documents of doubtful relevancy and still more doubtful authenticity; and still others are provided with work books purchased or stolen from other children.

A ministerial circular, under date of April 20, 1899, concerning the delivery of work books to foreign-born children requires that the identity of such children be established by means of papers approved and countersigned by the consul of the nation to which they belong.

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a Rapports sur l'Application des lois Réglementant le Travail, 1901, p. lxxv.

b Idem, 1903, p. lxii.

c This evil is the subject of a well-known novel by Edouard Rod, entitled "Le Vainqueur."

d Italians constitute the most numerous element of the foreign-born population of France. In 1901 there were 330,465 of them, or 32.3 per cent of the total foreign-born population, and 19.61 per cent were under 15 years of age.

But this measure has not put a stop to the abuses practiced. The children obtain the birth certificates of friends or relatives, usually persons older than themselves, and present them as their own.

"We had great difficulty," says the inspector at Marseille in his report for 1901, "in a bottle-glass works in establishing the identity of foreign-born children. Nevertheless, after a minute inquiry we learned that 4 Italians under 18 years of age gave their employer work books bearing the names of much older children who had left that region. Thus 1 child 11 years old had a book whose real owner was 16 years of age * * *. The investigation which we undertook after the discovery of these frauds disclosed the presence near Marseille of several recruiters of Italian children for glass works, chimney sweeps, and bootblacks. These recruiters, after providing the glass works of Marseille with children, send the rest of them to the glass works of Lyon, to the Loire region, and to the neighborhood of Paris. It appears that they purchase the labor of these children for 100 francs ($19.30) a year, which sum they do not even pay to the family, but always pretend lack of work and the child's illness. The food given the children is neither nourishing nor sufficient."(a)

In 1907 the divisional inspector at Paris reported the organized theft of work books from the mayor's office and the discovery of the stolen work books in the hands of a dozen Italians who pretended to be over 13 years old, but several of whom were under 10. An investigation proved that the stolen books had been sold by an Italian at a price of 7 to 8 francs ($1.35 to $1.54) each. "Where," exclaims the inspector, "will the inventive genius of these malefactors stop? All possible means are used to exploit the children; after the substitution of names, the falsification of dates, and the commerce in work books at the frontier, the padrones now resort to stealing them from the mayors' offices."(b)

A treaty between France and Italy signed at Rome on April 15, 1904, provided that steps be taken by the Governments of the contracting nations to prevent errors and false declarations, to decide upon the papers to be presented to the Italian consuls by Italians working in France, and also to determine the form of a certificate to be furnished by these consuls before an Italian child may receive a work book. In fulfillment of this treaty, agreements were made under date of January 20 and June 9, 1906, which seem to have already resulted in abolishing some of the previous abuses.

Equal in importance to the provisions of the law of 1892 concerning the age of admission of children to industrial labor are the provisions

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[a] Rapports sur l'Application des lois Réglementant le Travail, 1901, p. lxxvii.
[b] Idem, 1907, p. 5.

concerning the duration of the workday for those whose employment is permitted. It is upon this point that the laws of 1892 and of 1900, like the law of 1874, provoked most criticism and the greatest number of difficulties. In the law of March 30, 1900, declares one author, "there is not a single provision that has not given rise to difficulties,"[a] although that law was passed to remove the difficulties which stood in the way of applying the law of 1892, which it modified. It has already been pointed out (p. 158) that the law of 1892 established (in connection with that of 1848) four different régimes with regard to the duration of the workday—for children under 16, 10 hours a day; for children between 16 and 18 years of age, 60 hours per week, but not more than 11 in any single day; for female persons over 18 years of age, 11 hours; and for adult males, 12 hours a day. Practically, however, as a modus vivendi, an 11-hour workday was adopted in establishments employing women and children as well as adult males, until M. Millerand became minister of commerce and insisted that the law be strictly applied. Whereupon the general recognition of the fact that in many industrial establishments the workday must necessarily be the same for all employees alike led to the adoption of the law of 1900, which by steps introduced the uniform 10-hour workday in all so-called "mixed" establishments—that is to say in those employing women and children as well as adult males—and required that all the employees therein begin work simultaneously, stop work simultaneously, and have their intervals of rest simultaneously.

The law of 1892, like that of 1874, gave rise to a chorus of protestations from many of the employers affected; and certain eminent economists prophesied the approaching ruin of French national industry. Some employers refused to reduce the day of labor for children to 10 hours. Others, on the ground that a decrease in the hours of work necessarily involved a decrease in productivity, attempted to reduce wages proportionately. Hence a recrudescence of strikes, which made such an impression on the authorities that they permitted women and children to work 11 hours, until the advent of M. Millerand. With regard to the effect of the law upon industrial conditions, the reports of the superior commission of labor for 1898 and 1899 are particularly convincing. "The speeding-up of the machines," declared the divisional inspector at Lyon in 1898, "less loss of time, more genuine periods of rest, have kept the productivity of the establishments not only from diminishing or remaining stationary, but even led to a steady increase."[b]

[a] Jacquier: La Limitation Légale de la Journée de Travail en France, p. 79. Paris, 1902.

[b] Bulletin de l'Office du Travail, 1898, p. 30.

Similar protestations and identical prophesies were uttered when the law of 1900 went partly into effect in 1902, and fully in 1904. To be sure, the two steps toward a 10-hour workday for mixed establishments were not taken without some difficulties nor without troublesome readjustments. The change occasioned numerous strikes in 1900, 1902, and 1904, some of which were serious, especially in the textile industry. According to the report of the superior commission for 1903 the new provisions affected about 80,000 establishments, causing 30 strikes in 532 establishments in 1900 and 22 strikes in 54 establishments in 1902. A number of employers, especially those having small and medium-sized plants, discharged their child laborers in order to escape subjection to the law. Others, especially in Paris, simply violated the law, when orders were numerous and urgent, and paid the penalties.

Upon the various and rather complex problems raised by the law of 1900, the annual reports of the inspectors and of the superior commission furnish interesting and detailed information. From these reports, therefore, the following paragraphs concerning the duration of the workday, particularly as regards laborers under 18 years of age, are taken:

It may be said that as a general rule the duration of the workday tends to vary inversely with the number of persons employed; hence excessively long hours of work are usual in the very establishments which it is most difficult for the inspectors to supervise. Rather than reduce the workday to the legal limit some employers have preferred to discharge the employees whose presence in the work places would compel them to reduce the workday to 11 hours.[a]

Therefore many establishments in which only a few women and children were employed in addition to a considerable number of adult males discharged the former in order that the latter might legally continue to work 12 hours a day. Thus, for example, the inspector at the head of the seventh circuit reports that—

Several tanneries employing 3 or 4 children in a force of 90 or 100 laborers preferred to send the children away in order to retain the workday of 12 hours for the adults. The same is true for outdoor industries, such as the building trades, which work hardly 8 hours a day during the bad season and want to make up for this by working 12 hours in summer; it is for this reason that young laborers are more and more rare in this trade.

Nevertheless, according to the superior commission, these unfortunate measures seem far from being general; and the inspector at Marseille states:

We have not noted that, in order to escape the new obligations concerning employees in mixed work places, the employers have dismissed the women and children. Employers who hire children and

[a] Rapports sur l'Application des lois Réglementant le Travail, 1900, p. xliv.

women have their own interest in view, and one may rest assured that as long as the employment of these persons is economical, employers will not dispense with their services. We are persuaded, moreover, that in all mills and workshops in which women and children are indispensable, and where the increasing demand for their services is intimately related to the cost of producing the manufactured article, no protective law will eliminate them; for these industries would surely disappear if the wages of men had to be paid instead of those of women and children.(a)

Particularly in small workshops having no mechanical motor, the general dismissal of children is much more to be expected, because the owners of such shops are entirely beyond all legal regulation with regard to hours of work whenever they employ only adult male laborers.

As for the effect of a shorter workday on the output, many of the inspectors reported in 1900 that stricter discipline in the factories prevented productivity from decreasing. Smoking during working hours was forbidden; employees were not allowed to change clothes until the time to stop work; and they were required to report more punctually when work begins. Many employers state frankly that the twelfth hour had been of practically no use. In those industries, however, in which the workman simply supervises a machine, and the output is determined by the time the machines run, a decrease in the workday necessarily involves a corresponding curtailment in the product.

It should be noted that during the period between 1900 and 1902 the maximum workday for children was fixed at 11 hours, and between 1902 and 1904 at 10½ hours, whereas before the law of 1900 was passed it was only 10 hours (according to the law of 1892). Hence a temporary step backward was taken during these four years, so far as the children were concerned; this was done partly in order to obtain an advantage for adult laborers, and partly in order to inaugurate a régime that would render possible a more efficient enforcement of the law by the inspectors.

There are manifestly certain industries the nature of which is such that while some of the workers are resting others must be allowed to take their places. The same is true of the work of firemen and engineers in establishments where there are steam engines, no matter what the product may be. For such industries and such occupations, it has already been stated, exceptions are allowed and the work may be attended to continuously by means of relays. But the administrative authorities have endeavored to counterbalance the granting of such exceptional privileges by the imposition of certain compensatory restrictions, regarding such matters as the periods of rest and the total duration of work for each relay of workers.

(a) Rapports sur l'Application des lois Réglementant le Travail, 1900, p. xliv.

The following table indicates the number of violations during the past eight years of the provisions concerning the duration of work, and the principal industries concerned:

VIOLATIONS OF THE LAW CONCERNING DURATION OF WORK FOR WOMEN AND CHILDREN, 1901 TO 1908, BY PRINCIPAL INDUSTRIES.

Principal industry.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.
Spinning hemp, flax, tow, and jute.	1,106	259	1,261	132	777	592	377	119
Dressmaking	856	940	1,027	1,382	1,455	1,314	722	732
Spinning and combing wool	366	180	227	106	55	108	204	[a] 199
Network and curtains	422	13	81	115	44	2	58	110
Cotton spinning and combing	353	112	709	76	125	5	158	[b] 284
Sawmills	40	16	27	107	23	15	9	58
Weaving silk	313	95	162	213	109	254	11	56
Dye works	135	81	78	179	93	134	110	374
Laundering	191	193	296	527	404	382	262	
Weaving woolen cloth	130	97	133	213	12	31	126	[c]
Confectioneries	191	12	8	215	4	37	50	[d] 175
Machine shops	90	19	18	67	93	94	35	97
Cotton weaving	76	291	406	87	439	295	44	[e]
Printing	55	134	203	151	264	96	135	173
Paper mills	19	80	56	181	91	40	82	55
Other industries	229	676	1,429	1,606	1,429	1,018	936	412
Total	4,572	3,198	6,121	5,357	5,417	4,417	3,319	2,844

[a] Including weaving woolen cloth.
[b] Including cotton weaving.
[c] Included in spinning and combing wool.
[d] Including bakeries and certain other establishments.
[e] Included in cotton spinning and combing.

A glance at this table is sufficient to show that it is of very little help in attempting to gauge the actual number of violations in different industries. For it is manifestly absurd to believe that such abrupt jumps and drops are possible from one year to another as we find, for example, from 1901 to 1904 in spinning hemp, etc., or from 1901 to 1906 in the manufacture of network and curtains, and in cotton spinning; or between 1901 and 1903 in the manufacture of confectionery. As a matter of fact, these otherwise incomprehensible fluctuations are due largely to the varying activity of the inspectors. It has already been stated that the inspectors each year visit approximately only 27 per cent of the establishments subject to the law. In one year they may visit a large number of dressmaking establishments; in the next year perhaps their attention is accidentally or intentionally more largely directed to textile factories.

If we consider, instead of the several industries, the total number of violations from year to year, it is almost as unwarranted to draw conclusions with regard to the actual degree of observance of the law. From 1905 to 1908, for instance, there appears to have taken place a steady and remarkable decline in the number of infractions of the provisions regarding the maximum workday. A decline of 1,000 or more per year in the number of such offenses, if indicative of the actual and general state of affairs, would be a very good sign indeed. But can the figures be so interpreted?

"Must we suppose," the superior commission asks in its report for 1906, "that the decrease of a thousand in the number of violations of the provision regarding the length of the workday for children * * * is imputable to a better observance of the law? There is nothing to justify such a conclusion, especially in view of the decisions of the court of appeals (*cour de cassation*), which have made the task of the inspectors so difficult in this respect. * * * The decrease must be attributed solely to the work that devolves upon the inspectors in assuring the application of laws that are more and more numerous and difficult to apply, particularly that of July 13, 1906 (on weekly rest), which during the second half of the past year engrossed the entire activity of the service. Given the conditions that now prevail, the application of such future laws as Parliament may intrust to the labor inspectors will only be assured (unless the service is increased in proportion to the new obligations that are imposed upon it) by the neglect of those already enacted." (a)

But as there was a further notable decrease in 1907 the superior commission felt called upon to refer in these terms to the subject in its report concerning that year:

It would be rash to affirm that this considerable diminution in the number of detected offenses is due solely to better compliance with the laws. Although increasing watchfulness and public opinion may have caused some decrease in the number of infractions, this certainly can not have been on so large a scale. Nothing sanctions such a supposition, especially in view of the increasing difficulties which the inspectors encounter in detecting the actual facts concerning the duration of work. * * * It should be noted, finally, that the laborers themselves, now more familiar with the details of the labor laws, have sometimes refused to carry on work under illegal conditions. (b)

It does not fall within the scope of the present study to discuss many difficult problems which have resulted from the provision that in mixed establishments adult workers must not work longer than children, i. e., 10 hours a day, particularly the much-mooted question of the general effect of this provision on productivity, and the court decisions which have made it possible to escape the 10-hour limit by having the adult laborers work in rooms separated from those in which children are employed, or even by merely separating the former from the latter by a partition or a curtain, on one side of which the workday may legally last 12 hours and on the other side only 10 hours.

The law of 1892 did not make the 10-hour maximum workday obligatory in all establishments. It provided that in certain industries, enumerated by subsequent decrees, the inspectors may suspend this provision temporarily. In thus arranging for exceptions to the

a Rapports sur l'Application des lois Réglementant le Travail, 1906, p. xli.
b Idem, 1907, p. xlvii.

general principle enunciated by the law, the legislature appears to have had fish canning primarily in mind, and particularly the sardine-canning industry. "This work," as M. Waddington explained to the Chamber of Deputies, "begins with the return of the boats and continues until the sardines are removed. Whenever there has been a big catch—which, unfortunately, is not often enough—this process takes longer than the 10 hours fixed by the law as a maximum workday for women and children. We have therefore been obliged, in order to avoid violations of the law in this particular case, to permit a modification of the maximum limit." The legislature also had in mind fruit and vegetable canning, and the perfume distillers of the Alpes-Maritimes where the sorting of the flowers at the time the orange blossoms, roses, and jessamines are plucked is done by young women and children, and it is claimed that this work must be done immediately in order to prevent deterioration. But the law, instead of enumerating such apparently imperative exceptions, left them to be determined by the administrative decrees to which reference was made in the preceding section of this study. Neither these decrees nor the law itself placed any limits upon the extent to which the workday in these privileged industries might be lengthened by the divisional inspectors; but ministerial circulars and instructions provide that it must not exceed 12 hours, and that the number of days upon which the privilege is exercised must not exceed 60 days in a year, for most of the excepted industries, or 90 days for masons, roofers, brickmakers, and tile makers working in the open air.

The following table shows to what extent the divisional inspectors granted these exceptional privileges during the years 1900 to 1908:

NUMBER OF WORKDAYS IN WHICH A LEGAL EXTENSION OF HOURS WAS GRANTED EACH CLASS OF EMPLOYEES, 1900 TO 1908.

Year.	Establishments.	Days for which an extension of the workday was granted.		
		For children under 18 years.	For females over 18 years.	For adults under the law of 1900.
1900	1,912	505,656	1,450,311	490,699
1901	1,917	482,190	1,410,484	985,110
1902	3,611	841,695	2,111,943	2,050,357
1903	4,451	966,600	2,376,340	2,647,874
1904	6,209	1,399,388	3,491,651	3,891,053
1905	6,284	1,785,222	4,234,293	4,368,893
1906	7,053	1,585,052	3,955,377	4,448,737
1907	6,826	1,522,502	3,743,393	4,435,592
1908	6,352	1,429,747	3,392,165	3,964,693

To understand these figures it must be borne in mind that the "total number of days" is obtained by multiplying the number of laborers concerned by the number of days for which an extension of the workday was permitted. Thus a permission to have 500 children work overtime a single day is counted as 500 days in the above totals.

The industries making the largest use of the privilege of lengthening the workday beyond 10 hours are practically the same each year. Hence only the industries and the number of instances of workday extension for 1908 are given, and are as follows:

Laundries	1,076
Clothing for women and children	801
Open-air brick manufactures	776
Building trades	510
Weaving cloth for wearing apparel	303
Canning fruit, fish, and vegetables	354
Printing	353
Men's clothing	265
Shoemaking	232
Hatmaking	217

It is, of course, natural that many industries not enumerated in the list of those for which an extension of the workday may be granted have made persistent efforts to be included in this list; and it must be admitted that in many instances the petitioners for this privilege are able to make out quite as good a case as the industries already included. It is none the less evident, however, that the legislature intended this privilege to be an exceptional one, and that its extension to a large number of trades would be tantamount to a partial or nearly complete abrogation of the legal provision for a maximum of 10 hours' work per day.

Indeed, it may well be asked whether children 12 or 13 years of age are as a rule capable of sustaining 10 hours of work per day without serious harm to their development. The French law, to be sure, provides that the inspectors may require a medical examination to be made of any child under 16 years of age whose physical condition does not seem to warrant employment at the labor in which such a child is engaged; and, if the child be found unfit for such work, the inspector may require that he be dismissed or given such other work as he may perform without harm. But this provision of the law, as has been pointed out, is of little or no practical significance. The question whether children 12 or 13 years old should be allowed to work 10 hours a day as a general rule is therefore an appropriate one, and has been discussed at some length by the French section of the International Association for Labor Legislation. In a report made to the French section upon this subject, M. Martin Saint-Léon in 1903 had collected the opinions of a number of prominent French physicians with regard to the physiological effects of child labor. It may not be out of place to quote a few of the typical answers received.

I do not hesitate to reply that 10 full hours of work required of a child 13 or 14 years old is a physiological blunder. These children need half a ration of work and a double ration of food. At 14 years

a child can hardly sustain 8 hours of work, to say nothing of 10 hours.(a)

It is criminal to condemn a child of 12 to 15 years of age to daily work in a mill or factory. For a boy or a girl all manual labor in a closed space, prolonged for several hours, presents dangers to his or her physical health, and must injure bodily development. Children should not work in closed rooms. They need air and freedom in their movements and in their play, because play and the muscular expenditure which it occasions are physiological necessities as indispensable to the life of the child as pure air, abundant and varied food, and prolonged sleep. The child needs its share of play as well as its share of joy. The gloom of the mill is a source of death as surely as hunger.(b)

I believe it is in general excessive to require a child 12 or 13 years old to work 10 hours a day. But when it becomes necessary to state exactly the number of hours a child of that age may work it is apparent that any limit would be arbitrary and impossible for children of 12 to 13 years, all of whom do not possess the same strength, nor the same powers of resistance, nor the same degree of physical development. Again, the work they are called upon to perform is not always the same. In certain industries it requires only a small amount of exertion; in others it overtaxes their strength. Some mills are healthful; others are not.(c)

It seems to me probable that if hygienists and the physicians who make a specialty of the physical development of children had been consulted the legal duration of the workday in mills and in more or less hygienic establishments would have been reduced. It seems to me that the question should be examined according to industries—some of which are more difficult than others, and more or less healthful—and according to the seasons of the year. In winter there are not more than 10 hours of daylight, and it is truly unfortunate that children are sequestrated for so long a period. It is true, as I pointed out in my report to the committee on depopulation, * * * that at the age of 10 to 14 years mortality is lowest in all the countries of Europe. But this period, during which life seems to be most tenacious because of the activity of the nutritive process, is also the period of puberty and of the termination of the development of the skeleton and organs. Hinder this physiological development by means of sequestration and premature overwork and you are preparing the soil, as it were, for the rapid growth of all morbid germs, and especially for tuberculosis. It seems to me, therefore, indispensable to lower by several hours a day the amount of industrial labor now fixed for children, no matter what may be the nature of the industry in which they are employed.(d)

At the age of 12 years human beings enter upon one of the most difficult periods of life, from the physical and moral points of view—the period of adolescence, which requires several years before its com-

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[a] Professor Grancher, of the University of Paris and the Academy of Medicine.

[b] Dr. Maurice Letulle, a staff physician of the Paris public hospitals.

[c] Professor Hutinel, of the University of Paris, in charge of the "Hospice des Enfants assistés."

[d] Doctor Variot, expert of the committee on depopulation.

plete termination, that is to say, until the age of 16 to 18 years for some persons and later for a larger number. During this whole period the organism has to bear the cost of a complex and intense transformation, and it is doubly imperative to ensure the integrity of the several organs and their functions. Hence the necessity of living under absolutely normal physical and moral conditions. But these conditions are neglected in mills and workshops. The environment they provide is essentially harmful in all respects: stuffy air, surcharged with toxic gases and pathogenous dusts, all influences which are not easily resisted by organisms in process of development and therefore very vulnerable. Need I add the deplorable influence of bad examples and enticements which young persons are incapable of resisting: the irrational food régime, the frequent and premature abuse of alcohol and tobacco, too early sexual indulgence with all its sad consequences? How can we dare to ask 10 hours' work of creatures whose powers of resistance are already subject to such severe tests? * * * At this age one often notes a disturbance of the nutritive process characterized by excessive organic wear and tear, and manifested by demineralization, frequently combined with defective utilization of the nitrogenous elements. This disturbance of nutrition demands the avoidance of fatigue, of wear and tear, and of excitement, that is to say, a régime altogether irreconcilable with the method of living of a child laborer.[a]

Not only is a long workday apt to be injurious in its effects upon young children, but so also is night work, the injurious consequences of which led to the prohibition of such work even in the laws of 1841 and of 1874. The law of 1892 merely maintained this prohibition and raised the age of children for which night work was forbidden from 16 to 18 years.[b]

But the prohibition of night work was not absolute, for the law of 1892 permitted the employment of children as early as 4 a. m. or as late as 10 p. m.—although night work was defined by the law as that between 9 p. m. and 5 a. m.—provided that in such cases the work be divided between two shifts of laborers, each shift working not more than 9 hours, and having at least 1 hour for rest. This provision was introduced into the law mainly at the request of the silk-ribbon manufacturers of St. Etienne, and with the hope that it would result in 9 hours of work and 1 hour of rest for each of the shifts, or only 10 hours' sojourn in the factory. But instead of having the shifts follow each other and stopping work entirely during the resting period of each shift, the employers had the shifts work alternately for 4 or 5 hours; so that the factory was kept running 18 hours consecutively, and each shift detained for 13 or 14 hours in order to work during 9 of them. Moreover, during the intervals of rest, certain employers, whose establishments were near each other, exchanged

[a] Dr. George Bandouin, of the Hôpital St. Louis.

[b] The apprenticeship law of 1851 had forbidden apprentices under 16 years of age to be employed at night.

shifts, and in this wise required double the period of work contemplated by the law. Inasmuch as the intentions of the law were thus entirely unrealized and this system made the efficient enforcement of the law well-nigh impossible, the law of 1900 put an end to devices of this sort (except in mines). But the law of 1892 contained three other provisions concerning the night work of children (and women) that were left intact by the law of 1900. In the first place, certain industries were authorized by administrative decree to employ children at night temporarily. A list of these industries has already been given (see p. 171). In the second place, it was provided that in establishments with continuous fire adult women and male children may be employed at night in such work as is indispensable, provided they be given at least 1 day of rest every week. In the third place, the inspectors may authorize for a fixed period the employment of children at night in any industry whenever accidents or agencies beyond human control cause the stoppage of work (cases of so-called vis major).

The number of violations of the general prohibition of night work for women and children during the past nine years is shown by the following statement:

1900	1,534	1905	1,009
1901	1,349	1906	1,260
1902	1,160	1907	509
1903	823	1908	969
1904	813		

With regard to the principal industries participating in the above totals, the following table is compiled from the inspectors' reports:

VIOLATIONS OF THE PROHIBITION OF NIGHT WORK FOR WOMEN AND CHILDREN, 1900 TO 1908, BY INDUSTRIES.

Industry.	1900.	1901.	1902.	1903.	1904.	1905.	1906.	1907.	1908.
Dressmaking	819	606	721	385	353	566	640	269	387
Laundries	68	57	110	23	21	34	68	88	89
Confectioneries	2	35	9	.....	5	1	.....	18	(a)
Crystal and glassware	33	329	91	88	11	2	4	17	16
Network and curtains	29	10	12	16	3	12	32	6	12
Brick and tile making	15	2	1	.....	6	42	97	11	185
Paper mills	65	13	27	.....	13	19	7	.....	6
Printing	68	18	23	48	87	64	66	8	40
Canning fruit, vegetables, and fish	61	.....	.....	9	14	45	49	(a)	(a)
Food products	17	.....	4	1	50	1	7	4	b 108
Metal manufactures	58	7	2	.....	42	6	1	3	6
Sugar	1	.....	.....	81	29	11	.....	.....	11
Manufacture of hats	7	34	34	.....	.....	25	.....	1	34
Shoemaking	.....	49	.....	.....	.....	.....	.....	.....	8
Cotton weaving	50	.....	.....	.....	.....	39	6	.....	.....

[a] Included under Food products.
[b] Including Bakeries, Confectioneries, and Canning fruit, vegetables, and fish.

The fluctuations indicated by these tables are altogether too fantastical to justify any but the most general conclusions with regard to the actual number of violations committed in the industries named. The same explanation may be offered for these fluctuations as for

those noted in the tables on page 201 concerning violations of the provision regarding the maximum workday for women and children. For instance, the increase in 1905 from 813 to 1,009 infractions of the law on this score is said by the superior commission in its report for 1905 to be "due in a large measure to the exceptional supervision exercised this year with regard to night work in dressmaking establishments.(a) In 1906, when a further increase was noted, the superior commission remarked that "the attention of the inspectors was turned particularly to the night work of women and children."(b) With regard to the astounding decline in 1907 the commission refuses to offer any explanation other than "accidental circumstances."(c)

The increases in 1905 and 1906 are probably due in part to the improvement in industrial conditions in the north. Says an inspector at Lille:

> The period of prosperity now enjoyed by industry has resulted in a certain expansion of night work. In the fifth section almost all the machine shops have organized night shifts. If we add the establishments classified as having continuous fire, more than half of the employees of this section have to be watched day and night. * * * The difficulty experienced by employers in finding laborers has even led children to alter their work books in order to join the night shifts in mills for spinning carded wool.(d)

The prohibition of night work has been found by the inspectors especially difficult to enforce, and the principal reason for this is furnished by a court decision of July 12, 1902, part of which is here quoted:

> Charged with securing the enforcement of the provisions concerning work by day and by night, the inspectors have at any time of the day or night the right to enter establishments in which work is carried on by day and night. But it would be an abusive extension of the scope of these provisions to decide that they confer the same right upon these officials in the case of establishments in which work is organized only during the daytime. * * * These establishments are safeguarded by the constitutional inviolability of the domicile. * * * An inspector may during the night claim admission to them whenever he possesses knowledge that leads him to believe the law is being violated.

In other words, the inspectors may insist upon admission to any establishment at night only when there are strong presumptions in favor of the belief that night work is being actually performed therein.

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[a] Rapports sur l'Application des lois Réglementant le Travail, 1905, p. xlv.

[b] Idem, 1906, p. xliii.

[c] Idem, 1907, p. xlix.

[d] Idem, p. xlvi.

Concerning this decision the superior commission remarks, in its report for 1902:

There can be no doubt that the protective measures adopted in favor of women and children by the legislature in 1892 were designed essentially to limit the duration of the workday and to forbid as a rule their employment at night. But these two fundamental provisions of the law are precisely those that the decision of the court of appeals weakens most seriously. The decision in effect prevents the detection of the gravest violations of the law of 1892 at the very time that those violations most generally occur. * * * It is as a rule at the end of the workday that the illegal prolongation of labor takes place, but during part of the year it is night (in the sense of article 1037 of the Code of Criminal Procedure) at the time work ought to cease. From the special standpoint of the inviolability of the domicile taken by the court, night begins at 6 p. m. during the months of October to March, inclusive. Now, it happens frequently that in industrial establishments the 10½ hours of labor permitted by law[a] are not finished at 6 p. m. The consequence is that the inspector can not enter a work place in winter after 6 o'clock except during such time as the working schedule furnished by the employer indicates that work continues after 6 o'clock. It follows that in most cases of illegal prolongation of the workday the inspectors can take no steps to detect such violations without coming into conflict with the decision of the court; and that, apart from certain exceptional cases referred to in the decision, they must refrain from all investigations at night.

What are the signs sufficient to furnish the necessary "presumption" that work is being done illegally at night, and to justify the inspector's insistence upon admission to the work place? According to the decision of the Court of Nancy, confirmed by the court of appeals, the signs are "light, the noise of machinery, or of the going and coming of laborers."

It is certain that employers who knowingly violate the law easily succeed in concealing all the outer signs that work is being carried on. Indeed, they are often able to do this without taking any measures whatever. In the cities, most work places are concealed by other buildings and can not be seen from the streets; and a large number of operations, especially in small-scale plants, are carried on noiselessly. * * * The opportunity to escape detection is greatest in orphanages and the workrooms of charitable and religious institutions, that are usually surrounded by walls designed to prevent intercourse with the outside. The work that is ordinarily done therein—sewing, embroidering, etc.—causes no noise and no movement on the part of the workers, who generally eat and sleep in the institution; so that their coming and going is infrequent, and furnishes no clue to the inspectors. The same is true in silk-spinning establishments in which the hands are lodged by their employers.

It should be noted, moreover, that the prolongation of work during the night may be altogether exceptional; it may, for example, take place for a very short time, to finish urgent orders. Under such conditions the inspector, deprived of the right to make a night visit

[a] Between April 1, 1902, and April 1, 1904. After the latter date only 10 hours were allowed.

without having previously discovered sufficient signs that the law is being violated, is very rarely able to catch laborers in the act of working; for he can not learn long enough in advance that the violation is to be committed. This is especially true in view of the fact that the news of such violations usually reaches him anonymously, and that anonymous information would not be considered by the courts a sufficient sign to justify demanding an entrance into the work place.

In brief, then, the restrictions imposed by the court of appeals upon the rights of inspectors to enter work places at night compel these officials to confine their intervention to quite rare cases, and cover with a lamentable impunity the very grave infractions of the essential provisions of the law that were enacted for the protection of women and children employed industrially.[a]

Not only is it difficult, then, to enforce this general prohibition of night work, but there are, so to speak, three loopholes in the prohibition; that is to say, three groups of exceptions. These exceptions have already been referred to. (See pp. 154, 171.)

The first and most easily justifiable group consists of authorizations for night work issued by the inspectors because of accidents, or circumstances beyond human control (vis major), that have caused an interruption of work. The inspectors appear to have been very careful in granting authorizations for cases of this sort. Only 22 establishments obtained the privilege in 1907, and the number of children affected was 3,955; the principal industries concerned were the textile industries, in which, moreover, all but 67 of these 3,955 children were employed.

The principal reason why there are so few establishments enjoying this privilege, it must be admitted, is that comparatively few ask for it; for the simple reason that permission to work at night in no wise abrogates the provision that the workday must not exceed 10 hours. It follows therefore that the same laborers can not be employed at night as have worked during the day; other employees must be found to take their places, and this is usually so difficult or so expensive that employers prefer to ask for a prolongation of the workday (if they ask for any privilege at all) rather than permission to introduce night work for their child laborers.

A second group of exceptions to the prohibition of night work for children includes a list of industries enumerated by administrative decrees (see p. 171), in which the prohibition of night work may be suspended for a fixed period indicated by these decrees. The list includes about a dozen occupations, and the maximum period for which the prohibition of night work may be suspended varies in different industries from 30 days to 120. The practical significance of this group of exceptions is shown by the table following.

[a] Rapports sur l'Application des lois Réglementant le Travail, 1902, p. lxv ff.

NUMBER OF ESTABLISHMENTS IN CERTAIN EXCEPTED INDUSTRIES EMPLOYING CHILDREN AND PERMITTED TO OPERATE AT NIGHT, AND NUMBER OF CHILDREN EMPLOYED, 1900 TO 1908.

Years.	Establishments.	Children under 18 employed.	Years.	Establishments.	Children under 18 employed.
1900	87	10,727	1905	127	6,835
1901	85	12,540	1906	108	14,509
1902	118	9,472	1907	97	8,278
1903	135	3,471	1908	177	18,605
1904	178	22,130			

The establishments in this group making most frequent use of the privilege to employ children at night are those engaged in canning fish, fruit, and vegetables; these establishments, moreover, employ over 90 per cent of the children under 18 years of age indicated in the above table.

The third and most important group of exceptions to the prohibition of night work for children is that which applies to industries "with continuous fire." These are, according to the decree of July 15, 1893, seven in number: Beet distilleries, manufactures of enameled metal ware, the extraction of oils, paper mills, manufacturing and refining sugar, metallurgical works, and glass works. It should be noted that the permission to employ children at night in these industries applies only to male children.

The extent to which these seven industries make use of the privilege conferred is shown by the following tables, the first of which gives for the past five years the total number of establishments working at night and the number of children concerned, and the second indicates for the year 1907 the participation of each of the industries:

ESTABLISHMENTS WITH "CONTINUOUS FIRE" PERMITTED TO EMPLOY CHILDREN AT NIGHT, AND NUMBER OF CHILDREN EMPLOYED AT NIGHT WORK, 1904 TO 1908.

Year.	Establishments.	Male children under 18 employed.	Year.	Establishments.	Male children under 18 employed.
1904	1,726	10,619	1907	1,766	11,688
1905	1,741	10,530	1908	1,792	10,464
1906	1,777	11,162			

ESTABLISHMENTS WITH "CONTINUOUS FIRE" PERMITTED TO EMPLOY CHILDREN AT NIGHT, AND NUMBER OF ADULTS AND OF BOYS EMPLOYED AT NIGHT WORK, BY INDUSTRIES, 1907.

Industry.	Establishments.	Boys under 18 employed.	Adults employed.
Beet distilleries	238	54	4,328
Enameled metal ware	40	201	555
Extraction of oils	365	128	4,037
Paper mills	372	677	9,475
Sugar manufacturing and refining	374	271	32,088
Metallurgical works	226	4,968	53,679
Glass works	151	5,389	27,699
Total	1,766	11,688	131,861

The number of children employed at night is considerable in only two of these industries—in metallurgical works and glass works—and the proportion of children under 18 years of age employed therein at night is in the first about 10 per cent and in the second about 20 per cent of the whole number of laborers thus employed.(a)

So much for the exceptions to the general prohibition of night work, which, considered as a whole, constitute a noteworthy modification of the general rule, inasmuch as in 1907 the total number of children working at night by virtue of these exceptions numbered 23,921 (4.16 per cent) out of a total of 574,450 children employed industrially.

Far more important numerically than the exceptions to the prohibition of night work for children is the group of industries—numbering 52(b)—for which the divisional inspector may temporarily suspend the legal limit of 10 hours to a workday for women and children (and for men working in the same places). This list confers upon the divisional inspectors a discretionary power which, if granted too generously, would be equivalent to a partial abrogation of the law. It is therefore of interest for the purposes of the present study to inquire how many children are affected by the exemptions granted under this head by the inspectors.

[a] The prohibition of night work for children does not apply to those working in underground mines. Although a discussion of this exception might properly be given here, it has been deemed advisable to treat this subject in connection with the general topic of child labor in mines. See p. 222.

[b] These industries are as follows: Furniture and furniture trimmings; orthopedic appliances; construction and repair of river boats; outdoor work in the building trades; industrial manufacture of butter; jewelry; manufacture of biscuits with fresh butter; laundering; linen for personal wear ("linge fin"); manufacturing and labeling tin cans; fine hosiery; open-air brickworks; folding and stitching printed matter; embroidery and trimmings for dressmaking; cardboard and boxes for toys, candies, visiting cards, and ribbons; manufacture and trimming of hats of all materials for men and women; boots and shoes; glue and gelatine; staining by stencils or by hand; dressmaking for women and children; tailoring for men; fur wearing apparel; canning and preserving fruit, candies, vegetables, and fish; outdoor rope works; manufacture

The number of establishments concerned, and of days for which a prolongation of the workday was allowed for the children affected, has been shown in the table given on page 203.

Children under 18 years of age furnish annually a total of about 150 million days of industrial labor. Hence the average number of days on which they worked overtime in 1908 was about one one-hundredth of the total number of days worked, or approximately three days in the year per child laborer.

The law of 1892, it will be remembered, provided that children under 18 years of age (and women) employed in industrial establishments must not work more than 6 days per week or on legal holidays. This provision was subsequently modified in two important respects by the law of July 13, 1906, concerning Sunday rest. In the first place, it provided that the day of weekly rest be Sunday, except when otherwise provided by law. In the second place, it extended the requirement of one day's rest per week to commercial as well as industrial establishments. This extension of the scope of the law involved an addition of 19,834 establishments in 1906, of 322 more in 1907, and 261 more in 1908. In other words, 20,417 establishments not previously affected by any of the labor laws were in 1908 subject to inspection by virtue of the law of 1906. But a large proportion of these establishments are small shops and stores, employing very few children under 18 years of age. In fact, the number of children brought for the first time within the scope of the labor laws in 1906 was only 869 and in 1907 only 498, an almost insignificant fraction of the total of 588,575 subject in 1907 to inspection. It must not be supposed, however, that the Sunday law affected only this small number of children; a very large number of them were previously included among those subject to inspection by virtue of one or more of the laws or decrees previously enacted. For this large number of children the Sunday law simply meant a modification or extension of the protection already provided.

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of corsets; funeral decorations; shearing and cleaning wool; gilding furniture; gilding picture frames; industrial establishments executing orders for the Government in the interest of national defense, upon the express statement of the minister concerned to the effect that exemption from the law is necessary; spinning and doubling craped, napped, twisted, and variegated yarn; weaving stuff for dress goods; network, laces, and silk bands; extracting the perfume of flowers; flowers and feathers; industrial manufacture of cheese; sheath works; printing, bleaching, and dyeing wool, cotton, and silk yarn for dress goods; printing, typography, lithography; copper-plate printing; toys and "articles of Paris;" the treatment of milk for industrial purposes; goldsmithing; manufacture of paper envelopes; cardboard, blank books, account books, and other paper objects; wall paper; perfumery; porcelain decorating; bookbinding; making and repairing sails for sea-fishing boats; urgent repair of ships and machines for producing motive power; reeling silk for dress goods; dyeing, finishing, bleaching, printing, embossing, and watering cloths.

How well are the provisions concerning the weekly day of rest observed? In partial answer to this question the number of detected violations is given in the following table:

VIOLATIONS OF LAW PROVIDING A WEEKLY REST DAY FOR WOMEN AND CHILDREN.

Year.	Violations.	Year.	Violations.
1900	1,968	1905	2,746
1901	1,379	1906	8,191
1902	a 2,175	1907	10,918
1903	3,084	1908	8,262
1904	2,790		

a Including violations of the prohibition of work on legal holidays.

The law of 1900 did not modify the provision of 1892 forbidding children and women to work on legal holidays. The violations of this rule since 1900 have numbered as follows:

VIOLATIONS OF LAW PROHIBITING WORK BY WOMEN AND CHILDREN ON PUBLIC HOLIDAYS.

Year.	Violations.	Year.	Violations.
1900	952	1905	765
1901	724	1906	1,350
1902	a 2,175	1907	956
1903	380	1908	823
1904	228		

a Including violations of the provisison for a weekly day of rest. The two groups of offenses are not distinguished in the report for 1902.

The reports of the inspectors furnish no means of ascertaining how many children are concerned in these infractions of the law concerning weekly rest and the cessation of work on legal holidays.

The industries guilty of the most frequent infractions of these provisions of the law in 1907 were as follows:

VIOLATIONS IN 1907, BY PRINCIPAL OFFENDING INDUSTRIES.

Nature of business.	Violations.	Nature of business.	Violations.
Minor commercial establishments	1,196	Department stores	407
Transportation	1,016	Restaurants and hotels	366
Dressmaking	710	Machine shops	348
Bakeries	597	Masons	300
Food products	536	Gas works	281
Barbers	440	Metallurgy	267

The law of 1906 has not been easy to enforce, in spite of its provisions for various modifications of the general principle of Sunday rest. Its enforcement is most easily assured in the case of establishments in which all employees are given their day of rest simultaneously. But not all establishments are required to do this, nor would it be possible in certain occupations (such as transportation). Hence

the law provides that in certain enumerated trades and certain specified operations [a] the day of rest need not be Sunday nor need it be the same day for all employees.

When the day of rest is not the same for all employees the law is hardest to enforce. The difficulties are well described by the divisional inspector of Limoges in his report for 1907:

Alternation in the day of rest may be carried out in two ways. Either the day of rest is the same for a given group of laborers, or the day of rest for each laborer may vary from week to week. The first method easily admits of supervision, but the second is almost impossible for us to supervise and is perhaps employed for that very reason. If the laborer is in collusion with his employer, it is impossible for the inspector to ascertain whether the day of rest has actually been accorded. There is, of course, a register which is supposed to indicate the precise days of rest for every employee, but for a shrewd employer this is no obstacle. [b]

Employer and employee simply agree to state that the day of rest for the current week has already been granted if the inspector comes at the end of the week.

The numerical importance of the exceptions permitted to the Sunday law is indicated by the following table, which shows the number of establishments concerned and the total number of times that the weekly day of rest was suspended in the cases of children:

NUMBER OF TIMES LEGAL REQUIREMENT OF WEEKLY DAY OF REST FOR WOMEN AND CHILDREN WAS SUSPENDED, 1900 TO 1906. [a]

Year.	Establishments concerned.	Number of times day of rest was suspended for children under 18.	Year.	Establishments concerned.	Number of times day of rest was suspended for children under 18.
1900	1,309	40,229	1904	2,944	38,143
1901	1,491	36,766	1905	3,248	51,125
1902	2,091	37,969	1906	3,373	41,956
1903	2,525	38,910			

[a] The reports for 1907 and 1908 do not distinguish between women and children affected by the suppression of the weekly day of rest.

Before the law of 1906 was passed there was no limit to the number of times that the weekly day of rest might be suspended, and in some years this was permitted in certain industries 39 times and in others as often as 45 times. But the law of 1906 fixed the maximum

[a] The enumerated trades include: Transportation; the manufacture of food products for daily use; hotels, restaurants, and taverns; tobacco stores; sale of natural flowers; hospitals and pharmacies; bathing establishments; newspapers, theatrical performances, museums, and expositions; renting books, chairs, and vehicles; distribution of light, water, and motive power; industries employing material subject to rapid deterioration, and those in which the interruption of work would involve the loss or depreciation of the product in course of manufacture. The enumerated processes in other trades which may be executed on Sundays number approximately 150.

[b] Rapports sur l'Application des lois Réglementant le Travail, 1907, p. lxxxix.

at 15 times. The trades and industries that now most frequently ask and receive permission to suspend the weekly day of rest are printing offices, dressmaking establishments, laundries, hat makers, and shoemakers.

In the preceding section of this study, devoted to a summary of the child labor legislation now in force, reference was made (1) to the laws and decrees concerning hygiene and safety, and (2) to the provisions concerning the employment of children in theaters and "wandering trades."

Under the first heading there are not only numerous general provisions which redound to the benefit of children as well as of adult laborers, but also special measures with regard to the work that may be required of women and children. (See p. 165.) Among the general provisions in behalf of all laborers alike are those concerning safety appliances, employers' liability, workmen's insurance, cleanliness and decency in the work places, and the requirement that if the employer provides lodging for his laborers they must have a certain amount of room and separate beds.

Under the second heading there are the provisions of the law of 1892 concerning theatrical performances and music halls, and the law of December 7, 1874 (modified by the law of April 19, 1897), regarding so-called "wandering trades." (See p. 173.)

The work of the law of 1892 would have been incomplete if, after having enacted measures intended to prevent the overwork of women and children employed industrially, it had neglected to safeguard their health and protect them against the accidents to which they are exposed even more largely than adult male laborers. Hence the provisions concerning hygiene and safety contained in articles 12 to 16 of the law of 1892, supplemented by decrees and industrial ordinances. These provisions were not rigorously enforced until 1900. At all events, before that time the employers found violating these provisions were first warned and given a certain period within which to conform to the law. But in 1900 the practice of warning offenders (*mise en demeure*) was abandoned, for it permitted employers to continue violating the law until a specified date, and if an accident occurred meanwhile, the inspectors shared the responsibility—at least morally—with the employer. The practice of preliminary warning, however, is sanctioned with regard to infractions of the law of July 12, 1893, and the decree of 1894; but these measures apply to laborers generally, and not, like the law of 1892, only to women and children.

The existing provisions that apply particularly to the labor of women and children have already been summarized. (See p. 163 ff.)

The decree of May 13, 1893, enumerates, in the first place, the kinds of work that are forbidden women and children because of the dangers they present, or because they require too much strength, or because they are morally injurious; in the second place, it determines

the conditions under which women and children may be employed in places where the laborers are exposed to accidents or to influences apt to injure their health. In 1908 there were 655 and in 1907 968 violations of these provisions, consisting in 1907 of the following items:

	Violations.
Inspecting and oiling machinery while in motion	22
Absence of safety appliances	428
Operating pedal machines	2
Children under 16 working "vertical wheels"	4
Children under 16 operating so-called "hand" looms	19
Children under 16 working at circular saws	19
Children under 16 working at cutting machinery	9
Children under 16 employed at steam engines	1
Children under 16 working on hanging scaffolds	1
Children carrying too heavy burdens	139
Children under 16 at sewing machines	7
Manufacture of objects apt to offend the sense of decency	196
Engaged in work forbidden women and children	4
Engaged in work forbidden children under 18	3
Violating the conditions under which children and women may engage in certain operations	118

The manifest object of most of the provisions violated is to offset the greater risk to which industrial employment exposes children. Adult laborers usually realize the risks of their trade more fully than children, and are more apt to be cautious. But in spite of the legal measures designed to furnish special protection for child laborers there are still a number of industries in which the children furnish more than a proportionate quota of the victims of accidents, as the following table for 1907 shows:

NUMBER OF BOYS, GIRLS, AND ADULTS INJURED BY INDUSTRIAL ACCIDENTS AND PER CENT OF TOTAL EMPLOYED, BY INDUSTRIES, 1907.

Industry.	Boys under 18.		Girls under 18.		Females over 18.		Males over 18.	
	Injured.	Per cent of total number employed.	Injured.	Per cent of total number employed.	Injured.	Per cent of total number employed.	Injured.	Per cent of total number employed.
Metallurgy	2,991	34.4	7	5.4	58	6.7	28,119	29.7
Work in common metals	10,564	17.0	563	7.9	1,391	5.4	66,291	15.8
Chemical industries	524	14.7	149	5.0	900	4.1	16,204	18.2
Manufactures of paper and rubber	622	11.2	175	2.1	535	2.0	5,245	12.1
Work in stone and clay	2,159	9.9	311	5.2	467	2.6	11,177	9.6
Digging and stone masonry	1,440	8.1	3	9.4	22	23.9	42,440	15.4
Textile industries	3,139	6.8	1,796	2.2	4,135	1.6	14,448	5.5
Work in fine metals	163	5.8	16	.9	31	.7	399	3.5
Wood manufactures	1,597	5.3	136	2.8	456	2.5	20,681	8.4
Book printing and binding	779	5.6	88	1.8	205	1.2	1,961	3.8
Various commercial establishments	1,409	4.3	115	.6	981	1.0	25,489	8.6
Leather manufactures	506	4.0	119	1.8	333	1.4	3,871	4.3
Foodstuffs	1,093	4.4	264	1.9	1,343	2.5	16,615	6.8
Straw and feather manufactures	39	3.8	41	.7	73	.9	171	3.6
Other industries	868	.3	375	.1	1,379	.2	62,277	2.4
Total	27,893	8.9	4,158	1.5	12,308	1.5	315,388	12.3

According to these figures boys employed in metallurgical establishments are one-sixth more likely to be injured by accidents than adult males. At work in common metals the accidents to boys compared with accidents to men are in a ratio of about 17 to 16; in textiles the ratio is 68 to 55; in fine metals, 58 to 35; and in bookmaking, 56 to 38. The average for all occupations, however, indicates that adult males are more subject to injury by accidents than any other group in the above table.

In terminating this section it is necessary to refer to the enforcement of the provisions concerning children employed in theaters and in the so-called "wandering trades."

Concerning the employment of children in theaters and similar establishments, the law of 1892 provided that "children under 13 years of age shall not be employed as actors, supernumeraries, etc., in public performances given in theaters and music halls." But this rule was not absolute, because "the minister of public instruction and the fine arts may authorize, by way of exception, the employment of one or more children in the performance of specified plays at Paris," and in the Departments the same authorization may be granted by the departmental prefects. At the time these provisions were discussed in the Chamber of Deputies M. Paulin-Méry declared that this exception amounted to the actual abrogation of the rule itself. "Do you think," he asked, "that children who have passsed a large part of the night at the theater will go to school the next day?" And when the law was passed a ministerial letter to the prefects declared, "The part you are asked to take in carrying out the law is considerable, and I count upon your cooperation in assuring the success of these measures enacted by Parliament in the interest of hygiene and morality."

Every year since 1893 the inspectors report the number of permits granted under these provisions. The figures given, however, do not indicate the exact number of children affected, inasmuch as the same child may be concerned in several permits. But they are none the less interesting. In 1893, 66 permits were granted concerning 331 children. In 1894, 87 permits were granted concerning 285 children; and in the reports for 1894 the superior council remarks that permits are very rarely refused, and their granting is a mere formality.

In 1895, when 87 permits were granted for 558 children, some of the inspectors protested against this practical nullification of the law; and the inspector of the first circuit, after giving a list of the permits, the plays, and the number of children concerned, adds:

This list will certainly produce an unpleasant impression. Is it not sad that little boys and girls 4 to 6 years old appear upon the stage? What are the artistic or literary considerations which make it necessary to exhibit these little creatures on the platform of a music hall or even on the boards of the large theaters? One fails to

see, for instance, what a play like Rip Van Winkle would lose in the eyes of the public if the three little girls aged 4, 5, and 6 years, who figured with a dozen others slightly older, had been replaced by children not quite so young—to say nothing of the little boy 5 years old playing a part in a play given in a music hall.

In the second circuit the inspector reports the employment of two boys between 6 and 7 years old to imitate the "fin-de-siècle" songs given at one of the most notorious Paris music halls, and of two other children employed to dance under circumstances "in flagrant violation of health, morality, and public decency."

In 1896 the number of permits rose to 144 and the children concerned to 641. One inspector writes in his report for this year:

Last year I spoke of a boy 5 years old performing in a music hall. This year I find something still worse—the Théâtre du Gymnase was authorized to employ a little girl 3 years old in Zola's play Au Bonheur des Dames.

Such occurrences appear to have evoked unfavorable comment; for on November 7, 1896, the minister of commerce informed the divisional inspectors that on account of abuses which had been called to his attention the minister of public instruction and the fine arts had decided no longer to authorize children to sing in music halls; and under date of January 25, 1897, the latter official in a circular letter to the departmental prefects wrote as follows:

The permits given for children under 13 years of age to play in theaters and music halls have, in general, been much too numerous. In order as far as possible to avoid these exhibitions, that are often unnecessary and always regrettable, you are requested to restrict the number of permissions and to grant them only for parts which in your judgment it is absolutely necessary to confide to very young children.[a]

Commendable as this letter undoubtedly was, it unfortunately did not have the anticipated effect, for in 1896 there were 144 permits granted for 641 children under 13 years of age; in 1897, 166 permits for 775 children; and in 1898, 160 permits for 902 children.

Again the inspectors and the superior commission protested. "The employment in theaters of children who are not more than 5 or 6 years old constitutes an abuse that must be stopped," the commission declared in 1899, and in 1900 the inspectors were unanimous in recognizing that the ministerial letter of January 25, 1897, had been almost entirely ignored. During 1900, in Paris alone, 132 children under 13 years of age appeared on the stage as actors or supernumeraries. Among these was a girl 3 years old, another 3½ years old, 2 boys 5 years old, and 12 boys between 6 and 6½ years old. In the eighth circuit a boy 8 years old was authorized to appear as an acrobat in a music hall.

[a] Bulletin de l'Inspection du Travail, 1897, p. 6.

"The exception," says the superior commission, "has become the rule. The permit is hardly more than an administrative formality, always given as soon as asked, whereas it should be refused every time the presence of children under 13 years of age is not indispensable."(a)

Not only are these permits obtained with deplorable facility, but they are sometimes granted illegally. In 1900 one prefect gave a theatrical director permission to employ children under 13 years of age "whenever it might be necessary."(b) Sometimes it is not the prefect himself who attends to the matter, but "prefectorial agents or clerks who issue permits after the children have actually appeared on the stage. Thus two cases were noted, one in a music hall at Orleans, where 4 girls, aged 15, 10, 8, and 6 years, sang questionable songs accompanied by appropriate gestures. No permit had been obtained, and a complaint was filed. But the next day the permit was granted without any investigation, and the prefect, consulted by the inspector, declared that he did not bother with these permits himself."(c)

The following table indicates the number of permits granted since 1898:

NUMBER OF PERMITS GRANTED TO CHILDREN UNDER 13 YEARS OF AGE TO APPEAR IN THEATRICALS AND NUMBER OF CHILDREN CONCERNED, 1899 TO 1908.

Year.	Permits granted.	Children concerned.	Year.	Permits granted.	Children concerned.
1899	144	800	1904	156	626
1900	121	646	1905	170	807
1901	137	712	1906	141	694
1902	190	909	1907	114	420
1903	188	888	1908	118	600

The reiteration in 1904 of the circular of 1897 may be in part responsible for the decrease noted since 1905. But every year there are cases of employment of exceedingly young children. In 1907 the inspector at Troyes reported that a little girl 5 years old was permitted to sing obscene songs on the stage of a music hall under her father's direction.(d)

In view of the facility with which such permissions continue as a rule to be granted, it is not surprising that the violations of the rule requiring a permit to employ children under 13 years of age are not numerous. Their number since 1900 has been as follows in table on page 221.

a Rapports sur l'Application des lois Réglementant le Travail, 1900, p. cvi.
b Bulletin de l'Inspection du Travail, 1910, p. 19.
c Rapports sur l'Application des lois Réglementant le Travail, 1900, p. 86.
d Idem, 1907, p. cii.

NUMBER OF VIOLATIONS OF THE LAW REQUIRING PERMITS TO EMPLOY CHILDREN UNDER 13 YEARS OF AGE, 1900 TO 1908.

Year.	Violations.	Year.	Violations.
1900	14	1905	23
1901	3	1906	13
1902	22	1907	6
1903	3	1908	10
1904	10		

Similar in many respects to the moral and physical consequences apt to result from the employment of children in theaters and music halls are those of the so-called "wandering trades," regulated by the law of December 7, 1874 (see p. 173), modified by that of April 19, 1897. In France, as in most countries, there are nomads who make it a business to exploit the curiosity of the populace by means of perilous feats, the exhibition of trained animals, street parades, and harangues of questionable taste and even more questionable truthfulness. To the same general group of occupations may be added vendors of patent medicines, who hold forth at the street corners. Those who engage in these occupations wander from town to town and are often accompanied by children whom they employ in their business, which in default of a better general designation, the law of 1874 calls "professions ambulantes."

As has already been pointed out, this law forbids children under 16 years of age to be thus employed except by their own parents, in which case the age limit is 12 years instead of 16. The punishment for violating the law is imprisonment for 6 months to 2 years and a fine of 16 to 200 francs ($3.09 to $38.60).

The enforcement of the law is intrusted to the labor inspectors, although the ordinary police authorities, who are also supposed to see that it is not violated, are in a much better position to secure its observance. As a matter of fact, the inspectors report few violations of the rule prohibiting the employment of children under 16 in perilous acrobatic performances. In 1900 and 1901 they reported none; in 1902, 7; in 1903, 2; in 1904, 8; in 1905, 3; in 1906, 3; in 1907, 1; in 1908, 4.

The small number of these offenses reported by the inspectors, however, is by no means due to their infrequency, but to the fact that the inspectors have altogether too much else to do. They are themselves the first to admit the present inefficiency, or rather insufficiency, of the inspectors to enforce this law. As the divisional inspector at Bordeaux in 1905 frankly declared—

As for the law of December 7, 1874, the activity of the service continues to amount to zero.[a]

[a] Rapports sur l'Application des lois Réglementant le Travail, 1905, p. lxx.

ENFORCEMENT OF THE CHILD-LABOR LAWS IN MINES.

It has already been pointed out that the law of 1892 contains several provisions regarding the employment of women and children at underground work in mines; that for overground work in mines the general provisions of the law of 1892 apply; that the law of June 29, 1905, reduced to 8 hours the maximum workday of laborers engaged in the actual work of mining; that a decree of May 3, 1893, fixed the conditions under which children may be employed in mines and the kinds of work in which they may engage; and that the enforcement of the labor laws in mines, quarries, and establishments connection therewith is not intrusted to the labor inspectors, but to mining engineers and controllers.

In 1908 the 175 mining engineers and controllers, assisted by approximately 500 delegates (see p. 179) had charge of the supervision of 39,279 enterprises and 359,408 laborers.

During the past nine years the laborers in mines and quarries have numbered as follows:

NUMBER OF WOMEN AND CHILDREN AND OF MALES OVER 18 YEARS OF AGE EMPLOYED IN MINES AND QUARRIES AND PER CENT OF WOMEN AND CHILDREN OF TOTAL EMPLOYEES, 1900 TO 1908.

Year.	Women and children.	Males over 18 years of age.	Total.	Per cent of women and children of total.
1900	35,500	278,684	314,184	11.20
1901	35,084	285,239	320,272	10.90
1902	34,374	287,683	322,057	10.65
1903	34,085	293,133	327,218	10.41
1904	34,823	295,027	329,850	10.55
1905	35,461	295,335	330,796	10.72
1906	36,903	302,268	339,171	10.88
1907	39,008	310,841	349,849	11.17
1908	40,805	318,603	359,408	11.35

Considering more particularly the children the following changes have taken place from year to year since 1900.

NUMBER OF BOYS AND GIRLS IN EACH SPECIFIED AGE GROUP AT WORK IN MINES, 1900 TO 1908.

Year.	Number of children employed.					
	12 years of age.		13 to 16 years of age.		16 to 18 years of age.	
	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.
1900	75	1	10,774	1,633	10,497	1,183
1901	75	1	10,496	1,550	10,174	1,088
1902	56	.....	10,315	1,568	9,663	1,117
1903	86	12	10,462	1,621	9,306	1,217
1904	118	10	10,813	1,558	9,851	1,252
1905	184	2	11,426	1,805	9,376	1,266
1906	160	3	12,232	1,815	10,030	1,365
1907	170	1	12,964	2,129	10,925	1,615
1908	165	6	13,282	2,565	11,544	1,778

The law makes an important distinction between underground and overground work in mines, and only male children may be employed in the former. Neither girls nor women may work underground. The following table shows the number of boys employed underground in three different age groups.

TOTAL MALES UNDER 18 YEARS OF AGE WORKING UNDERGROUND IN MINES AND NUMBER IN EACH AGE GROUP, 1900 TO 1908.

Year.	Males under 18 years of age employed underground in mines.			
	12 years of age.	13 to 16 years of age.	16 to 18 years of age.	Total.
1900	19	6,158	7,287	13,464
1901	18	6,320	7,368	13,706
1902	16	6,331	7,220	13,567
1903	18	6,819	7,320	14,157
1904	28	6,813	7,437	14,278
1905	47	7,518	7,360	14,925
1906	31	7,838	7,910	15,779
1907	30	8,543	8,549	17,122
1908	41	8,901	9,111	18,053

It is apparent from these tables that few children under 13 years old are employed in mines or quarries, and that about half the total number of children employed are between 13 and 16 years of age. As for the medical certificate required of children under 13, it may be said that this provision is as illusory for mines as for factories, and has here, too, become a mere formality.

For boys under 16 years of age working underground, the workday must not exceed 8 hours of actual work in every 24. The time necessary for ascent from and descent into the mine is not included in the hours of work, nor the time consumed in going to and from the mine, nor the pauses for rest. For boys between 16 and 18 years of age the workdays must not exceed 10 hours each, nor 54 hours per week. The periods of rest must amount to not less than 1 hour per day, but they need not be simultaneous for all laborers. (a) Nor need the times for rest be posted. The decree of May 3, 1893, enumerates certain kinds of mining work in which children may not be employed at all and others in which they may not be employed continuously for more than half a workday, i. e., 4 hours. "Children and young laborers," it is stated, "may be employed to sort the mineral and load it on wagons, to propel the wagons, to watch and take charge of ventilating doors, to take charge of hand ventilators, and to perform other auxiliary tasks, provided they do not exceed the strength of the children thus employed. They must not have charge of hand ventilators more than half a workday, interrupted by at least half an hour for rest." In order to make apprenticeship possible, it

a Rest periods for all workers at the same time is considered impossible in mining.

is permitted to employ boys over 16 years of age in the work of mining proper, but not for a longer period than 5 hours per day.

Night work underground, which is permitted by way of exception, is, as a matter of fact, very uncommon at the present time. In 1907 no permission for such work was granted; and in 1908 but once, on account of broken machinery. Most of the provisions of the law of 1892 regarding workbooks, registers of children employed, etc., are better observed in the larger and permanent mines and quarries than in those that are small and temporary.

The number of reported cases in which the laws were violated, since 1900, and the outcome of these cases has been as follows:

NUMBER AND DISPOSITION OF CASES OF VIOLATION OF THE LAW RELATING TO EMPLOYMENT IN MINES AND QUARRIES, 1900 TO 1908.

Year.	Number of cases.	Acquittals.	Found guilty.	Not terminated at end of year.	Dismissed by the inspectors.	Dismissed by the courts.	Total fines.
1900	a 23	1	16	1	.....	.....	$61.95
1901	13	.....	2	2	6	3	2.90
1902	9	.....	6	1	2	.....	14.09
1903	7	.....	7	.....	.....	.....	73.34
1904	8	1	7	.....	.....	.....	11.19
1905	8	1	5	2	.....	.....	11.19
1906	5	.....	3	.....	.....	2	58.29
1907	11	1	7	2	.....	1	12.35
1908	17	1	12	3	.....	1	45.55

a Including 5, disposition of which was not reported.

The fluctuations in the total amount of fines imposed in these nine years is in part due to differences in the total number of "infractions," which, as has been already explained, need not correspond to the number of "cases." One case may involve but a single infraction and a small total fine, while another may involve a considerable number of infractions, each of which is fined no more heavily than in the case of a single infraction, but the total amount of which may be much greater. As a matter of fact there were 393 infractions in 1901, 15 in 1902, 72 in 1903, 16 in 1904, 15 in 1905, 50 in 1906. 22 in 1907, and 26 in 1908.

THE COURTS AND THE LABOR LAWS.

Without entering into any problems of criminal jurisprudence, it is evident that one of the purposes of the fines and penalties imposed for the violation of laws is to act as a deterrent. The question whether the penalties imposed for violating the child labor laws are apt to have this effect is therefore an appropriate one. It is evident, moreover, that next in importance to the vigilance of the inspectors in detecting violations of the law comes the intelligence and severity of the courts in punishing such violations. The first of these factors has already been discussed in the light of official and statistical records, from which it is probably warranted to deduce the conclusion

that in view of the numerous tasks that devolve upon them, and the grave difficulties that beset them, the labor inspectors are as a whole a conscientious and efficient body of officials. We come now to consider the second factor.

In connection with the discussion of each of the main provisions of the laws concerning the labor of children the number of violations detected from year to year has been given. It has been deemed more important to give the number of violations (*contraventions*) than the number of complaints (*procès verbaux*), for one complaint may involve a single violation or it may involve a score of them. It has already been pointed out that the fines imposed for infractions of the law have reference not to complaints filed, but to the number of violations, i. e., the number of persons found working under conditions contrary to the law.

At the end of each year the inspectors report the results of the cases tried by the courts, stating how many terminated in acquittal, how many in the condemnation of the offender, and upon how many no action was taken by the courts.

Considering all the "cases" brought to the attention of the tribunals during the past eleven years, we find the following results:

NUMBER AND DISPOSITION OF CASES OF VIOLATION OF THE LAWS RELATING TO CHILD LABOR, 1898 TO 1908.

Year.	Total cases.	Violations.	Found guilty.	Acquitted.	Not terminated at the end of the year.	Dismissed by the inspectors.	Dismissed by the courts.
1898	1,352	6,038	1,119	21	105	57	50
1899	1,837	11,607	1,584	44	123	19	67
1900	2,776	25,418	2,246	101	40	6	383
1901	2,886	20,829	2,525	109	102	20	80
1902	2,478	16,466	2,248	54	111	32	33
1903	2,980	22,699	2,751	61	75	32	61
1904	3,233	21,095	2,899	90	150	33	61
1905	3,835	25,599	3,303	79	263	34	156
1906	5,443	28,634	4,402	161	278	165	437
1907	6,237	28,953	5,343	117	289	58	430
1908	5,394	24,320	4,586	98	485	40	240

The proportion of acquittals has fluctuated during these years as follows: 1898, 1.55 per cent; 1899, 2.39 per cent; 1900, 3.64 per cent; 1901, 3.84 per cent; 1902, 2.18 per cent; 1903, 2.05 per cent; 1904, 2.78 per cent; 1905, 2.06 per cent; 1906, 2.96 per cent; 1907, 1.88 per cent; 1908, 1.72 per cent.

The increase in the number of cases is attributed by the superior commission on labor mainly to the better application of the laws by the inspectors (which is in turn attributable to increases in the number of inspectors) and the increasingly active collaboration of labor organizations in the enforcement of the law. The considerable increase in 1900 and 1901 is largely due to instructions issued in 1900. Previous instructions under date of October 20, 1897, had ordered

the inspectors not to file complaints of infractions of articles 12, 13, and 14 (concerning unhygienic and dangerous occupations and work places) of the law of 1892, without first warning the parties and giving them time to conform to the law. The minister canceled these instructions of 1897, and required the inspectors to file a complaint, without previous warning, for every violation of the law of 1892, including articles 12, 13, and 14, as well as those relative to the age of admission, the hours of work, and night work.(a)

It must not be supposed that the acquittals indicated in the above table necessarily terminate the cases in which the defendants are acquitted. Frequently the inspectors take the case to a higher tribunal, and sometimes obtain a reversal of the original decision. A few years ago it was sometimes difficult to secure an appeal, because the inspectors were informed of the court's decision after the maximum period allowed for an appeal to the higher court had expired. Since 1900, however, magistrates are required to report decisions immediately to the divisional inspectors.(b) Some of the acquittals are roundly called illegal by the superior commission.(c) Thus, for instance, the police courts sometimes undertake to pass upon repeated violations of the law, over which only the lower criminal courts (*tribunaux correctionnels*) possess jurisdiction. At times acquittals are due to incomplete data furnished by the inspectors in their complaints. In its report for 1902 the superior commission says upon this point:

A large number of decisions acquitting employers during the past few years may be attributed exclusively to the imperfect legal form of complaints, or at least to their excessive brevity. A ministerial circular of February 15 henceforward requires the inspectors to indicate exactly the facts which enable them to conclude that the establishments concerned in their complaint are subject to the law. They must indicate the nature of the work places in which the offenses are discovered, the kind of work carried on, and its general management. Upon all these points it is important that the employers should not be able to assert, in the absence of precise statements to the contrary, and without contradicting the report of the inspector, that the facts reported do not constitute a violation of the law because the work place is not industrial or because of the nature of the work carried on therein.

The inspectors are advised to indicate exactly what provisions of the law have been violated, and to use the terminology of the law itself, thus conforming to the court doctrine that the judge "is concerned only with the offenses with which the defendant has been specifically charged, and upon which the latter has been enabled to prepare his defense."(d)

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a Rapports sur l'Application des lois Réglementant le Travail, 1901, p. civ.

b Idem, 1900, p. cxxi.

c Idem, 1906, p. cx.

d Idem, 1902, p. cili.

A few years ago the attitude of some of the courts toward the inspectors was rather antagonistic. They sometimes refused to accept the inspectors' reports as evidence without abundant corroboration—corroboration sometimes difficult to obtain because of the intimidation of the laborers concerned or because of collusion between employers and employees.

It is well known how reticent the workers generally are in answering questions concerning their hours of work. This reticence—comprehensible because of possible retaliatory measures on the part of employers—would soon disappear if the principle underlying a recent decision of the "tribunal correctionnel" of Besançon were generally accepted. A working woman had refused to answer the inspector's questions concerning her daily work. The court sentenced her to pay a fine of 16 francs ($3.09), thus sanctioning the doctrine that it is the duty of employees to reply to questions asked by the inspectors in the performance of their functions.(a)

The superior commission reported in 1900 that—

In certain regions the courts accept too readily the excuses offered by the employer. Sometimes the latter wins his case by alleging that a child injured while performing work not allowed by law had not been told to do this work. Sometimes, in cases of nonobservance of the intervals for rest, he is acquitted upon declaring that the rest was given at other times than those indicated in the schedule. Sometimes he merely makes statements contrary to those of the inspector, and the court believes him.(b)

The divisional inspector of the third circuit declared in the same year that—

Thus far the inspectors have hardly any opportunity to uphold the accusations they make, since their rôle as witnesses permits them simply to testify, and very rarely are they permitted to furnish details concerning the case on trial. * * * Whoever has attended a trial of this sort will not be surprised when I say that not only does the inspector have no real opportunity to substantiate his charges, but the concealed or open hostility of the magistrate makes it appear as though the inspector were the real culprit.(c)

A word of explanation is necessary with regard to the last two columns of the table on page 225, headed "Dismissed by the inspectors" and "Dismissed by the courts."

The cases dismissed by the inspectors are those reported by the departmental inspectors to the divisional inspectors, which the latter officials decide not to prosecute. The cases "dismissed by the courts" consist partly of cases not terminated because of the death or disappearance of the defendant; they consist mainly, however, of cases dismissed because of "amnesty laws" voted from time to time by the

a Rapports sur l'Application des lois Réglementant le Travail, 1905, p. lxxvii.
b Idem, 1900, p. cxix.
c Idem, 1900, pp. cxix, cxx.

national legislature. This curious practice, frequently resorted to in France, consists of the wholesale exculpation of certain groups of offenders or of all persons guilty of certain specific categories of offenses. Thus, on April 1, 1904, an amnesty law was passed applying to persons who had committed offenses falling within the jurisdiction of the ordinary police courts and justices of the peace, excepting offenders who had committed more than one misdemeanor during the preceding two years, and persons guilty of offenses for which the law imposes a fine exceeding 600 francs ($115.80).(a)

In 1905 about 100 cases of violations of the labor laws were thus "disposed of" by another amnesty law. "Such methods," says the superior commission in its report for that year,(b) "which tend to recur periodically are not without their effect upon the practice pursued for several years by some employers, who exhaust all the resources of the law to delay the decision of their cases until such time as a new amnesty law dismisses them." In 1906, "437 cases were dismissed by a recent amnesty law."(c) The amnesty law of April 10, 1908, disposed of a large portion of the 240 cases dismissed by the courts in 1908.(d)

That these periodical "amnesties," discounted in advance, interfered greatly with the activity of the inspectors is suggested in the following statement made by one of their number:

Apart from the moral effect of this custom, most injurious to our prestige, it constitutes an absurdity, a lack of equity, and an encouragement to deceit. An absurdity, because the pecuniary fines involved are very small; a lack of equity, because by a mere difference in dates it permits one offender to profit by it while another does not; finally, an encouragement to deceit, because employers get accustomed to it and count upon future amnesties. As for the general effects of the amnesty law it may be said that they are evil. In the first place, if, as we are told, the defendant is not notified that the charge against him has been disposed of by act of Congress, he may believe (especially if he belongs to the class of people who read little and do not keep track of current political events) that the prosecution was abandoned because it was "ill founded," a supposition apt to diminish in his eyes the prestige and legal authority of the labor inspector. On the other hand, the working classes look with justifiable disfavor upon these amnesties for the benefit of employers.(e)

It should be noted, furthermore, that the French Penal Code in its omnimerciful Article 463 gives magistrates the power to impose a smaller penalty than that provided by the law, in all cases in which there are extenuating circumstances. According to the reports of the

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[a] Rapports sur l'Application des lois Réglementant le Travail, 1903, p. lxxxi.

[b] Idem, 1905, p. lxxxix.

[c] Idem, 1906, p. cix.

[d] Idem, 1908, p. c.

[e] Idem, 1905, p. lxxx.

labor inspectors, such circumstances are detected by the judges in many cases in which they wholly escape the notice of the inspectors.

French criminal jurisprudence has another institution by virtue of which persons found guilty of violating the laws may escape punishment, namely, the so-called "sursis," or suspended sentence. Defendants in cases falling within the jurisdiction of a lower criminal court (*tribunal correctionnel*) may, at the option of the court, if there are extenuating circumstances, be sentenced conditionally—that is to say, the sentence is not executed unless the guilty party subsequently commits a second offense, in which case the sentence for the first infraction may be added to that for the second and both are executed—unless the court again suspends sentence, which it may do indefinitely in case of offenses punishable only by fines. Curiously enough, first offenses against the labor laws fall within the jurisdiction of the ordinary police courts, and not within that of the "tribunaux correctionnels." Repeated offenses, though they fall within the jurisdiction of the latter, constitute "first" offenses before these courts; whence the strange result that an offender can not, under the law concerning the "sursis," be exempted from paying the fine for a first offense, but may be exempted "conditionally" from paying the penalty for subsequent offenses.

Upon this extraordinary and probably unintentional condition of affairs the divisional inspector at Lille reported in connection with the offenses committed by a certain employer in 1902:

Between June 28 and November 29, 6 complaints were filed with regard to 304 infractions of the law in this establishment; all of them were serious offenses, such as the employment of children under age, the suppression of the weekly day of rest for women and children, etc. Three of the complaints were tried before a "tribunal correctionnel" because they involved repeated offenses. But in each case the court found extenuating circumstances and passed sentence conditionally.(a)

And another inspector states very clearly that the law of 1891 concerning the suspended sentence may involve the following results: (1) In cases of a repeated offense the culprit receives the benefit of a suspension of sentence, not admissible for a first offense; hence the second offense is less severely punished than the first. (2) Inasmuch as the penalty of imprisonment is never imposed for violation of the labor laws, the suspended sentence is applicable indefinitely; the offender, in spite of successive infractions of the law, may still have his sentence suspended.(b)

In 1902, therefore, the minister of commerce urged upon the minister of justice the necessity of a less frequent application of the suspended sentence.

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a Rapports sur l'Application des lois Réglementant le Travail, 1902, p. 129.

b Idem, 1902, p. cvi.

In several cases, it is declared, the courts called upon to interpret the labor laws have done it in such a manner as to seriously hamper the activity and efficiency of the inspectors. Some examples of this have already been referred to. Although many of these decisions doubtless affect the scope and the enforcement of the provisions concerning the labor of children, the discussion of them would be too extensive for this study. Two decisions, however, merit particular reference.

(1) The law of 1892 stated that between April 1, 1900, and April 1, 1902, women and children may not be "employed to work more than 11 hours a day, interrupted by one or more periods of rest amounting to not less than 1 hour." An employer was prosecuted for employing women and children 8 hours uninterruptedly without giving them any interval for rest. The court decided that the provision for an hour's rest applied only to the cases in which women and children work the maximum number of hours stated in the law; whence it concluded that the period of rest might legally take place at any time, provided it interrupts the day of work.(a)

(2) In 1903 the Paris court of appeals decided that the requirements of a work book and inscription in the register of employees are not applicable to laborers engaged from day to day, or employed in several establishments as occasional helpers paid by the piece or by the day (according to the nature of their work). The superior commission protested vehemently against this precedent, which, as a matter of fact, does not appear to have been generally followed, for it would amount to the suppression of these two provisions of the law in most establishments.(b)

With regard to the severity of the courts in imposing fines for proved violations of the labor laws, the following table is suggestive:

TOTAL AND AVERAGE AMOUNT OF FINES IMPOSED FOR VIOLATION OF THE LABOR LAWS, 1900 TO 1908.

Year.	Total cases in which defendants were found guilty.	Amount of fines imposed.	
		Total.	Average.
1900	2,246	$15,497.71	$6.90
1901	2,525	17,133.00	6.78
1902	2,248	14,464.19	6.43
1903	2,751	17,811.58	6.47
1904	2,899	16,082.11	5.54
1905	3,303	18,029.29	5.46
1906	4,402	15,703.83	3.57
1907	5,343	18,495.96	3.46
1908	4,536	15,057.47	3.32

Every year there are cases in which the courts impose fines of 1 and 2 francs (19.3 to 38.6 cents) for each infraction, in spite of the

a Rapports sur l'Application des lois Réglementant le Travail, 1902, p. cvii.
b Idem, 1903, p. lxxxiv.

legal minimum of 5 francs (96.5 cents). These mistakes, however, are usually committed by new judges, unfamiliar with the laws.[a] But the cases of excessive indulgence appear to be increasingly rare, and the imposition of fines of 200 francs ($38.60), of 300 francs ($57.90), and even 500 francs ($96.50) somewhat more frequent, especially in cases of repeated offenses.

GERMANY.

CHILD-LABOR LEGISLATION IN THE NINETEENTH CENTURY.

The introduction of the factory system does not appear to have caused such abuse of child labor in Prussia as in England, for in many Provinces the school laws were well enough enforced to interfere seriously with the industrial exploitation of children. As substitutes for the ordinary schools, however, the authorities permitted employers to establish schools in connection with their factories. It is not improbable that in some of these improvised factory schools the children actually received an equivalent for a common-school education. But this was certainly not always the case.

In 1818 the government at Düsseldorf took occasion to speak in glowing terms of the "factory school" established by a Rhenish manufacturer for the young children in his employ, and the eulogistic reference attracted the attention of King Frederick William III, who expressed his satisfaction in a public declaration. Subsequently the Prussian minister of education, Von Altenstein, conceived the idea that perhaps this Düsseldorf factory school might serve as a model for other manufacturers throughout the Kingdom. Whereupon he requested a detailed report concerning the school, to the great embarrassment of the Düsseldorf officials, who had meanwhile learned that the "model" school was far from being a philanthropic enterprise. The "pupils" had to work in the factory 11 hours a day, and many of them were employed at night. Their employer owned two embroidery mills. In one, 96 school children worked by day and 65 at night; in the other, 95 were employed by day and 80 at night. Those employed by day worked in the summer from 7 o'clock in the morning until 8 at night and in winter from 8 in the morning until 9 at night, at which hour night work began. "School" was held at the end of the day's work; for those employed in the daytime it lasted 1 hour and for those employed at night 2 hours.

This revelation led in 1824 to a general investigation with regard to the age of working children and the effects of their employment

[a] Rapports sur l'Application des lois Réglementant le Travail, 1900, p. cxix; 1901, p. cviii; 1902, p. civ; 1904, p. lxxxii.

upon their physical, educational, and moral development, and to a request for suggestions concerning the remedy for such evils as might be discovered. This investigation disclosed the employment of children in industrial centers under most shameful conditions—unhealthful workrooms, long hours of daily labor in companionship with coarse and foul-mouthed adults, miserable and insufficient food, consisting mainly of potatoes and chicory broth. The work in which many of the children under 6 years of age were employed lasted as a rule from 6 a. m. to 8 p. m. In some places children 4 years of age worked in cotton and woolen mills. In the administrative district of Düsseldorf alone 3,300 children worked in the textile mills, and like conditions were found in nearly all of the Provinces.

Von Altenstein, who became the champion of child-labor restriction in Prussia, thereupon issued a letter of instruction on April 27, 1827, insisting that the education of young children must not be neglected. But so mild a measure was of no avail; and conditions might have long continued as they were had it not been for the declaration of the military authorities that the factory districts were unable to furnish their quota of young men fit for admission to the army. In a military nation such a state of affairs called for immediate action. The King in 1828 instructed his ministers to "make an inquiry with a view to the adoption of vigorous measures to put a stop to such conditions," and the combined influence of the educational and military authorities led in eleven years to the first Prussian child-labor law, that of April 6, 1839.

Briefly summarized, this law provided that in factories, mines, and metallurgical establishments the age of admission to regular employment was 9 years; children under 16 years of age employed therein must have attended school 3 years or be able to read and write, except when factory owners provided equivalent instruction; for children under 16, 10 hours' work per day were allowed, but the local police authorities could permit 11 hours per day for 4 weeks in cases of accident; there must be an hour's pause at midday and a quarter of an hour in the morning and in the afternoon; night work (i. e., between 9 p. m. and 5 a. m.) and work on Sundays and holidays was forbidden; factory owners were required to keep a correct and complete list of the children in their employ; the ministers of medical matters, of police, and of finance were empowered to enact such additional regulations as they might consider necessary in the interest of the health and morality of factory employees.

The effects of this law were reported by the administrative officials of the different circuits as eminently satisfactory. Unfortunately, however, the optimistic reports made by the local governments are

not altogether above suspicion, for within comparatively few years it was discovered that no effective provision had been made for the enforcement of the law, and that the law itself was not sufficiently severe. At all events, a series of investigations and reports made between 1845 and 1851 proved to the satisfaction of the central government the insufficiency of the provisions enacted in 1839. Moreover, the revolutionary movement in the late forties gave a new impetus to the agitation for legislation in behalf of the working classes, and after numerous projects had been considered by the ministry and discussed by the legislature the law of May 16, 1853, was passed, modifying some of the provisions of the decree of 1839. This law provided that children should not be admitted to labor in factories under the age of 12 years; the workday must not exceed 6 hours for laborers under 14 years of age, who must be given 3 hours per day to attend school. The law of 1853 furthermore introduced a more stringent regulation with regard to pauses for rest and with regard to the work books which child laborers were required to possess. Most important of all, however, was the introduction of factory inspection, although the law simply stated that inspectors should be appointed "wherever they might be necessary." But only three circuits in the Kingdom saw fit to appoint factory inspectors.

The reports of these inspectors threw an altogether new and interesting light upon the attitude of employers toward the law. In his report for 1858 the inspector at Aix-la-Chapelle complained that—

> manufacturers with few exceptions show no disposition to take the law seriously. They manifest a general antagonism toward it. Inasmuch as repeated visits of inspection have led to the detection of infractions, factory owners made arangements to signal the arrival of the inspectors by means of bells, outposts, and similar devices. In one factory where the bells were prevented from giving the usual signal, all the employees were dismissed when I made my appearance in order that I might not complete my investigation. In other cases doorkeepers were ordered to admit no one, not even the inspector, until the superintendent had been informed.

Historians of labor legislation in Prussia agree that, generally speaking, the new law was a dead letter.[a] Factory owners opposed the appointment of inspectors. In one of the three circuits in which an inspector had been appointed, the office was soon permitted to remain vacant at the instance of influential manufacturers. At Berlin no attempt whatever was made during three years to apply the new law, and in 1862 the city magistrate requested that the law be modified in such a manner as to increase the workday to 10 hours for children under 14, and to substitute for daily school attendance

[a] Anton: Geschichte der preussischen Fabrikgesetzgebung, etc. Leipzig, 1891.

the provision that attendance on Sunday would suffice. The number of reported violations of the law fluctuated most erratically from year to year. In 1855, 894 "contraventions" were reported; in 1865, 73; in 1866, 26; and in 1874, 7,268. It would require a strange variety of optimism to assume that in 1866 there were actually only 26 violations of the law. Wherever there were no inspectors the law remained a dead letter.

The Industrial Code of 1869 extended the territorial scope of the child-labor law to all the countries of the North German Confederation, and at the same time modified the provisions of the law in some respects. Among these modifications was the regulation that every industrial employer must, at his own cost, provide and maintain such safety appliances and arrangements as are necessary to protect his employees against danger and disease. The provisions concerning factory laborers were also made to apply to laborers in mines and quarries.

Upon the establishment of the German Empire the Industrial Code of the North German Confederation was extended to the newly acquired territories, in 1871 to South Hessia, in 1872 to Wurtemburg and Baden, in 1873 to Bavaria, and subsequently (1889) to Alsace-Lorraine. In some of these countries there had previously been little or no protective legislation in behalf of child laborers. It should be noted, however, that the Kingdom of Saxony passed a law in 1865 forbidding the employment of children under 12, fixing the maximum workday for children under 14 at 10 hours, including pauses, and prohibiting night work; but these provisions applied only to "factories," which were defined as "industrial establishments with more than 20 laborers."

The rapid economic development of the Empire following the Franco-Prussian war brought with it a great increase in the number of children employed industrially, and in 1873 the Imperial Diet directed the chancellor to investigate whether or not further measures should be adopted in regard thereto. During this investigation, which was made in 1874 and 1875, it was pointed out that the factory laws would continue to be merely "on paper" unless compulsory inspection be introduced. But Bismarck then took little interest in labor laws, and nothing further was accomplished until the passage of the amendment to the Industrial Code (*Gewerbe-Novelle*) of 1878, which provided above all for compulsory inspection. It also introduced a better regulation of apprenticeship; it gave the Federal Council the power further to restrict the employment of women and children in all industries involving danger to their health or morality; and it widened the scope of factory legislation so as to include all establishments using steam as a motive power, as well as metallurgical

works, places for the preparation of building materials (*Bauhöfe*), and docks.

These measures were far from satisfying the advocates of labor legislation, and not a session of the Imperial Diet was held without producing its quota of labor bills, especially projects for regulating the employment of adult women, for limiting work on Sundays and holidays, and for extending the scope as well as increasing the severity of the provisions concerning the labor of children. But Bismarck and the Federal Council blocked the way.

A change took place in the attitude of the Government in the last decade of the century, marked by the international conference for the protection of laborers held at Berlin in March, 1890, at the instigation of William II. Fifteen European nations were represented at this conference. Among the measures it declared to be "desirable" was "the prohibition of the industrial labor of children under 12 years of age; the prohibition of night work, work on Sundays, and of unhealthful or dangerous occupations for children under 14; the limitation of their workday to 6 hours with a half-hour's pause for rest; and insistence upon a sufficient elementary education before children are allowed to work."(a)

Having taken a leading part in the advocacy of the legal protection of laborers, it was entirely logical to expect that Germany would be among the first nations to take a further step forward along the lines suggested by the Berlin conference. This was done by the Gewerbe-Novelle of June 1, 1891, which went considerably further than the recommendations of the conference in regard to the regulation of child labor.

The new law forbade the employment in factories of children under 13 years of age, and children above 13 could be employed only after having fulfilled the requirements of the school laws. This prohibition, moreover, was unconditional. No legislative or administrative "exceptions" robbed it of its practical significance. The maximum workday was 6 hours for children under 14, interrupted by a pause of at least half an hour for rest. Exceptions were allowed in the matter of pauses. Children could not be employed on Sundays or holidays or during the hours required for the usual religious instruction. They were not allowed to begin work before 5.30 a. m. nor continue work after 8.30 p. m.

The Federal Council was empowered to forbid the employment of children in those branches of industry that involved exceptional danger for the health or morality of those engaged therein. The police

[a] See Evert's article on "Fabrikgesetzebung" in the second edition of Conrad's Handwörterbuch der Staatswissenschaften.

authorities must be notified of the provisions contained in the factory or workshop rules (*Arbeitsordnung*) in all industrial establishments having laborers under 14 years of age, and employers must keep a list of all such laborers. Every employer of children under 18 years of age must have due regard for the hygienic and moral conditions of their employment. The penalties for violating these provisions consisted of fines up to 2,000 marks ($476) or imprisonment for a period not exceeding six months.

Especially important was the provision that the requirements of the law might be extended to apply to handicrafts (*Handwerk*) and to home industries. Among the reasons given for this it was stated that "large numbers of children are employed in those branches of home industry that compete with the factories, and in which the danger of excessive child labor is greatest. This danger would become much greater still if a severer régime is applied to the factories without at the same time regulating child labor in home industries." This argument, at least so far as it went, was eminently valid. Even the milder factory legislation of previous years had to some extent not only driven children out of the factories, but it had driven them, so to speak, into home industries which escaped the restrictive influence of the law.

The law of 1891 did not go into effect at once, but by stages; some of its provisions went into force April 1, 1892, others (like those concerning Sunday rest) in 1895, and still others (e. g., those concerning the application of the law to all establishments with mechanical motors) not until January 1, 1901.

Of the power to forbid or limit the employment of children in dangerous trades the Federal Council made frequent exercise. On July 8, 1893, the provisions of the law were extended to the home industry of cigar making; and an imperial ordinance of May 31, 1897, included the home manufacture of clothing and underclothing except when carried on in a given work place by members of the family alone. It was still felt that the law should not step beyond the limits of the family, nor infringe upon the right of parents to employ their own children at home as they pleased; although, as a matter of fact, these limits had already been overstepped by the law of May 13, 1884, which forbade parents to employ even their own children, at home or elsewhere, in the manufacture of phosphorus matches.

Reference should also be made to the law of August 6, 1896, which forbids the employment of children under 14 years of age in public streets or highways for the sale of goods or as peddlers and hucksters, except for a period of not more than 4 weeks with the express consent of the local police authorities.

An instructive commentary upon the effects of the law is furnished by the following table concerning the number of children employed in factories:

NUMBER OF CHILDREN UNDER 14 YEARS OF AGE EMPLOYED IN FACTORIES 1886 TO 1897.

Year.	Children employed.	Year.	Children employed.
1886	21,085	1895	4,327
1888	22,913	1896	5,312
1890	27,485	1897	6,151
1892	11,212		

In Saxony, the great industrial kingdom, the figures were as follows:

Year.	Children employed.	Year.	Children employed.
1890	12,855	1893	1,865
1892	5,428	1895	930

Note the decline between 1890 and 1892, the latter being the year following the enactment of the new law. The further decline between 1892 and 1895 is due to the fact that certain parts of the law went into effect, as explained above, during this period. It would be a mistake to suppose that the decline of the number of children employed in establishments subject to the law necessarily meant a corresponding diminution in the total amount of child labor. That this was far from being the case is the emphatic opinion of Agahd in his remarkable study of child labor in Germany.[a] "The few police ordinances passed before 1898," says this writer, "have hardly touched the evil [of child labor in home industries]. Child labor was transferred from the factory to the home. * * * It is certain that the employment of children in factories no longer exists in Germany on the same scale as before the new labor laws were passed, * * * but in home industries, in commerce, in transportation, and in nearly all gainful occupations it is more widespread than ever before."[b]

Indeed, after 1896 even the number of children in factories increased, without, however, again approaching the large number noted

[a] Konrad Agahd: Kinderarbeit und Gesetz gegen die Ausnutzung kindlicher Arbeitskraft in Deutschland. Jena, 1902. The same writer has subsequently written numerous works on various phases of the same subject.

[b] Idem., pp. 16, 17.

in 1890. Thus in Prussian factories alone there were employed in 1895, 847 children; in 1899, 1,421 children; and in 1900, 1,794 children.

The year 1895 appears to have been the turning point with regard to the number of children employed in factories. Yet the statistical authorities of the Empire reported that at that time 214,954 school children under 14 years of age were employed in gainful occupations—135,125 in agriculture, 38,267 in industry, and 33,501 in domestic service. These figures admittedly understated the actual number. A Prussian investigation made in 1896 furnished abundant evidence to this effect, evidence so overwhelming and so convincing that the demand at once arose for further restrictive legislation. Typical among the mass of facts disclosed by this investigation are the following:

In the textile industries many school children worked 6 hours or more a day, before and after school hours. At Aachen-Bürtscheid 2,000 children, many of them under 6 years of age, were regularly employed to work early in the morning and late at night. In the manufacture of cigars, bricks, cement, in weaving, and in agriculture, many parents were in the habit of employing their own children or of hiring them to other persons. For violations of the law the penalties imposed were ridiculously low. A Düsseldorf police ordinance required that school children working for wages in certain home industries (in textiles, metallurgy, clothing, underclothing, and match boxes) must not be employed before school hours in the morning, nor between morning and afternoon classes, nor after 7 p. m. Yet at Elberfeld and Barmen a thousand children were employed in the above-named home industries and only 5 per cent of them complied with the terms of the police ordinance.

Outside of Prussia, in the other States of the Empire, conditions were no better. In Baden 390 school children were employed industrially, most of them contrary to the law, especially in cigar making. The mayors of communes facilitated violation by delivering work books that did not fulfill the terms of the law. At iron forges children worked 12 hours a day at most difficult and fatiguing tasks. During the school vacations they were employed in brick works for 14 or 15 hours a day. Parents and employers seemed to care little whether the work imposed upon children was commensurate with their strength or not. Even little girls were found helping masons, working in stone quarries, in flour mills, in breweries, and in the manufacture of cutlery. Employers made agreements with parents to pay the fines that the latter might incur in having their children violate the law.

More detailed investigations at Hamburg, Altenburg, Leipzig, and Stettin aroused public opinion to demand further legislative inter-

vention; but the most convincing plea for such intervention came from Rixdorf, a suburb of Berlin. It was here that Agahd (to whose first book on child labor reference has already been made), a public-school teacher, became alarmed at the fatigue and inattention of some of his pupils, and made an investigation with regard to their labor and home life. The results of Agahd's investigation were such that he made it his mission to arouse public sentiment, and particularly teachers' organizations, to the dangers and the disastrous physical, moral, and educational consequences of excessive child labor.

In 1897 the imperial chancellor ordered the States of the Empire to make an inquiry into the nature and extent of the employment of children under 14 years of age outside of the factories, including those employed in home industries by their parents. The results, published in 1898,[a] showed that 532,283 children were employed outside of the "factories." This was 5.18 per cent of all children of school age. They were distributed among the several occupations as follows:

NUMBER OF CHILDREN UNDER 14 YEARS EMPLOYED OUTSIDE OF FACTORIES, IN 1897, BY OCCUPATIONS.

Occupation.	Children employed.	Occupation.	Children employed.
Gardening and horticulture	308	Clothing trades	40,997
Stock breeding and fishing	511	Building trades	4,225
Mining	468	Graphic industries (printing, etc.)	718
Pottery and stone works	12,890	Art industries	101
Metallurgy	14,358	Other industrial occupations	1,425
Machines and tools	4,914	Commerce	17,623
Chemicals	509	Transportation	2,691
Forestry products	329	Restaurants, hotels, and taverns	21,620
Textiles	143,710	Distributing goods	135,830
Paper	8,970	Running errands	35,909
Leather	2,944	Other occupations	11,787
Wood	41,801		
Food products	27,645	Total	532,283

The conditions under which many of these children were employed, the hours of work, and the effects of employment, were considered to be such as to furnish ample justification for regarding child labor—especially in home industries—as a national evil. The official investigation was supplemented by another made by the National Teachers' Association, which showed that in the large cities 10 to 13 per cent of the boys and 6 to 9 per cent of the girls under 14 were employed regularly; in manufacturing centers 30 to 50 per cent of all children under 14, and in industrial villages 80 per cent. With regard to the age of working children, it was found in a few typical cities that the

[a] Vierteljahrshefte zur Statistik des deutschen Reichs, IX, No. 3, pages 97 ff. An excellent discussion of the main results of this investigation is given by Agahd in the book already referred to.

number of those under 10 years of age employed in gainful occupations was as follows:

NUMBER OF BOYS AND GIRLS UNDER 10 YEARS OF AGE AT WORK IN GAINFUL OCCUPATIONS IN SPECIFIED CITIES.

City.	Boys.	Girls.	City.	Boys.	Girls.
Charlottenburg	334	136	Hanover	295	178
Dresden	1,888	674	Schmolln	472	325

With regard to such work as delivering milk, bread, etc., in the morning (considered to be "light" work very well suited for young children), it was found in 1896 that at Charlottenburg 20 boys began this work at 4 a. m., and 85 boys and 10 girls began at 4.30 a. m. In Berlin 428 children (147 of them under 10 years of age) had to climb innumerable flights of stairs to deliver bread, etc. The work of some of these children was further inquired into, and it was proved that 51 of them climbed between 20 and 40 flights of stairs in 1 hour, and 1 child had to climb up and down 120 flights in 2 hours. This work, it should be borne in mind, is done before the children have had any breakfast. On Sundays they work longer than other days under the pretext that there is no school that day.

With regard to the effects of such labor, and of child labor generally, upon the attendance of children at school and upon their educational development, most of the teachers did not need to be enlightened by a formal investigation, which simply disclosed the universality and intensity of evils already known to exist.

The National Teachers' Association (having 82,000 members) passed a series of resolutions at Breslau in 1898 demanding that steps be taken to suppress entirely the employment of children of school age in gainful occupations. These resolutions declared that "although the labor of children may be made a valuable means of education if carefully determined and properly supervised, their employment as wage-earners in gainful occupations almost necessarily involves an abuse of their strength, and must be condemned from the pedagogical point of view." It was furthermore declared that the regulation of child labor should be extended by law to home industries and to agriculture.

With the cooperation of the press, of the clergy, of newly formed organizations for the defense of children, of congresses, and of several political parties, an active propaganda was inaugurated in the latter part of the nineties which led to the elaboration of a new law, despite the protests of a certain number of employers' organizations. An organization of master bakers in Saxony manifested what a pedagogical journal called "pronounced symptoms of abnormal acquisitiveness and a feebly developed social conscience" by petitioning the Im-

perial Diet to permit the employment of children for 2 hours in the morning before school. But a large number of employers' and employees' organizations became fervent advocates of a better regulation of the gainful employment of children, and in 1903, under date of March 30, the law now in force was passed. A statement of the provisions of this law and of such other measures as now regulate the employment of children in Germany forms the following two sections of this study.

THE INDUSTRIAL CODE.

The German labor laws now in force are both numerous and complex. They contain, in the first place, provisions which apply to certain groups of occupations without regard to the age of the laborers engaged therein. These provisions necessarily redound to the benefit not only of adult laborers but also of child laborers. In the second place, Germany possesses a number of important regulations concerning the labor of female persons. It is evident that these apply equally to nonadult and to adult female laborers. Above and beyond the provisions concerning the employment of laborers generally and of female laborers, there are, in the third place, numerous provisions that apply particularly to children and to young persons; that is to say, to persons under 13 years of age or persons who have not yet completed their elementary education (called "children"), and to persons between 14 and 16 years of age (called "young persons").

Many of the provisions concerning child labor are contained in the so-called "law for the protection of children" under date of March 30, 1903, but by no means all of them. The Industrial Code, particularly as modified by the laws of 1891 and 1908, contains a number of important provisions for the regulation of child labor, especially in what are called "larger industrial establishments."

In the present section an account will be given of the general provisions of the labor laws (involving benefits for child laborers as well as for adults) and of the provisions of the Industrial Code concerning children and young persons. The following section will be devoted particularly to the law of March 30, 1903.

The Industrial Code, together with the numerous modifications that have been made in it and the various ordinances that have been passed under its provisions, contains a considerable number of sections and clauses that confer important benefits upon persons under 16 years of age and upon women. These sections and parts of sections are as follows:

Section 6: This code does not apply to fisheries, apothecaries, educational institutions, advocates and notaries at law, emigration enterprises and agencies, insurance, transportation and railway enterprises.

Section 14: Whoever starts an independent industrial establishment must report it to the local authorities. This obligation applies also to whoever has been permitted to engage in a "wandering" trade.

Section 16: The erection of plants the situation or character of which is such as to cause injury, danger, or damage to the owners or occupants of adjoining property or to the public generally, can not be undertaken without the permission of the authority designated by the laws of the State.

Section 41b: In trades supplying a public want which must be satisfied daily or that is especially important on Sundays or holidays the higher administrative authorities may prescribe, upon the petition of at least two-thirds of the employers concerned, that in any community or group of adjoining communities business shall be carried on on Sundays and holidays only at such times as are in conformity with the provisions of the second paragraph of section 105b. (See p. 243.)

Section 42b: Children under 14 years of age must not offer goods for sale on public roads, streets, or places, nor peddle them from house to house. In localities in which such sale or peddling is customary, the local police authorities may permit it for certain periods of time not exceeding a total of four weeks in any calendar year.

Under this provision there was considerable street trading, especially in the larger cities. In Berlin, for instance, during the weeks preceding Christmas numerous children under 14 were thus employed. Protests against the practice were made by the Consumers' League and similar organizations, and resulted in the passage of a police regulation for its restriction; and in 1909 a further step was taken by providing that no exceptions of this sort be thereafter permitted, so that now the employment of children under 14 years of age in street trading is absolutely forbidden in Berlin.

Section 55a: On Sundays and holidays it is forbidden to carry on "wandering trades," except musical, theatrical, and other like performances. Further exceptions may be permitted by the lower administrative authorities.

Section 57b: A certificate permitting the bearer to carry on a wandering trade (*Wandergewerbeschein*) may be refused persons having one or more children for whose support no adequate provision has been made, or whose education, if they are still of school age, is not adequately provided for.

Section 60b: Certificates permitting wandering trades (*Wandergewerbescheine*) may contain restrictions to the effect that minors shall not engage therein after sunset; that female minors may carry them on only in public roads, streets, and places, but not from house to house; that after sunset minors must not sell the unmanufactured

products of the forest, farm, or garden, nor such goods of their own production as are staples of the weekly markets; and that female minors must not peddle the above-named goods from house to house. The local police authorities, moreover, may forbid children under 14 to engage in the wandering trade of selling these goods.

Section 62: It is forbidden to take children along for business purposes in the wandering trades; nor may children be taken along that are still required to attend school, unless adequate provision is made for their education.

Section 105b: Work on Sundays and holidays is prohibited in mines, salt works, ore-dressing works, quarries, metallurgical works, building enterprises and places for the preparation of building materials, factories, workshops, potteries, and docks and wharves.

The period of rest for each Sunday or holiday must be at least 24 hours; for two consecutive holidays, 36 hours; and for the Easter, Christmas, and Whitsuntide holiday periods, 48 hours. In establishments regularly employing night shifts and day shifts the weekly day of rest may begin at 6 a. m., provided the establishment stops work for the 24 hours following. In factories and similar establishments persons under 16 years of age may not be employed on Sundays or holidays nor during the hours required for religious instruction in preparation for "confirmation," confession, or communion. In mercantile establishments employees are not allowed to work on the first day of the Christmas, Easter, or Whitsuntide holidays, or for more than 5 hours on other holidays, or on Sundays. This limitation may be modified by the authorities of any commune, provided the modification be a reduction of the working period. During the four weeks preceding Christmas, and for particular Sundays and holidays upon which local conditions give rise to an exceptional amount of business, the police authorities of the communes may increase the number of hours during which mercantile establishments are allowed to keep their employees at work, but in no case may the number of hours per day exceed 10.

Section 105c: The provisions of section 105b do not apply to—

(1) Work which in cases of accident or public interest must be attended to immediately.

(2) Taking the legally required inventory once a year.

(3) Watching and taking care of the establishments, cleaning them and keeping them in repair, provided this is necessary to the normal continuance of business on the succeeding week day and provided that these operations can not be performed on ordinary workdays.

(4) Work that is necessary to prevent the deterioration of raw materials or destruction of value in partly finished products, provided this work can not be done on ordinary workdays.

(5) Supervision of such work as is executed on Sundays and holidays according to the above enumeration.

Laborers employed in the third and fourth kinds of work on Sundays or holidays for more than 3 hours, or who are prevented from attending divine service, must either be given 36 hours off every three weeks, beginning on Sunday, or be let off on every alternate Sunday, at least, during the time between 6 a. m. and 6 p. m.

Exceptions to the last-named provision may be granted by the lower administrative authorities, provided the laborers are not prevented from attending church on Sundays and are given 24 hours' rest on a week day instead of on Sunday.

Section 105d: The Federal Council may grant exceptions to section 105b in the case of specified trades, and particularly establishments in which the work does not permit of interruption or delay, or establishments that because of their nature operate only during certain seasons of the year, or establishments which are exceptionally active at certain seasons of the year.

Section 105e: For trades which must be exercised on Sundays and holidays to satisfy a daily need of the public, or which are necessary to satisfy a public demand that is of exceptional importance on Sundays or holidays, as well as for enterprises which depend partly or wholly on wind or water as a motive power, the higher administrative authorities may grant exceptions to section 105b.

Section 105f: Such exceptions may also be granted, in writing, for a stated period by the lower administrative authorities if the employment of laborers on Sundays or holidays should become necessary, through circumstances that could not be foreseen, to prevent extraordinary damage.

Section 105g: The prohibition of work on Sundays and holidays may, furthermore, be extended to other occupations by imperial decree with the consent of the Federal Council.

Section 105h: The separate States may impose further limitations upon Sunday work and work on holidays than those set forth in sections 105b to 105g.

Section 105i: The provisions of sections 105b to 105g do not apply to hotels and restaurants; to musical, theatrical, or similar performances and amusements; nor to transportation enterprises.

Employers in these enterprises can not require their employees to work on Sundays and holidays except at the kinds of labor that in the nature of the enterprise do not permit of postponement or interruption.

Section 107: Unless the law specifically provides otherwise, nonadult persons must not be employed as laborers unless they are equipped with a work book. Upon employing such persons the employer shall take charge of the work book; he shall keep it,

exhibit it at the requisition of the officials, and at the legal expiration of the period of employment return it either to the parent or guardian of the employee, if he demands it or if the employee is not yet 16 years of age, or to the employee himself.

The foregoing provisions do not apply to children who are still required to attend the common schools.

Section 108: The work book shall be provided gratis by the police authorities of the place in which the laborer had his latest legal residence. It is furnished upon the request or with the consent of the laborer's parent or guardian. * * * Before it is furnished, however, it must be shown that the laborer is no longer required to attend the common schools and that no work book has previously been issued for him.

Section 110: The work book must contain the name of the laborer, the date and place of his birth, the name and last domicile of his parent or guardian, and his signature. It must bear the signature and seal of the authority issuing it. The latter shall keep a list of the work books issued.

Section 111: When he begins to employ a laborer, the employer shall record upon the work book, in the place provided for this purpose, the date of the beginning of employment and the nature of the work to be done by the employee. He shall also record therein any changes in the nature of the employment and the date of its termination.

Section 119a: Any community or group of communities may provide by statute that the wages earned by nonadult laborers shall be paid to the parents or guardians of these laborers; or that the wages shall be paid to these laborers directly only upon the written authorization of the parents or guardians, or upon their written acknowledgment of the receipt of the wages previously paid. The same authorities may also provide by statute that nonadult employees shall make a report at regular intervals to parents or guardians with regard to the wages that have been paid them.

Section 119b: The above provisions (of section 119a) apply also to persons employed by particular enterprises outside of the employer's establishment to manufacture industrial products, even though the laborers provide their own raw materials and other materials for production.

Section 120: Industrial employers are required to grant to their laborers under 18 years of age who attend a continuation school, recognized as such by the State or the community, the necessary time for attending such schools during the hours fixed by the proper authorities thereof. Instruction may take place on Sundays only when the hours are so arranged that pupils are not prevented from attending the religious services of the church to which they belong.

Should the laws of the State not provide for such compulsory attendance at continuation schools, any community or group of communities may provide by statute that male laborers under 18 years of age and female employees and apprentices in mercantile establishments shall be required to attend a continuation school.

Section 133h: The following provisions of sections 134 to 134h apply to industrial establishments in which as a rule at least 20 laborers are employed. It applies also to establishments in which the number of employees is increased as a rule at certain seasons of the year and their number at such times is at least 20.

Section 134: In establishments for which the law does not specifically provide otherwise, the employer must at his own cost furnish every nonadult employee with a wage book. On each pay day the amount of the employee's wages must be entered in this book, and the book handed to the employee or his parent or guardian, to be returned to the employer on the following pay day.

Section 134a: Every existing establishment and every newly started establishment must have a working schedule. There may be different working schedules for different parts of the establishment or for different groups of laborers. They must indicate the date upon which they go into effect, and be signed and dated by the persons issuing them.

Section 134b enumerates the required contents of the working schedule—hours of work, pauses, rules concerning fines and the payment of wages, discharge of employees, etc. Sections 134c to 134h set forth certain provisions with which the working schedule must comply.

Section 134i: The provisions of sections 135 to 139aa apply to establishments in which as a rule not less than 10 laborers are employed; this includes those in which as a rule the number of laborers is increased at certain seasons of the year and at such times amounts to at least 10.

Section 135: Children under 13 years of age shall not be employed in industrial establishments. Children over 13 may be employed therein only when they are no longer required to attend the "common schools." (a)

Children under 14 may not work more than 6 hours a day. Young persons, between 14 and 16, must not work more than 10 hours a day.

Section 136: Young persons (i. e., those between 14 and 16) must not be employed after 8 p. m. or before 6 a. m.(b) During the work-

a The school laws vary throughout the Empire from State to State. In some, attendance is required until children are 14 years old. In others, as in Bavaria, children finish school at the age of 13.

b Before the law of December 28, 1908, was passed this provision read "after 8.30 p. m. nor before 5.30 a. m." The new provision went into effect on January 1, 1910.

day there shall be regular intervals for rest. For young laborers who work only 6 hours a day this interval must last at least half an hour; for other young persons there must be at least an hour's pause at noon and a half hour's pause in the morning and in the afternoon. The morning and afternoon pauses need not be granted if the work does not last longer than 8 hours and if the morning and afternoon working periods do not exceed 4 hours each.

During the pauses young laborers must not be employed at any kind of work, nor may they remain in the work places unless that part of the establishment in which they are employed ceases work entirely during these pauses or unless it is impracticable for the employees to remain in the open air and other suitable rooms can not be provided for them without exceptional difficulty.

At the termination of the day's work, young laborers must be given an uninterrupted rest period of at least 11 hours. They must not be employed on Sundays or holidays, nor during the hours fixed for religious instruction.

Section 137: Female laborers shall not be employed at night between 8 p. m. and 6 a. m., nor after 5 p. m. on Saturdays and days preceding holidays.

The employment of female laborers must not exceed 10 hours a day, nor 8 hours on Saturdays and days preceding holidays.

The workday for female laborers shall be interrupted by a midday pause of at least 1 hour.

After the termination of the workday, they must be given an uninterrupted period of at least 11 hours for rest.

Female laborers who have to take care of a household must upon their request be permitted to leave half an hour before the midday pause, unless this pause amounts to at least 1½ hours.

No female persons may be employed in coke manufactures or in transporting or carrying materials for building enterprises of any kind.[a]

Section 137a: Young laborers and female laborers must not be given work to do outside of the regular work place after they have been employed during the maximum period per day allowed by law; nor may they undertake such work for other employers. On days when the working period is shorter than that allowed by law, this additional outside work is permissible only to the extent that it can be performed by a laborer of average ability during the unused part of the maximum workday allowed by law. On Sundays and holidays, such outside work is forbidden entirely.

Section 138: Whenever it is proposed to employ women or young people as laborers, the employer must first notify the local police authorities in writing, indicating his business, the days on which it is

[a] The last part of this provision does not go into effect until April 1, 1912.

proposed to employ these laborers, the beginning and end of the workday and pauses, as well as the nature of the work to be performed. Changes in these matters—apart from the substitution of other laborers for those who have been unable to work—shall not be made without notifying the authorities.

In every establishment the employer must have posted conspicuously, in the rooms in which young persons are employed, a list of these young persons, indicating the days upon which they are employed, the time at which they begin and stop work, and the time and duration of the pauses. He must also post up the provisions of the law concerning the employment of women and young laborers, as prescribed by the central authorities.

Section 138a: In cases of an exceptional accumulation of work the lower administrative authorities may, upon the petition of the employer, permit the employment of female laborers over 16 years of age until 9 p. m., on week days other than Saturdays, for a period of two weeks; provided, that the daily period of work shall not exceed 12 hours and that the period of rest after the day's work be not less than 10 hours. Such permission may be granted an employer for his entire plant or for any part thereof not longer than for a total period of 40 days in any calendar year. If the period of this permission exceeds 2 weeks, it may be granted only by the higher administrative authorities, who shall not grant it for more than 50 days in the year unless the average duration of the workday throughout the year does not exceed the legal maximum. The petition must be made in writing and must state the reason for which it is made, the number of female laborers concerned, the extent of additional work and the period during which it is to take place. The decision of the lower administrative authorities must be rendered in writing within three days. An appeal from this decision may be made to the higher authorities.

The lower administrative authorities may grant written permission for female laborers over 16 years of age, who have no household to care for and who do not attend a continuation school, to remain after 5 p. m. on Saturdays and days preceding holidays, at the kinds of work numbered 3 and 4 in paragraph 1 of section 105c; but upon condition that this work shall not continue later than 8 p. m. and that the female persons thus employed shall have no work on the succeeding holiday or Sunday.

Section 139: If occurrences beyond human control or accidents interrupt the operation of an establishment, exceptions may be granted to the above provisions in sections 135 (except as to the age of admission), 136, and 137 (except as regards coke manufacture and building enterprises) by the upper administrative authorities for

four weeks, or for a longer period by the imperial chancellor. In urgent cases of this sort, or in order to prevent accidents, the lower administrative authorities may grant such exceptions, but not for longer than 14 days.

If the nature of the establishment or the interests of the laborers make it desirable to regulate the workday of female laborers and of young persons, otherwise than provided in sections 136 and 137, modifications may be made upon special petition, in the matter of pauses, by the higher administrative authorities, and in other respects by the imperial chancellor. But in such cases young persons must not be employed more than 6 hours unless there are pauses in the working period amounting to at least 1 hour. Moreover, such modifications must not be made without prior consultation with representatives of the laborers concerned.

Section 139a: The Federal Council is given the following powers:

(1) To forbid the employment of women and young persons entirely, or to permit their employment only under certain conditions, in occupations that involve special danger to their health or morality.

(2) To grant exceptions to the provisions concerning hours of work, pauses, night work, and daily periods of rest, in the case of establishments using continuous fire or required to operate regularly by night and by day, as well as those not permitting a division of the work into shifts of equal duration, and those establishments whose work is of such a nature as to be restricted to certain seasons of the year. An exception to the provision that young persons must be given at least 11 hours for rest at the end of the day's work may be made only for males.

(3) To permit the curtailment or omission of the pauses prescribed for young persons in certain branches of industry if the nature of the industry, or regard for the laborers, makes it desirable.

(4) To permit exceptions to the first, second, and fourth paragraphs of section 137 in those industrial branches in which there is an exceptional demand for labor at certain seasons of the year. But these exceptions are subject to the following restrictions: They must not exceed a total period of 40 days in any calendar year; the daily working period must not exceed 12 hours, nor 8 hours on Saturday; the period of rest following the day's work must amount to at least 10 consecutive hours and must include the hours between 10 p. m. and 5 a. m.

(5) To permit exceptions to the first, second, third, and fourth parts of section 137 in those industrial branches in which night work is imperatively necessary to prevent the deterioration of raw material or of partly finished goods, but upon the condition that the uninterrupted period of rest shall not be reduced to less than 8½ hours in 24,

and that the frequency of such exception shall not exceed 60 days in any calendar year.

In the cases enumerated above under (2) the hours of work per week must not exceed 36 for children, 60 for young persons, and 58 for female laborers. The duration of night work must not exceed 10 hours in any 24, and must be interrupted by pauses amounting to at least 1 hour for each shift of laborers. Day and night shifts must alternate every week.

In the cases enumerated under (3) young persons must not be employed more than 6 hours unless they are given one or more intervals for rest amounting to at least 1 hour.

In the cases enumerated under (4) permission may be granted for overtime work during a period of more than 40 days, but not more than 50, provided the working period is such that the average number of hours' work per day throughout the year does not exceed the usual legal limit.

The regulations which the Federal Council is empowered to enact shall be valid only for stated periods of time, and may be made to apply only to particular regions of the Empire. They must be published in the Imperial Gazette and communicated to the Imperial Diet.

The remaining sections of the Industrial Code have no specific reference to nonadult workers, and except for the provisions regarding the general enforcement of the law and the penalties which may be imposed for its violation they lie outside the scope of the present investigation. It should be borne in mind, moreover, that the provisions of the code do not apply equally to all sorts of employees. Industrial employees in establishments having, as a rule, less than 10 laborers are not subject to the law unless it is specifically so provided. Nor does the law apply to employees in sanatoria, drug stores, mercantile establishments, musical or theatrical performances, gardening, hotels, taverns, restaurants, and transportation enterprises. The provisions of sections 135 (except as regards the age of admission), 136, and 138 do not apply to young persons of the male sex employed in bakeries or in establishments in which bread and pastry are made unless distinct shifts of day laborers and night laborers are regularly employed. Nor does the provision that female laborers must not be employed after 5 p. m. on Saturdays and days preceding holidays apply to baking establishments.

All of the provisions contained in sections 135 to 139a do apply, however, to metallurgical plants, to places for the preparation of building materials, to docks, and to workshops for the manufacture of tobacco products, even though they employ as a rule less than 10 laborers. They apply to brick works and overground mines and quarries in which at least 5 laborers are employed as a rule. They

apply to mines, salt works, ore-dressing works, and underground quarries, even though they employ as a rule less than 10 laborers; and no female person may be employed underground in such enterprises, nor in loading and unloading or transporting the products thereof. They apply, furthermore, to workshops regularly using steam, wind, water, gas, air, electricity, etc., as a motive power, even though less than 10 laborers are employed therein as a rule, subject to certain exceptions that may be granted by the Federal Council. They may be made to apply, in part or in their entirety, by resolution of the Federal Council, to other workshops in which as a rule less than 10 laborers are employed, and to places for the preparation of building materials in which as a rule less than 10 laborers are employed. But workshops in which only members of the employer's family are employed are not subject to the code.

Of the right to extend the provisions of the Industrial Code to other workshops in which as a rule less than 10 laborers are employed (provided the laborers are not members of the employer's family) the Federal Council has made occasional use.

By an ordinance of May 31, 1897, modified and extended under date of February 17, 1904, the provisions of the code concerning the employment of women, young persons, and children were applied to the following workshops:

1. Those in which men's and boys' clothing is made wholesale.
2. Those in which women's and children's clothing is made wholesale or to measure (upon the order and for the use of customers).
3. Those in which hats for women and children are trimmed.
4. Those in which underclothing is made wholesale.

To these four kinds of establishments the provisions of sections 135, 136, 137, 138, 138a, and 139 of the Industrial Code apply in their entirety.

By an ordinance of February 21, 1907, the Federal Council extended the provisions of the Industrial Code to "all workshops in which is carried on the labor necessary for the manufacture of cigars, cigarettes, smoking tobacco, chewing tobacco, and snuff, or in which these products are sorted." This ordinance applies to "workshops using motive power, even if they usually employ less than 10 laborers," but not to "workshops which employ only persons belonging to the family of the employer."

Of the power to forbid the employment of women and young persons in occupations involving exceptional danger to their health or morals, or to permit their employment only upon certain conditions (see sec. 139a, already quoted), the Federal Council has also made frequent use (p. 252).

Numerous provisions concern the protection of employees against the danger of accident, disease, and immoral influences. These pro-

visions require in general that the workrooms, the machines, and the devices employed in all industrial establishments must be of such a character and so arranged as to prevent injury to the life and health of the employees (so far as the nature of the industry permits). It is especially provided that there must be sufficient light, air, and ventilation, and that noxious gases, dust, and refuse be removed. So far as the nature of the occupation permits, male and female employees must be separated, and in establishments in which employees need to change clothes there must be separate dressing rooms for males and females. Employers are particularly required to preserve conditions of safety and decency whenever they employ women or persons under 18 years of age.

The Federal Council, the central authorities of the separate Provinces, and the police authorities are empowered to prescribe specifically the conditions which must be observed in fulfillment of the above provisions. In the exercise of this power special rules have been established in the following occupations: The manufacture of lead colors and other lead products; the manufacture of cigars; the manufacture of alkali-chromates; printing offices and type foundries; the manufacture of electric accumulators with lead and lead compounds; horsehair spinning, and the manufacture of hair and bristle goods and brushes; making phosphatic manure out of basic slag from the Bessemer process; zinc works; the manufacture of vulcanized rubber products; glass works, glass cutting, glass etching, and sand blasting; quarries and stone cutting; the manufacture of sexual appliances, etc.; lead works; enameling, lacquering, sign painting, house painting; whitewashing and pargeting; rolling mills and forges; brick works; the manufacture of chicory; sugar refining and the manufacture of raw sugar; bakeries; the manipulation of fibrous materials, animal hair, refuse, and old rags; hotels and taverns; flour mills; canning and preserving fish, fruit, and vegetables; dairies; chemical cleaning establishments; gas power plants; the manufacture of mirrors; spinning mills; the manufacture of heavy iron products; coal mines; and the manufacture of water gas. A law under date of May 10, 1903, entirely forbids the manufacture of white phosphorus matches.

In all of these trades and occupations the Federal Council has established more or less definite and elaborate rules with regard to the precautions which must be taken to prevent occupational diseases and accidents, and to safeguard as far as possible the health, safety, and morality of the employees. In many of them it is provided that the laborers shall be examined from time to time by accredited physicians designated for this purpose by the higher administrative authorities, and if any of the employees are found to be ill or in a physically unfit condition they shall be kept away from dangerous

or unhealthful workrooms or processes. These provisions of course apply to nonadults as well as to adults. Concerning women and children employees, moreover, certain additional restrictions are imposed in a number of these trades and occupations. These are as follows:

1. In the production of electrical accumulators with lead or lead compounds it is forbidden to employ children under 16 years of age or female laborers at work which brings them into contact with lead or lead compounds.

2. In brick and tile works it is forbidden to employ females or children under 16 at procuring or transporting the raw materials, including the prepared clay; at molding by hand, except roof tiles and scouring stones; at work in the ovens or in firing them, except to fill and empty smother-kilns that open at the top; or at transporting molded, dried, or burnt bricks, etc., when done by means of wheelbarrows or similar vehicles and there are no rails or hard flat surfaces for moving them.

3. In establishments in which basic slag is ground, or basic slag is stored, the presence or employment of females or of boys under 18 years of age is forbidden in the rooms in which loose slag is brought; nor may laborers under 18 be employed to beat sacks which have already been used.

4. In zinc works, female persons and children under 16 years of age must not operate distilling furnaces, nor remove the ashes. nor sieve or pack the by-products of zinc smelting.

5. In establishments for the manufacture of chicory, the labor and presence of women and of children under 16 is forbidden in the rooms in which drying kilns are in operation.

6. In the several branches of glass manufacture there are distinct and somewhat detailed provisions regarding the employment of females and of children under 16.(a)

A. The work or presence of females and of boys under 14 is forbidden in rooms in which work is done in front of the ovens (for smelting, cooling, annealing, and flattening) and in which the tem-

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a To determine the frequency with which young persons were legally employed at night in glass works and in rolling mills and iron forges, the German division of the International Association for Labor Legislation in 1909 had the labor inspectors collect data upon this subject. The results indicated that in 1909 there were employed the following numbers of persons under 16 years of age in glass works: Prussia, 1,871; Bavaria, 314; Hesse, 40; Wurttemberg, 36; Saxony, 173; Baden, 35; Sachsen-Weimar, 52; Sachsen-Meiningen, 14; Oldenburg, 20; Schaumburg, 30; and Hamburg, 6. The duration of night work for these persons varied considerably. In many instances it did not amount to more than one or two hours of work beyond the hour fixed by law as marking the beginning of "night;" but in many cases full advantage was taken of the maximum allowed by the Federal Council. (Soziale Praxis for September, 1910.)

perature is exceptionally high (because of pot furnaces and the like); but exceptions may be allowed by the Federal Council.

The work or presence of females or of boys under 16 is forbidden in the rooms in which raw materials or cullet are broken up or mixed, or in which work is done with liquid hydric fluoride; nor may such persons be employed at sand blasting. Boys under 16 and females must not be employed at grinding lathes. Nor may adult women be employed at cutting glass when the glass is dry or the cutting wheel is not worked by motor power; the higher administrative authorities may, however, upon request of the employer permit their employment at dry cutting whenever suitable apparatus has been provided to draw off the dust which is generated.

Males under 16 years of age, so far as their employment is permitted at all by the above regulations, may be employed only if equipped with a medical certificate made out by the physicians designated for this purpose by the higher administrative authorities to the effect that their employment is admissible without menace to their health or physical development.

B. In glass works in which the glass metal is melted and worked up—apart from plate-glass works in which rolled glass is produced—the provisions of section 136 of the Industrial Code are suspended as regards male laborers under 16 years of age working in front of the ovens (for smelting, cooling, annealing, and flattening), save for the following modifications: Shifts of laborers engaged in this work must not be employed for a longer period than 12 hours, including pauses, or 10 hours, excluding pauses; the total hours of work per week must not exceed 60, excluding pauses; the work of every shift must be interrupted by one or more pauses having a total duration of not less than 1 hour; interruptions of less than a quarter of an hour shall not, as a rule, be counted as part of the required pauses, one of which must last at least half an hour; the higher administrative authorities, however, may allow such short interruptions to be counted as part of the pauses if the young persons concerned are employed in shifts working 8 hours or less and are engaged in work which is so light and interrupted by so many sufficient pauses for rest that there is no danger to their health; but even in such cases there must be one pause of at least half an hour. Such permission, moreover, may be granted only on condition that the young persons concerned be given a pause between the two shifts of at least 24 hours' duration in plate and window glass works, and at least 16 hours' duration in bottle glass works.

If the works are operated by day and night there must be a change of shifts every week. This does not apply to those glass works in which the work is so arranged that the young laborers have a rest of at least 24 hours between each two days of work. The young labor-

ers must not be employed during the pauses for adult laborers. Between every two shifts there must be a rest period of at least 12 hours. On Sundays and holidays there shall be no work between 6 a. m. and 6 p. m.; should two or more holidays come together, this rule applies only to the first.

C. In glass works in which the melting processes and manufacturing processes are carried on by alternating shifts, the employment of boys under 16 years of age at work in front of the ovens (for smelting, cooling, annealing, and flattening) is not governed by section 135, paragraph 2, and section 136 of the Industrial Code, save for the following modifications:

The total duration of employment must not exceed 60 hours a week, excluding pauses. Not more than half of the total duration of employment within two weeks shall fall between the hours of 6 p. m. and 6 a. m. The total duration of pauses must be at least 1 hour for shifts working not more than 10 hours, or one and a half hours for shifts working more than 10 hours. Interruptions of less than a quarter of an hour shall not be counted as part of the pauses, one of which shall last at least half an hour. In the period between 6 p. m. and 6 a. m. the duration of employment must not exceed 10 hours, exclusive of pauses. During the pauses for adults the young laborers shall not work. Between each two days of work there must be a rest period of at least the duration of the preceding day's work. During the rest period it is permitted to employ the young persons at auxiliary occupations, provided that before or after their employment they are not required to do any work at all for a period equivalent to that of the last day's work. Work at these auxiliary employments shall be counted as part of the week's work. On Sundays the work may occur between 6 a. m. and 6 p. m. only once in two weeks.

D. In glass works taking advantage of the exceptions allowed under B and C, the provisions of section 138, paragraph 2, of the Industrial Code apply with the following modifications: The list of employees under 16 years of age, that must be posted up in the work places, must be so arranged that the laborers employed in separate shifts shall be listed separately.

The list for glass works indicated under C need not indicate, for the young persons who work in front of the ovens, the days on which they are employed, the time of work, nor the pauses; but instead of this the law prescribes a chart upon which certain items must be entered for each shift, during the time it is at work or immediately at the end of each working period. This chart shall contain the prescribed data for at least the last fourteen working shifts and the name of the person who made the entries. The higher administrative authorities may suspend the rule regarding the chart, upon request, in the case of individual works, so far as certain specified

kinds of work are concerned in which the young persons employed therein are regularly granted pauses at least equivalent to those set forth under C. But this suspension of the rule concerning the required charts is subject at all times to repeal.

It is provided, finally, that the above provisions sanctioning certain exceptions to the general rule regarding the employment of young persons shall be conspicuously posted up in the works which take advantage of these exceptions.

7. In raw-sugar factories, sugar refineries, and establishments for the extraction of sugar from molasses, the employment of females and of children under 16 years of age is subject to the following rules: Female laborers and children under 16 must not be employed at hoppers and washing machines, at elevators, or at transporting beets and sliced beets in vehicles that are hard to move. In the fill houses, centrifugal rooms, crystallizing rooms, exsiccating rooms, macerating rooms, the rooms for clarifying loaf sugar, for rasping, and for drying strontia muffles, as well as other work places in which an exceptionally high temperature prevails, the work or presence of young persons and of women is forbidden while these processes are being carried on.

8. In metal rolling mills and forging works operating with continuous fire, the employment of women and young persons is subject to the following limitations: Women must not be employed at work directly connected with the furnace (rolling, forging, etc.); children under 14 years of age must not be employed in these works at all.

In rolling and forging works making iron or steel products with continuous fire employing young persons of the male sex at work directly connected with the furnaces, the provisions of section 136 of the Industrial Code apply only with the following modifications:

No young person may be employed without a medical certificate from an accredited physician authorized by the higher administrative authorities to issue such certificates, attesting that the bearer's physical condition is such as to permit his employment in the works without danger to his health.

The duration of each shift of work shall not exceed 12 hours including pauses or 10 hours excluding pauses. The work of each shift must be interrupted by pauses of a total duration of at least one hour. Interruptions lasting less than a quarter of an hour are not counted as part of the pauses. But if in any establishment the work done by the young persons is so light and involves so many sufficient pauses for rest that any injury to their health is thereby excluded, the higher administrative authorities may, upon request and subject to withdrawal at any time, permit such short pauses to be counted as part of the required total pauses. If young persons work for a longer period than 8 hours, one of the pauses must be

for at least half an hour, and must take place between the end of the fourth and the beginning of the eighth hour of work. The total working period in a week must not exceed 60 hours, excluding pauses. If the works are operated day and night there must be a change of shifts every week. In works having two daily shifts, the hours of work must be so arranged that employees under 16 years of age shall not be required to work between 8.30 p. m. and 5.30 a. m. (night shifts) more than six times a week. Between every two shifts of work there must be a rest period of at least 12 hours, during which the laborers concerned shall engage in no work whatever. On Sundays and holidays there shall be no work between 6 a. m. and 6 p. m. Work may be done on Sundays before or after this period only if the young people are given an uninterrupted rest period of at least 24 hours either before or after the working period. Young people must not be employed during the pauses for adults.

It is provided, finally, that in rolling and forging works taking advantage of the exceptions permitted above, there must be a list of the young persons employed therein, indicating separately the young persons in each shift of laborers, as well as the times fixed for pauses (if such pauses occur regularly), or (if not fixed regularly) a chart analogous to that referred to under 5 D (p. 255) and subject to suspension at any time. The provisions sanctioning exceptions to the general rules regarding the employment of young persons must be conspicuously posted up in the works which take advantage of these exceptions.

9. In lead works female laborers and young persons under 16 years of age must not be present or be employed in the rooms in which lead ores are roasted, calcinated, or melted down, or in which crude lead is obtained and subjected to further processes, or in which rich lead is cupeled or litharge or other oxide compounds of lead are produced, ground, sieved, stored, or packed, or in which zinc scum is distilled; nor is their work or their presence permitted in the lead-fume rooms and flues for condensing lead fumes or in transporting fume lead.

10. In the manufacture of lead colors and other lead products (white lead, chromate of lead, massicot, Naples yellow, iodide of lead, acetate of lead, litharge, minium, peroxide of lead, oxychloride of lead, Cassel yellow, Turner's yellow) the work or presence of women is permitted only to the extent that they do not come into contact with dust, vapor, or gases containing lead or handle materials composed partly of lead. The presence or work of young persons is entirely forbidden in establishments serving exclusively or mainly for the manufacture of lead colors or other chemical products of lead; in other establishments making lead products the same provisions apply to young persons as those above enumerated for women. All employees engaged in the manufacture of the enumerated lead products

or exposed to contact with lead gases, vapors, or materials must be equipped with a physician's certificate to the effect that they are physically sound and not suffering from diseases of the lungs, kidneys, or stomach. Persons under 18 years of age may not be employed at all in filling or emptying oxidizing chambers, or in packing lead colors and other chemical lead products in the dry state; but the higher administrative authorities may upon request grant permission to employ them in packing small quantities of colors containing a small proportion of lead or in making small packages intended for retail trade.

11. In the manufacture of alkaline chromates no women or young persons shall be employed except in operations which do not bring them into contact with the chromates. No person shall be engaged for work in chromate processes unless he produces a certificate of a qualified physician certifying that he is free from open wounds, suppurating sores, and cutaneous eruptions.

12. A "notification" of the imperial chancellor under date of March 4, 1896, concerning bakeries and confectioneries provides that apprentices in these establishments shall have a maximum working period two hours shorter than that of adult laborers during the first year of their apprenticeship, and one hour shorter during the second year of apprenticeship, except on days when overtime work has been sanctioned by the lower administrative authorities because of holidays or extraordinary occasions and on 20 other days in the year chosen by the employer. In bakeries and confectioneries in which apprentices are given twenty-four hours for rest, beginning not later than 10 p. m. on Saturday, the workday may be lengthened two hours on each of the two preceding days; but even in such cases the apprentice in his first year of apprenticeship must have a rest period of at least ten hours between two working shifts and in his second year at least nine hours. Apprentices are persons engaged in the actual production of the goods made, including even persons under 16 years of age.

13. In printing offices and type foundries type cases must be cleaned in the open air by means of bellows, and this work must not be intrusted to laborers under 16 years of age.

14. In the manipulation of fibrous materials, animal hair, refuse, or old rags the work or presence of young persons is forbidden, while operations are being carried on, in hackle rooms, in rooms in which are operated the machines for opening, separating, raveling, cleaning, greasing, or mixing raw or old fibrous materials, animal hair, refuse, or rags, or in which animal hair is cleaned or separated (felted) by hand. Carding (combing) wool and cotton is not included in the above provision; nor does it apply to establishments employing as a rule fewer than 10 laborers or in which mechanical

motive power (steam, wind, water, gas, air, electricity, etc.) is not used, or is used only temporarily. In rooms in which rags are opened, sorted, torn, cleaned, greased, mixed, or packed, the presence or work of young persons is forbidden while these operations are carried on.

15. Concerning the employment of apprentices and laborers (*Gehilfen*) in hotels and taverns, the Imperial Chancellor issued a "notification" under date of January 23, 1902, according to which employees and apprentices under 16 years of age must have a rest period of at least 9 hours at the close of the workday. This provision may be made to apply also, by local police ordinance, to employees and apprentices over 16 years of age, for whom otherwise the rest period must be at least eight hours seven times a week, save that the beginning of the first rest period may fall in the preceding week and the end of the last may fall in the following week. The maximum working period of fifteen or sixteen hours may, however, be increased 60 times a year; but every time that a laborer or apprentice is included in this arrangement it must be counted as one of the 60 permissible times; and even in such cases the week's work must be interrupted by seven rest periods of the prescribed length.

Employees and apprentices under 16 years of age must not be employed in the time between 10 p. m. and 6 a. m.; nor may female employees and apprentices under 18 years of age who do not belong to the family of the employer be employed in serving guests during this time.

The terms employee and apprentice include persons of either sex engaged in hotels and taverns as head waiters, waiters, or waiter's apprentices, cooks or cook's apprentices, or at buffets and bars, or in the preparation of cold refreshments. Those persons are excluded, however, who are employed mainly in mercantile or other industrial occupations connected with hotels and taverns, provided their employment in these other occupations is regulated by other provisions of imperial legislation.

The higher administrative authorities may grant permission for health resorts and bathing resorts to curtail the daily rest period for a period of not over three months in the case of hotel employees and apprentices over 16 years of age.

16. Employees and apprentices in flour mills must be given at least 8 consecutive hours for rest in every 24 hours following the beginning of their working period. If the mills are operated exclusively or mainly by steam power, the daily rest period must last at least 10 hours. In establishments regularly operating with day and night shifts the rest period on Sundays may be curtailed to the extent that this is necessary to effect the weekly change of shifts. But these rules shall not apply to flour mills using wind as their exclusive motive power. For flour mills using irregular water power to propel

their machinery, and employing not more than one laborer, the lower administrative authorities may on not more than 15 days in the year grant exceptions to the above provisions concerning daily rest periods.

In the meaning of the present provisions, employees and apprentices are persons employed to operate the milling apparatus, including those under 16 years of age, who have not yet become journeymen (*Gehilfen*), although they may not be bound by a contract of apprenticeship.

17. In establishments for canning fruit and vegetables employing as a rule not fewer than 10 laborers, the work of female employees over 16 years of age may be carried on upon not more than 60 days of the year, contrary to section 137, paragraphs 1, 2, and 4, of the Industrial Code, upon the following conditions, counting every day upon which one or more female laborers are thus employed.

The work must not begin before 4.30 a. m. nor end later than 10 p. m. If it is done on Saturday or the day preceding a holiday it may be continued after 7.30 p. m. only upon the condition that the female laborers thus employed shall do no work at all on the following Sunday or holiday. The daily working period must not exceed 13 hours. The period for daily rest must amount to at least 8½ consecutive hours. A chart must be posted up conspicuously in the work places indicating, for each day on which female laborers are employed contrary to section 137 of the Industrial Code, the number of hours of overtime work done by the female laborers working the greatest number of hours, as well as the precise time at which the period allotted for the night's rest began and ended on each day.

18. In fish canning and preserving establishments employing as a rule not fewer than 10 persons the employment of female laborers at smoking, curing, and pickling sea fish is regulated as follows:

Notwithstanding section 137, paragraph 1, of the Industrial Code, female laborers over 16 years of age may be employed until 7.30 p. m. on Saturdays and days preceding holidays. Female laborers over 16 years of age may be employed on not more than 60 workdays in the calendar year, in conformity with the same restrictions as those which apply to canning fruit and vegetables, save that the work must not begin before 6 a. m. nor continue after 10 p. m. The higher administrative authorities may, however, determine that in certain districts or certain parts thereof, section 137, paragraph 1, of the Industrial Code, shall not apply to female laborers over 16 years of age employed in handling sea fish that are delivered to the canning establishments by the fishermen immediately after the landing of the boats.

19. In workshops in which painting, whitewashing, pargeting, and lacquering is done, only male laborers over 18 years of age may be employed to grind lead colors by hand.

20. In dairies and in establishments for sterilizing milk the employment of female laborers over 16 years of age is not governed between April 1 to October 1 by the provisions of section 137, paragraph 1, of the Industrial Code, except in accordance with the following modifications: The hours for work must be between 4 a. m. and 10 p. m. The female laborers who are employed after 8.30 p. m. must be given a midday pause of at least 3 hours.

21. In the manufacture or packing of sexual appliances, etc., the work or presence of laborers under 18 years of age is forbidden. In rooms in which suspensories are made or packed, all of the employees must be of one sex. The presence in such places of young persons or of female persons under 21 years of age is prohibited.

22. In establishments for spinning horsehair, preparing hair and bristles, and making brushes, persons under 16 years of age must not handle materials that have not been disinfected if the manipulation subjects such persons to serious risk; nor may they be employed to disinfect the materials that are required by law to be disinfected.

23. In stone quarries and the preparation of stone for building purposes the laborers employed in the actual work of quarrying the stone must not work more than 10 hours a day. Those who subject sandstone to further modifications, such as dressing, must not work more than 9 hours. Exceptions may be granted by the lower administrative authorities, in cases of necessity or in cases of public interest, for not more than two additional hours per day and for not more than 14 days. Female laborers and young persons must not be employed in stone quarries at the work of actually quarrying the stone or at removing stone débris or in the processes of working at the rough stone—that is to say, at the work of making paving stones. But the higher administrative authorities may for a district or a part thereof grant exceptions permitting female laborers over 18 years of age to be employed in making paving stones, in which case the duration of work must not exceed 6 hours per day.

In cutting stones young persons must not be employed at work upon dry sandstone, nor may female persons be employed at any other kind of work which exposes them to the effects of stone dust. When young persons are employed to work upon moist sandstone, even during a part of the day, they must not be employed more than 9 hours a day. Moreover, young persons and females must not be employed at the transportation, loading, or unloading of stones and waste. In slate quarries the higher administrative authorities may grant exceptions to the extent of permitting young persons to be employed at such kinds of labor connected with transportation, loading, and unloading as is suited to their strength. The same exception may be made to apply to female laborers in certain districts or parts thereof.

24. In mining coal, lead ore, and zinc ore, and in establishments for the manufacture of coke in the administrative district of Oppeln, it is provided that for female employees over 18 years of age the provisions of section 137, paragraph 3, of the Industrial Code shall not apply except to the extent that the work of these employees shall be interrupted by pauses amounting to a total duration of at least one hour, and that the maximum period of work per day shall not exceed 10 hours. If there are several pauses, one of them must last at least half an hour. The first shift of workers shall not begin work before 5 a. m. nor the second end work later than 10 p. m.; nor shall the working period of each shift be longer than 8 hours.

25. In the coal mines of Prussia, Baden, and Alsace-Lorraine, working with 8-hour shifts of laborers, the work of boys over 14 years of age above the surface in operations directly connected with the mining of the coal is not subject to the rules of section 136, paragraphs 1 and 2, of the Industrial Code, save with the following modifications:

Work must not begin before 5 a. m., and when there are two daily shifts it must not continue after 11 p. m. No shift must work longer than 8 hours, including pauses. On days preceding Sundays and holidays work may begin at 4 a. m., and if there are two shifts per day it may continue until 1 a. m. on the next workday.

Between the work of two shifts young persons must be given a rest period of at least 15 hours. The rest period preceding work on days before Sundays and holidays and the rest period after work on days following Sundays and holidays must each last at least 13 hours.

The hours for work of young laborers must be interrupted on every workday by one or more pauses of a total duration of not less than one hour. Two of the pauses must last at least a quarter of an hour each, or three pauses must last at least ten minutes each.

In shifts working not more than six hours, boys over 14 years of age may be employed at work, above the surface in coal mines, that is consistent with their strength, regardless of the provisions concerning pauses set forth in section 136, paragraph 1, of the Industrial Code, provided the character of the work is such as to involve pauses. The provisions already stated with regard to the time work may be begun or terminated and with regard to rest periods between shifts shall also apply in these cases.

Young persons employed in the designated kinds of work must be equipped with a medical certificate indicating that the bearer may engage therein without menace to his health or physical development.

26. In industrial establishments for vulcanizing rubber, persons under 18 years of age must not be employed at the work of vulcanization by means of bisulphide of carbon or in operations which expose the laborers to the effects of bisulphide of carbon.

27. Concerning factories and other industrial establishments in which cigars are manufactured or sorted by other employees than those belonging to the family of the employer, it is provided that female employees and young persons may not be employed unless they are in the direct employ of the head of the establishment. It is not permitted to have such laborers employed or paid by other laborers or on the accounts of other laborers unless they are direct relatives.

The above 27 groups of occupations are regulated as indicated for the German Empire as a whole. Additional regulations may in many instances be established, and, in fact, have been established, by the separate States of the Empire or by minor political subdivisions within each of the States. Hence there is a great variety of restrictive regulation not only from State to State but within each State of the Empire.

In mercantile establishments (i. e., places where goods are offered for sale, such as shops and stores) and in the storerooms and offices connected therewith, employees must be provided with seats.[a] At the termination of the day's work, they must be given at least 10 consecutive hours for rest. In communities with more than 20,000 inhabitants, this period must be at least 11 hours for mercantile establishments employing two or more "hands" or apprentices. In smaller communities, the period may be determined by local ordinance. During the workday, employees must be given a suitable midday rest. If they take their midday meal outside of the establishment, this interval must not be less than 1½ hours; but there are a few exceptions to this provision.

These exceptions are limited to three groups: (1) Work that must be done at once in order to prevent goods from spoiling; (2) taking the inventory provided for by law or at such times as a business is started or moved from one place to another; (3) in addition to the above, the local police authorities may grant exceptions, for particular branches of business or for mercantile establishments generally, on not more than thirty days in the year.

To facilitate compliance with the rules concerning night rest, it is provided that mercantile establishments must be closed from 9 p. m. to 5 a. m. It is permitted, however, for them to remain open after 9 o'clock under the following conditions: (*a*) In cases of unforeseen necessity; (*b*) on 40 days designated by the local police authorities, when they may remain open until 10 p. m.; and (*c*) at such times as the higher administrative authorities may permit it in smaller towns and country districts under circumstances set forth in the law. Thus, if at least two-thirds of the shopkeepers engaged in a partic-

[a] By ordinance of the Federal Council under date of November 28, 1900.

ular line of mercantile business in any town agree to it, the higher administrative authorities may shorten the period during which the establishments engaged in that business may remain open.

Thus the shops and stores in any line of trading or in all branches thereof may be ordered closed not only between 9 p. m. and 5 a. m., but between 8 p. m. and 7 a. m. during any part of the year or during the entire year. In this manner there were, in the middle of the year 1908, 372 German cities with a population of fifteen and one-half millions in which the shops and stores were closed at 8 p. m. upon petition of two-thirds of the dealers in the communities concerned; and in November, 1908, the city of Berlin was added to the list.(a) On April 1, 1910, the neighboring cities of Hamburg, Altona, and Wansbek adopted the 8 o'clock closing rule for all shops and stores selling food products; only the cigar stores are permitted to remain open until 9 p. m.(b)

Mercantile establishments (i. e., shops and stores for the sale of goods) in which apprentices are employed are subject to the same rules regarding the attendance of laborers at continuation schools, and regarding workbooks, as the industrial concerns affected by these provisions.

The Federal Council is empowered by the Industrial Code to determine the duration of the workday and of the pauses for rest for employees in any category of industries in which an excessive period of labor might jeopardize the health of the laborers engaged therein.

It is by means of these executive ordinances that the protective measures for child laborers are increased in number and extended in scope without putting the whole legislative machinery into operation. By the same means, the length of the workday and the conditions of labor for adults are also regulated by the Government in spite of the general theory that limitations must not be imposed upon the right of free contract for adult male laborers.

To facilitate the work of the authorities, and particularly of the labor inspectors, in securing the observance of the provisions regarding the industries and occupations specially regulated by these administrative ordinances, it is provided that the employers must keep a list of their employees and a working schedule. As a rule, it is also provided in these occupations that employees under 16 years of age must not work between 10 p. m. and 6 a. m.

A working schedule, moreover, is required by the Industrial Code in all establishments having at least 20 laborers. This schedule or set of rules, called "Arbeitsordnung," must be posted conspicuously in the establishment, and must contain detailed information in regard to such subjects as the beginning and end of the workday and pauses,

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[a] Soziale Rundschau for 1908, Band 2, page 730.

[b] Soziale Praxis, March 3, 1910.

the times and methods of wage payment, the nature and amount of fines to which the laborers are subject and the use that is made of these fines.

Under date of December 28, 1908, the Industrial Code was modified in many important respects, particularly as regards the provisions concerning the employment of women and children. Generally speaking, the code applies to all "industrial establishments." But it does not define this term. Certain of its provisions, notably those concerning women and children, apply only to "factories and similar establishments." No definition of "factory" is given. Hence all manner of difficulties and problems arose in the interpretation of the law. It was partly in order to do away with these difficulties that the law of December 28, 1908, was passed, abandoning the term "factory" and using in its stead the two expressions, "business enterprises employing as a rule at least 20 laborers," and "business enterprises employing as a rule at least 10 laborers." Thus the new law substituted for a single indefinite expression two definite ones. It extended certain provisions of the Industrial Code, moreover, to establishments having less than 10 laborers. Indeed, some workshops are included regardless of the number of persons employed therein. But it should be remembered that this code, as its name indicates, applies as a whole only to industrial establishments. It does not concern domestic service, agriculture, or forestry, nor does it concern domestic workshops; that is to say, industries carried on within the home of the employer and with the aid of the members of the employer's own family. In the latter respect, it differs from the law of 1903, which for the first time boldly violated the tradition which forbade the law to interfere with the presumably inviolate and sacred right of parents to do what they please with their children.

The requirements of the Industrial Code with regard to attendance upon continuation and trade schools have a very important and direct bearing upon the problem of nonadult labor. According to section 120 of the code (see p. 245), industrial employers are required to grant to their employees under 18 years of age who attend a continuation school recognized by the State or the community the necessary time for compliance with the schedules of such schools. Another section of the code (139i) extends the same rule to employees and apprentices in commercial establishments in places where there is a commercial or trade school recognized by the State or the community. The term "continuation school," as used in the code, includes institutions in which females receive instruction in handicrafts or in domestic science. Attendance upon continuation or trade schools may be made compulsory for all male laborers under 18 years of age and for female employees and apprentices in commercial establishments wherever such attendance is not already ob-

ligatory by virtue of the law of the State, by statute of the community, or of a group of communities. The same authorities, moreover, may enact such measures as may be necessary to assure the regular attendance of the pupils upon these schools and to compel the cooperation of parents and employers. The place of the continuation schools may be taken by guild schools (*Innungschulen*) if the higher administrative authorities regard them as furnishing equivalent training. It should be noted, moreover, that the provisions of section 120 apply to all industrial employees included within the scope of the code; that it also includes employees and apprentices in commercial establishments; but that it applies neither to apprentices or employees in drug stores nor to mine laborers. Section 139i of the code specifically requires the heads of commercial establishments to see to it that their employees and apprentices attend the continuation schools. It is manifest that the establishment of these schools and placing attendance in them upon a compulsory basis constitutes, in effect, an important further restriction upon the employment of laborers under 18 years of age.

The importance of this restriction is clearly indicated by statistics recently collected by the German Teachers' Association (*Deutscher Lehrerverein*) (a) in its report on the general subject of continuation schools in Germany. According to this report the States of the Empire which still have no general rules upon the subject are few in number—namely, Prussia, Oldenburg, Alsace-Lorraine, Mecklenburg-Strelitz, Anhalt, Schaumburg-Lippe, and Reuss (Senior Line). Prussia, however, has a series of laws upon the subject which apply to certain kinds of employees and laborers, particularly industrial employees and laborers in mines.

Prussia in 1908 had 1,719 industrial and 381 commercial continuation schools, with a total of 360,000 pupils. There were, moreover, 204 technical schools in which 44,300 pupils were receiving instruction in the building trades and the metal trades. For the educational work under the direction of the Ministry of Commerce and Industry the total State expenditure for 1910 will be more than 13 million marks ($3,094,000). Since 1884, 4,530,000 marks ($1,078,140) have been spent for the original equipment of continuation and trades schools, and the expenditures of the communes, which in 1885 amounted to a total of 100,000 marks ($23,800), now amount to nearly 2,000,000 marks ($476,000) annually for art trades schools, handicraft schools, building trades schools, and metal trades schools alone. It should be noted, furthermore, that the communes furnish the buildings or rooms for the continuation schools, as a rule, and that it is not uncommon for industrial school buildings to cost $100,000 and in some instances $250,000.

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a See Soziale Praxis for September 8, 1910, and June 30, 1910.

Whereas, until a few years ago, attendance at continuation schools was, as a rule, entirely optional and the hours of instruction few and given at inconvenient times, the system of compulsory attendance has rapidly gained ground and the hours for instruction have been more intelligently arranged. There are now few classes after 8 p. m.; the teachers are more efficient and more carefully chosen; and a law is now being elaborated that will require the establishment of continuation schools for industrial employees in every Prussian town with a population of 10,000 and over.

The Prussian Industrial Office (*Landesgewerbeamt*) recently reported that there are about 3,000,000 persons in Prussia between the ages of 14 and 18 years—1,483,000 males and 1,527,000 females. Of this number about 2,000,000 are engaged in gainful occupations—1,250,000 males and 750,000 females—distributed as follows: In agriculture, 205,000 males and 409,000 females; in industries, 650,000 males and 191,000 females; and in commerce and transportation, 114,000 males and 67,000 females. The number employed in occupations that as a rule require special training of some sort was, in industry, 451,000 males and 91,000 females, and in commerce and transportation, 63,000 males and 35,000 females. The untrained laborers in industry between the ages of 14 and 18 years numbered 31 per cent of the males and 52 per cent of the females; in commerce the untrained males were 44 per cent, and the untrained females 48 per cent. About two-thirds of those trained in handicrafts and about one-third of those trained in factories were employed as apprentices. While there are 35,000 females between 14 and 18 years of age in commerce, there were only 4,600 females of these ages, or 13 per cent, in the continuation schools. While 764,000 males are employed in industry and commerce and transportation, the pupils in industrial and commercial continuation schools combined number only 361,375.

In Bavaria a royal ordinance of June 4, 1903, fixes the required school attendance for boys and girls at ten years, seven of which are passed in the common all-day schools and three in the secular Sunday schools. Pupils may be exempted from attending these Sunday schools if they attend a continuation school which furnishes equivalent training. In the year 1907–8 these Sunday schools were frequented by 295,901 pupils—122,952 boys and 172,949 girls. There were 347 industrial continuation schools with 54,774 pupils, and 44 continuation schools connected with the so-called "Realschulen"—high schools with emphasis on vocational training. Commercial subjects were taught in 76 schools, having 6,300 male and 1,392 female pupils. There were, moreover, 41 agricultural winter schools with 1,604 pupils, and 345 agricultural continuation schools with 6,616 pupils. The cost of maintaining the continuation schools amounted in 1907–8 to 1,980,143 marks ($471,274.03), of which the State con-

tributed only 111,562 marks ($26,551.76), or 5.6 per cent, the remainder being provided by the communes and the administrative circuits (*Gemeinden* and *Kreise*).

The school law of Saxony, under date of April 26, 1873, provides that the boys who have finished the common schools shall for three years thereafter attend continuation school—either the general continuation school or an industrial or agricultural continuation school. The school superintendents (*Schulvorstand*) have the right to require that continuation schools shall be established for girls and that girls shall attend them for two years. In 1909 Saxony had continuation schools for boys in 1,886 localities, and for girls in 7 localities. In the majority of these schools the hours for instruction were fixed on workdays and before 7 p. m.; in 915 places no fees were charged, while in the others the fees ranged from 75 pfennigs to 8 marks (17.9 cents to $1.90). There were also 54 industrial continuation schools, 12 industrial drawing schools, 67 commercial schools, 11 agricultural schools, 23 general industrial continuation schools for girls, 25 schools for training in making pillow lace, and 2 schools which gave instruction in straw weaving.

The Wurttemberg law of August 17, 1909, makes the general continuation schools and the Sunday schools a continuation of the common schools and requires that continuation schools for boys be established in all communes. Attendance is obligatory for two years and may be made to apply to girls also. Under certain circumstances, however, communes may be exempted from the obligation to establish continuation schools, but in such an event three years' attendance at Sunday schools is required and the number of hours of instruction therein must be half as great annually as in the general continuation schools. If there is a sufficiently large number of persons under 18 years of age employed in industrial and commercial establishments, special trade and commercial schools must be created for them. In the school year 1908–9, the number of Sunday schools in Wurttemberg was 1,843, with 30,542 female and 2,590 male pupils; there were also 2,054 general continuation schools with 22,951 male and 18,797 female pupils. In the general continuation schools instruction was in the majority of cases given only in the winter, on workdays, and in the evening. The trade continuation schools comprised 168 industrial continuation schools, 45 industrial drawing schools, 17 commercial continuation schools, 33 feminine-work schools, 6 agricultural schools, and 3 agricultural winter schools.

In Baden the law of February 18, 1874, requires that boys who have finished the common schools shall have a few hours of instruction per week during two years; and the same provision applies to girls for a period of one year. The continuation courses for girls may be courses in domestic science. A law under date of August 13,

1904, provided for the establishment of special industrial and commercial continuation schools, with compulsory attendance, in addition to the general continuation schools. The latter were attended in 1906 by 21,590 male and 11,012 female pupils. In 1908, 176 communes had 1,908 cooking schools with 7,246 pupils. There were also in that year 139 industrial continuation schools, with 2,754 pupils; 53 trade schools, with 11,879 pupils; 41 commercial schools, with 3,365 male and 1,240 female pupils; 75 feminine-work schools, with 6,080 pupils; 9 domestic science schools, with 274 pupils; 5 domestic science schools for peasants' daughters, established by the administrative circuits (*Kreise*), with 163 pupils; and 14 agricultural winter schools, with 516 pupils.

THE LAW OF MARCH 30, 1903.

The Industrial Code in no case applies to domestic workshops—to work places in which the employees are all members of the employer's family. It accepted the theory that at least in industrial matters parents have the exclusive right of control over their own children. But the law of March 30, 1903, concerning child labor in industrial occupations, sets up rules with regard even to what a parent may or may not do with the labor power of his own offspring. The law of 1903, moreover, does this deliberately. It is well within the truth to add that the German legislators took this step reluctantly, and only after the need of it had been more than sufficiently demonstrated. The "Gewerbe-Novelle" of 1891 had accomplished a great deal in curtailing child labor in the factories and the larger industrial establishments. But, as has been pointed out in a previous section, there was abundant reason for the belief that it drove child labor out of the mills into the homes, and that it often substituted the domestic workshop for the factory.

The child-labor investigation of 1898 showed that 532,283 children of school age, or of less than school age, were employed outside of factories and of larger industrial establishments. This total, moreover, was admittedly below the actual number, because the investigation omitted certain parts of the Empire and did not include all sorts of industrial employment. The detailed reports of the investigation proved the existence of most unfortunate conditions. In Prussia 110,682 children, or 41 per cent of all those at work, were employed more than 3 hours a day; and of this number 55,933, or 50.54 per cent, worked over 3 hours 6 days in the week, whereas 7,621, or 6.89 per cent, worked over 3 hours every day in the week, including Sunday. In the report of the committee which elaborated the law of 1903 it is stated:

It may be taken for granted that among the children who work more than 3 hours a day, a considerable number work 5 or 6 hours.

Thus in Mecklenburg-Strelitz 25.8 per cent of the children employed for more than 3 hours daily worked 5 hours, and 14.5 per cent worked 6 hours a day. There are reports of children working 10 hours a day in the home industries of Thuringia. The employment of children late in the night was found to be customary in many regions where home industries are carried on.

There can be no doubt [continues the report] of the urgent need for proceeding to regulate the industrial labor of children outside of factories and larger establishments. Nor can such further regulation be confined to those cases in which children are employed outside of their own families in workshops, commerce, or transportation. There is need of intervention particularly with regard to those establishments in which only members of the employer's family are engaged at work, and to disregard the principle, hitherto fundamental for our labor legislation, that such legislation should not go beyond the limits of the family.

It must be borne in mind that of the 306,823 children employed in all industries, 143,710 (46.84 per cent) were employed in the textile industry; 41,801 (13.62 per cent) in the manufacture of wood products; 40,997 (13.36 per cent) in the clothing and allied trades; and 27,645 (9.01 per cent) in the manufacture of food and allied products, of whom 22,668 in turn were employed in tobacco manufactures. Hence, according to these figures, nearly 83 per cent of the children engaged in industrial occupations are at work in those industries in which domestic production is most common and widespread. It may, furthermore, be taken for granted, as the reports of the inspectors prove, that among the home industries family production is largely represented, i. e., the father's employment of his own children. A clue to the numerical extent of this practice is furnished by the fact, based upon official data, that in 35 school districts of the circuit Sonneberg, one of the centers of Thuringian toy manufactures, only 88 children in a total of 3,555 employed during out-of-school hours were not at work with their own parents; in other words, that 97½ per cent worked in their homes under the direction of their own parents.

It should be added that according to the available official and non-official data, the greatest evils are those found in home industries. In one circuit, for example, children were employed from 3 o'clock in the afternoon until late at night. In other circuits, night work lasted at times until midnight, and even until 2 and 3 o'clock in the morning. These facts are true of home industries of all sorts, and particularly of workshops in which members of the employer's family are employed exclusively.

Under these circumstances, the previous laws were considered insufficient to remove the abuses that had been brought to light, and the law of March 30, 1903, was passed.

This law applies to the same kinds of work as does the Industrial Code and defines children in precisely the same terms. A basic distinction in the law of 1903 is that between children of the employer's own family and other children. The employer's "own" children are, generally speaking, those who live with their parents and are

employed by them. More accurately defined, "own" children are, if they belong to the household of the employer:

(1) Those related to their employer (or the employer's wife or husband) to the third degree.

(2) Those who have been adopted by their employer or who are legal wards of their employer.

(3) Those, employed together with children of the first or second groups named above, who are intrusted to their employers by the authorities or organizations having charge of criminal or neglected children.

All children not comprised in these catagories are designated as "other children," including those in the first group who work for outside persons, even though they may live with their parents, and including those employed by a relative but not living in his household.

This distinction, although artificial—since it does not coincide with the usual meaning of "own children"—is exceedingly important, because the regulations applying to "other children" differ from those that apply to the employer's "own children."

Articles 4 to 11 of the law concern "other children," and articles 12 to 17 concern "own children."

Article 4. The employment of "other children," as defined by law, is forbidden in places in which building materials are prepared, brick works, open-air mines and quarries not considered as "factories" according to the Industrial Code, stonebreaking, chimney sweeping, driving wagons and handling merchandise for express companies, mixing and grinding colors, work in cellars, and in a list of occupations appended to the law. This list comprises over 30 occupations, including the following: Workshops for the manufacture of slate objects, writing slates and slate pencils, except those workshops in which the pencils are only colored, painted, glued, and packed, or in which slates are only colored, ruled, and framed; stonecutting; drilling, grinding, and polishing stone; limekilns and plaster kilns; blowing, etching, cutting, and grinding glass, except glass-blowing establishments in which glass is blown exclusively "at the lamp;" silvering mirrors; workshops in which objects are plated by galvanic processes or in which objects are made by galvanoplastic means; workshops in which lead and zinc toys are painted; smelting lead, zinc, tin, copper, bronze, and other metals; bronze foundries; workshops for the manipulation of lead, copper, zinc, or alloys thereof, except those in which only children of the employer work exclusively at sorting and putting together parts of watches and clocks; grinding and polishing metals; cutting files; manufacturing weapons and armor; workshops employing mercury; the manufacture of explosives, fireworks, matches, and other inflammable objects; flaying yards; workshops in

which thread, textiles, etc., are bleached with chemicals; dye works; sorting rags; tanneries; the manufacture of rubber goods; upholstering furniture; spinning horsehair; working in mother-of-pearl; the manufacture of brushes with animal materials imported from abroad; butcher shops; cutting rabbit fur; establishments for cleaning bed feathers; chemical cleaning establishments; painting and plastering; cleaning steam boilers. The Federal Council is empowered to forbid other occupations and to modify the above list. Such modifications must be published in the Imperial Gazette and communicated to the Imperial Diet.

Article 5: In workshops in which the employment of children is not forbidden by the provisions of the preceding paragraph, as well as in commercial and transportation enterprises, children under 12 years of age shall not be employed.

Children over 12 years of age shall not be employed in the time between 8 p. m. and 8 a. m., nor in the morning before school. Their work must not exceed 3 hours per day, nor 4 hours during school vacations. At noon they must have a pause of at least 2 hours for rest. In the afternoon they must not begin work until one hour after school closes.

Article 6: Children must not be employed in public theatrical performances or other public representations. Exceptions may be allowed by the lower administrative authorities, after consulting the school officials, for performances or representations that possess especial artistic or scientific interest.

Article 7: In hotels, restaurants, and taverns it is forbidden to employ children under 12 years of age. It is likewise forbidden to employ girls under 13 (or girls who have not terminated the required period of attendance at school) to wait upon guests. With regard to the times at which they may be employed and the number of hours they may work, the same provisions are valid as indicated in the second paragraph of article 5.

Article 8: The employment of children to deliver goods or to perform other errands in the occupations designated in articles 4 to 7 is subject to the provisions of article 5.(a)

Article 9: Children must not be employed on Sundays or holidays, except as hereinafter permitted.

With regard to their employment in public theatrical performances and other public representations, the provisions of article 6 apply on Sundays and holidays.

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[a] To art. 8 the law added a provision permitting certain exceptions to be made by the administrative authorities during the two years following the date upon which the law went into effect, i. e., until January 1, 1906.

Statistics compiled in 1898 indicate that arts. 5, 6, and 7 then applied to nearly 200,000 children.

With regard to delivering goods and performing other errands, the provisions of article 8 apply. But on Sundays and holidays children shall not be employed at this work for more than 2 hours, nor later than 1 p. m.; nor may the work take place during the half hour preceding the principal divine service, or during the time of this service.

Article 10: Whenever children are employed, the employers must notify the local police authorities thereof in writing, in advance of their employment. The notice must indicate the place of employment and the nature of the business carried on therein.

This provision does not apply when children are only employed occasionally at individual tasks.

Article 11: The employment of a child is forbidden if the child is not equipped with a work card (*Arbeitskarte*), except when the employment is only occasional and for individual tasks.

The work cards are delivered without charge, upon the request or with the consent of the child's legal representative, by the local police authorities of the place in which the child has last resided; if the statement of the legal representative is unobtainable, the communal authorities may supply the deficiency. The cards must bear the name, and the date and place of birth of the child, as well as the name, occupation, and latest domicile of his legal representative.

The employer must keep the work card, exhibit it at the requisition of the authorities, and at the termination of employment return it to the child's legal representative. Should it be impossible to learn the address of the legal representative the card may be given to the local police authorities referred to above.

The provisions of section 4 of the law of September 29, 1901, concerning industrial tribunals, which deal with the jurisdiction of these tribunals in disputes regarding work books, are applicable to disputes regarding work cards.

Article 12:[a] In the occupations in which, according to article 4, the employment of other children is forbidden, as well as in workshops in which an elementary force, such as steam, wind, water, gas, electricity, etc., is used as a motive power (regularly, not temporarily), it is forbidden to employ one's own children.

Article 13: In workshops in which the employment of children is not forbidden by article 12, in commercial establishments, and in transportation, the employer's own children under 10 years of age shall not be employed, and those over 10 years of age may be employed neither during the time between 8 p. m. and 8 a. m. nor before morning school. At noon the children must have a pause of at least

[a] Arts. 12 to 17 concern the employer's own children. It will be noted that in some respects the provisions contained in these articles coincide with those for "other children."

2 hours. In the afternoon, employment must not begin until one hour after the close of school.

The employer's "own children" under 12 years of age shall not be employed for outside persons in the home or the workshop of a person to whom they are related to the third degree.

On Sundays and holidays the employer's "own children" must not be employed in workshops or in commercial or transportation enterprises.

Article 14:(a) The Federal Council is empowered to permit the employment of one's "own children" in certain kinds of the workshops using motors enumerated in article 12, if the provisions of the first paragraph of article 13 are complied with, upon the condition that the children are not employed at the machines operated by motive power. The Federal Council may, moreover, for certain categories of the workshops enumerated in article 13, first paragraph, grant exceptions to the prohibition of the employment of children under 10 years of age, in so far as these children are employed at particularly easy tasks and work that is suited to their age; such employment must not take place between 8 p. m. and 8 a. m.; at noon the children must have a pause of at least 2 hours; in the afternoon their employment must not begin until an hour after the close of school hours. The exceptions may be general or may apply to particular districts.

Article 15: The employment of one's "own children" in public theatrical representations and other public performances is governed by the provisions of article 6.

Article 16: In hotels, restaurants, and taverns it is forbidden to employ children under 12 years of age at all, and to employ girls under 13 years (or girls still required to attend school) to wait upon guests. In places having less than 20,000 inhabitants by the latest census the lower administrative authorities have the power, after consulting the authorities in charge of supervising schools, to grant exceptions for establishments in which as a rule only members of the family of the employer are employed. Otherwise the provisions of the first paragraph of article 13 govern the labor of the employer's own children.

Article 17: The employment of children to deliver newspapers, milk, and bread is subject to the provisions of article 8 and the third paragraph of article 9 if the children are employed to work for third persons.

Otherwise the employment of one's "own children" to deliver goods or to perform other errands is permitted. Such employment may be restricted by ordinance of the competent police authorities.

Article 18: Workshops include, besides the establishments so designated by the Industrial Code, rooms used to sleep, live, or cook in,

[a] The first paragraph of art. 14, here omitted, gave the Federal Council power to make certain exceptions until January 1, 1906.

if any industrial labor is carried on therein, as well as work places situated in the open air.

Article 20:([a]) The competent police authorities, upon the suggestion of the supervisors of schools, or after consultation with them, may, by means of ordinances, restrict or forbid the employment of certain children in any of the occupations permitted by the foregoing provisions in so far as grave evils have arisen therein; they may, furthermore, if a work card has been delivered for a child, withdraw the card and refuse to grant a new one.

The competent police authorities may also, by means of ordinances, further restrict or forbid the employment of children in certain hotels, restaurants, or taverns, in order to abolish serious evils that violate public decency and morality.

Article 21: To the extent that it is not otherwise regulated by decree of the Federal Council or by the government of the several States of the Empire, the provisions of the Industrial Code govern the matter of supervision and inspection.

Private residences in which only children of the employer work may be visited and inspected at night only when facts are at hand which justify the suspicion that these children are employed at night.

Article 23:([b]) Violations of articles 4 to 8 are punishable by a fine not exceeding 2,000 marks ($476).

In cases of habitual violation the sentence may be imprisonment up to six months.

Article 24: A fine up to 600 marks ($142.80) shall be imposed upon persons who employ children on Sundays or holidays contray to article 9 and upon those who violate the ordinances passed in accordance with article 20, concerning the employment of " other children."

In cases of habitual violation the offender may be sentenced to imprisonment for a period not exceeding six weeks.

Article 25: A fine up to 150 marks ($35.70) shall be imposed upon persons who violate articles 12 to 16 or the first paragraph of article 17, and upon persons who violate the ordinances passed in accordance with article 20, concerning the employment of one's own children, or the regulations passed in accordance with paragraph 2 of article 17.

In cases of habitual violation the offender may be sentenced to imprisonment for a period not exceeding six weeks.

Article 26: A fine up to 30 marks ($7.14) shall be imposed upon employers who fail to comply with the obligations imposed upon them by article 10.

Article 27: A fine up to 20 marks ($4.76) shall be imposed upon persons who take or retain a child in their employ contrary to the

[a] Art. 19 concerns differences between local time and legal time.

[b] Art. 22 simply states that such terms as " competent police authorities," " higher administrative authorities," etc., are to be defined in each State by the central government thereof.

terms of the first paragraph of article 11; and upon persons who violate the third paragraph of article 11 with regard to work cards.

Article 28: The right to prosecute offenses enumerated in article 24 expires by limitation in three months.

Article 30:(a) The foregoing provisions do not preclude the enactment by the several States of further restrictions upon the employment of children in industrial establishments.

In conformity with the powers granted by this law, the Federal Council issued a list of exceptions on December 17, 1903, supplemented on July 11, 1904. These exceptions, however, were granted only until January 1, 1906. Shortly before that date, the Federal Council prepared a new list of exceptions (in conformity with article 14), to go into effect on January 1, 1906. These exceptions apply only to specific operations and specific places; they are, furthermore, confined to children at least 9 years old; and it is provided that these children must not be employed during the time between 8 p. m. and 8 a. m., nor before morning school, nor during two hours at midday, nor in the afternoon until one hour after school hours.

Concerning the enforcement of the law of 1903 and of the ordinances and regulations supplementing it—which is left to the several States—a series of ordinances and instructions have been issued in each of the 25 States of the Empire, as well as for the imperial territory of Alsace-Lorraine.(b) A discussion of the enforcement of the law and of the other provisions concerning child labor will be found in succeeding pages of this study.

It is apparent from the above statement of the main provisions of the law of 1903 that five groups of occupations are recognized therein, namely:

1. Forbidden occupations consisting mainly of those that are regarded as dangerous or injurious.
2. Workshops, commercial enterprises, and transportation.
3. Public, theatrical, and other representations.
4. Hotels, restaurants, and taverns.
5. Delivering goods and running errands.

Again, the law recognizes three groups of children, with regard to their relation to the employer, namely:

(1) "Own" children.
(2) "Other" children.
(3) "Own" children working for third persons.

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a Article 29, which has been omitted, provides that the responsible parties in violations of this law are determined in the same way as for violations of the Industrial Code. Not only the employer's agent or representative, but all superintendents of establishments or of parts thereof are liable.

b A complete list of them up to 1905 is given in Agahd and Von Schulz's commentary to the law of 1903 (Third edition, Verlag von Fischer in Jena, 1905).

As a means of limitation and control of child labor the law employs:

1. The conditional or unconditional prohibition of employment.
2. The prohibition of employment in the case of children under a certain age.
3. The prohibition of work at night or early in the morning.
4. The prohibition or limitation of work on Sundays and holidays.
5. Limitation of the duration of daily work.
6. The requirement of pauses during the work day.
7. Police control and public inspection.
8. Fines or imprisonment for violations.

Together with the regulations supplementing the law, several age limits are of importance: 9 years, 10 years, 12 years, and the termination of required school attendance (which may be at the age of 13, 14, or 15 years).

This enumeration of the distinctions that are of importance in the law suffices to show that it is somewhat complicated. That, however, does not necessarily constitute an objection, if the multiplicity of distinctions coincides with a variety of conditions to which the law must be adapted. To what extent this is the case will be inquired later on.

The following table gives a general view of the provisions, both of the law of 1903 and of the Industrial Code, concerning the labor of children:

SUMMARY OF LAWS CONCERNING CHILD LABOR.

Nature of industry or occupation.	Employment of "other" children.	Employment of "own" children.
A. Factories (a) of all kinds; building trades of all kinds; brick works and overground quarries not regarded as factories; the dangerous industries enumerated under art. 4 of the law of 1903.	Forbidden. (Art. 4, law of 1903, and the Industrial Code.)	Forbidden. (Arts. 4 and 12, law of 1903, and the Industrial Code.)
B. Workshops (b) using a motor permanently.	Forbidden. (Ordinance of July 9, 1900.)	Forbidden. (Art. 12, law of 1903.)
C. Workshops using a motor temporarily; workshops (b) using no motor; commercial establishments; transportation enterprises.	Forbidden children under 12. (Art. 5, law of 1903.) Forbidden on Sundays and holidays. (Art. 9, law of 1903.) Permitted children above 12 under the following conditions: (a) Not over 3 hours a day; in vacations, 4 hours. (b) Not before 8 a. m. or after 8 p. m. (c) Not before morning school, nor until 1 hour after school closes in the afternoon, nor during 2 hours at midday. (Art. 5, law of 1903.) Work card required. (Art. 11.) Notification required. (Art. 10.)	Forbidden children under 10. (Art. 13, law of 1903.) Forbidden children under 12 working for third persons. Forbidden on Sundays and holidays. Permitted between 8 a. m. and 8 p. m., except before morning school, or during 1 hour after school closes in the afternoon, or during 2 hours at midday. No work card required. No notification required.

[a] Since the passage of the law of December 28, 1908, "factory" means practically all establishments of an industrial character employing, as a rule, 10 or more laborers not exclusively members of the employer's family.

[b] "Workshops" include any place in which work is carried on, whether kitchen, sleeping room, or even places in the open air.

SUMMARY OF LAWS CONCERNING CHILD LABOR—Concluded.

Nature of industry or occupation.	Employment of "other" children.	Employment of "own" children.
D. Public theatrical performances and other public representations. (Art. 6.)	Forbidden, also on Sundays and holidays. (Arts. 6, 9.) Exceptions may be granted by circuit authorities if high artistic or scientific interests are involved. Work card required. Notification required.	Forbidden, also on Sundays and holidays. (Art. 15.) Exceptions same as for "other" children. No work card required. No notification required.
E. Hotels, restaurants, and taverns.	Forbidden children under 12. (Art. 7.) Forbidden on Sundays and holidays. (Art. 9.) Forbidden to employ schoolgirls to serve guests. (Art. 7.) Permitted children above 12 under same conditions as for C, except in the case of girls serving guests. Work card required. Notification required.	Forbidden children under 12. (Arts. 7, 16.) Forbidden schoolgirls to serve guests. (Art. 16.) Permitted children above 12, except: (a) Before 8 a. m. or after 8 p. m. (b) Before morning school, or during 1 hour after school in the afternoon, or during 2 hours at midday. Exceptions permitted upon petition, in places of less than 20,000 population, for establishments usually employing only members of the family. (Art. 16.) No work card required. No notification required.
F. Delivering goods and performing other errands.	Forbidden children under 12. (Art. 8.) Permitted children above 12, with following restrictions: (a) Not over 3 hours a day; in vacations, 4 hours. (b) Not before 8 a. m. or after 8 p. m. (c) Not before morning school, nor until 1 hour after school closes in the afternoon, nor during 2 hours at midday. (d) On Sundays and holidays; but (1) not longer than 2 hours, or before 8 a. m; (2) not after 1 p. m.; (3) not during the principal church service or the half hour preceding it. Work card required. Notification required.	I. For third persons. Forbidden children under 12. Permitted children above 12, with same restrictions as for "other" children. II. Not for third persons. Permitted for children living with parents or guardians, regardless of age; but police ordinances may introduce limitations. No work card required. No notification required.

It is manifest that no simple, uniform, hard-and-fast rule would be applicable to all cases, and the law has therefore sought to differentiate in conformity with social and economic conditions. But some of the distinctions established by the law, and some of the deficiencies of German labor legislation generally, have resulted in anomalous consequences and given rise to well-founded complaints. Upon this subject the testimony of Fr. Lösser, a Hessian inspector of long experience, is particularly relevant.

The law is aimed at industrial occupations, and is far from providing legal protection for all laboring children. * * * The enforcement of the law encounters a serious obstacle in the public feeling that the law, which sets up different standards for different categories of children and occupations, is not always logical. It has often been

reported that parents do not understand interference with their right to dispose of the labor power of their children. Add to this the poverty that makes the gainful employment of the children an urgent necessity, and it is impossible to make parents grasp the utility of the law for the health and welfare of the children. Tell a mother that it is illegal for her to have her child deliver newspapers for third persons—say for the publisher or an agent—and she will point to the master baker who sends his own boy, of the same age as hers, out upon the streets early in the morning and in all sorts of weather to deliver bread, with no limit whatever upon the duration of his labor. For her the distinction between the employment of her own children for her own business, or their employment to work for outside parties, is of no importance. All she considers is the simple fact of employment and the difference in the duration and difficulty of the work performed.

And when she makes a comparison upon this basis, the result is in her favor. She takes only an hour of her child's time and gives him the papers to deliver; but although the work is not hard the law forbids such employment.

The agent for a periodical is punished for employing a boy not quite 12 years old, while the country letter carrier, who is not engaged in industry but is a government official, is allowed to require his much younger son to help him deliver mail by day or by night, as he pleases.

The employee of the commune, a lamplighter, may take his boy with him in good or bad weather, and after 8 o'clock at night, while a mother who has worked all day in the factory and who is helping her child wind yarn must continue the work alone after 8 o'clock because the yarn is not intended for sale but for further productive uses by the factory owner who employs her.

Or again, the 8-year-old peasant's daughter is employed in the hot afternoon sun to wash the sidewalk in front of the teacher's or pastor's house, and the 6-year-old daughter of a day laborer goes through dusty, scorching streets and roads to carry dinner to her father and perhaps other relatives working in a distant stone quarry; while inside of the house, in a cool room, a vigorous boy must remain idle and look on while his sick mother, with trembling hands, prepares tobacco for manufacture without his aid, because the boy is under 10 years old and the tobacco is intended for the factory.

Still another comparison made by the people is this: Saturday night the tired workman brings home a few copies of the city newspaper, and gives them to his boy to deliver. The next day he is summoned before the mayor and told that he must cease employing his son for third parties. But on the way to the city hall he notices that the neighboring farmer, because of a storm that threatens to break, is having his crops harvested by a horde of working children.[a]

This is a somewhat concrete way of pointing out that domestic service and agriculture are not included within the scope of the child-labor laws, and that the peculiar provisions of the law with regard to the employment of one's own children to do work for outside parties

[a] Fr. Lösser, Kinderschutz und Kinderarbeit in Deutschland. 1908.

result at times in apparent inequality of treatment. But it must be borne in mind that the latter provisions are aimed at the sweating system, a far greater social evil than occasional inequalities of treatment.

THE STAFF OF INSPECTORS.

The provisions concerning the employment of children are, as has been seen, contained mainly in two laws of the Empire, the Industrial Code and the child-labor law of 1903. Concerning mines and the conditions of labor therein, a certain latitude has been left to the separate States. The States may, moreover, set up further restrictions than those of the imperial laws. But it is essentially true that child labor legislation has been an imperial matter. Not so the enforcement of the child-labor laws. It is true that, as representing the imperial chancellor, the Imperial Office of the Interior has charge of supervising the enforcement of the labor laws; that reports must be made regularly to the Federal Council and the Imperial Diet with regard to the application of the most important provisions of these laws; and that these reports and the discussion of the budget for the Office of the Interior furnish opportunity for a critical examination of what has been done to secure enforcement. But the actual enforcement of the labor laws is intrusted to the governments of the several States of the Empire. Although the laws themselves and the ordinances concerning their execution lay down certain general principles, the creation and functions of special bodies of officials for this purpose is left to the several States. As a result, there are not only differences from State to State in the size and organization of the inspectorial staff, but also noticeable differences in the spirit in which the law is applied.

A complete presentation of the organization and methods of inspection throughout the Empire would necessitate a separate discussion for each of the twenty-six Federal States, which is hardly necessary for the purpose of this study. It will suffice, so far as the organization of inspection is concerned, to consider the five principal States, namely, Prussia, Bavaria, Saxony, Wurttemberg, and Baden. To these larger and more important parts of the Empire, Hesse will be added because this State is reputed to be distinguished by an unusually conscientious and intelligent application of the provisions concerning child labor. Hesse, moreover, is the only German State which issues separate annual reports concerning the application of the law of 1903. These reports do not consist merely of statistical data, but contain rather detailed accounts of the activity of the inspectors, as well as frank criticism of the present laws and practical suggestions for reform measures. Although not one of the large States of the Empire, Hesse in 1908 had 5 inspectors, 3 male and 2 female assistant inspectors, and 5 adjunct inspectors chosen from the working classes—an inspectorial staff of 15 persons. Furthermore,

the inspectors have secured the systematic cooperation of teachers and local police officials to an exceptional degree; and their reports furnish a much more complete and elaborate portrayal of child labor conditions than is given by the inspectors of most of the German States.

The other five States to which attention will be mainly confined contain 86 per cent of the total population of the Empire. Of the 466 inspectors for the whole Empire in 1908, they had 392—Prussia, 276; Bavaria, 30; Saxony, 57; Wurttemberg, 17; and Baden, 12. Of the 110 inspectors of mines these States had 92.

The enforcement of the provisions of the Industrial Code is assigned, according to that code, "to special officials to be appointed by the governments of the several States, working either exclusively or in cooperation with the ordinary police officials. In the exercise of this function they possess all the powers of the local police officials, particularly the right to visit and inspect industrial establishments at all times. They are, except in cases of illegality, pledged not to divulge the business or technical secrets that may come to their knowledge in the performance of their duties." It is specifically provided by the code that employers must permit them to inspect establishments at night "during the time that work is carried on therein."

For violations of the code the penalties vary considerably. For most offenses fines are imposed, but in the event of inability to pay the fine that has been imposed imprisonment may be substituted.

Should an employer fail to provide such safety appliances as the law provides and as the authorities consider necessary the police authorities may order his establishment to be closed.

Violations of the provisions concerning the employment of children, young persons, or female persons may be fined up to 2,000 marks ($476), and in cases of inability to pay the fine imposed the offender may be sentenced to imprisonment for a period not exceeding six months. Violations of the provisions of the Industrial Code concerning Sunday work (sections 105b to 105g, inclusive) may be fined not more than 600 marks ($142.80), or be imprisoned, in the case of inability to pay. Violations of the ordinances concerning apprentices or concerning work given employees to do at home are subject to a fine of not more than 300 marks ($71.40) or to imprisonment. Industrial establishments or commercial enterprises failing to have the required working schedule (*Arbeitsordnung*) are subject to the same penalty. A fine of 150 marks ($35.70) or imprisonment for four weeks is the maximum penalty for violating section 42b of the code, concerning children under 14 years of age in street trades and in wandering occupations. The maximum for violating section 120 of the code, concerning the attendance of apprentices at continuation schools is 20 marks ($4.76), or imprisonment for three days in case

of inability to pay. These penalties, it will be noted, are precisely similar in range to those which may be imposed for violating the child-labor law of 1903 (stated on p. 275).

It is a general principle of German jurisprudence that the police authorities must see that all the laws are complied with. Hence it is part of their duty to enforce the labor laws. But inasmuch as the Industrial Code and the law of 1903 provided for the appointment of special officials to secure the enforcement of these two laws, the chief burden of detecting violations devolves upon these special officials, to whom the name "industrial inspectors" (*Gewerbeinspektoren*) or "industrial supervising officials" (*Gewerbe-Aufsichts-Beamten*) is usually given. The appointment of such special officials was made obligatory upon the several States in 1878, and the law of 1891 enlarged the scope of their functions very considerably. At the present time the German inspectors have more numerous duties than the French inspectors, of whose functions an account is given in another part of this study. They must secure the observation of the regulations concerning working schedules, concerning the payment of wages, concerning the discharge of employees, and rupture of labor contracts; they must collect statistical data not only concerning accidents, but also concerning occupational diseases; they must pass judgment upon requests to build new industrial establishments and give their opinion with regard to the measures that should be adopted in the interest of the health and safety of the employees thereof; in some of the States they have charge, at least in part, of the inspection of steam boilers; and they must secure the enforcement of the provisions concerning hygiene and safety in those trades and occupations that are subject to special regulation in this regard. The law requires that the inspectors shall make an annual report of their activity. These reports or extracts therefrom are collected by the Imperial Office of the Interior and published under the title, Annual Reports of the Industrial Supervising Officials and the Mining Authorities (*Jahresberichte der Gewerbeaufsichtsbeamten und der Bergbehörden*).

While the inspectors are of course in a sense mainly responsible for the enforcement of the labor laws, it has always been understood that the ordinary police authorities should by no means withdraw their attention from matters that concern these laws. In 1878 the Federal Council issued an order to this effect. "These officials," meaning the inspectors, "should not take the place of the ordinary police in the field of their activity, but supplement the latter and endeavor to bring about an intelligent and uniform enforcement of the provisions of the Industrial Code by giving discriminating advice to the competent higher administrative authorities." In other words, the inspectors are to be regarded as advisory experts, as spe-

cialists in certain matters with which the ordinary police can not be expected to be familiar, and to whom the latter may look for advice and instruction. This function of advisory expert is particularly apparent in the case of the so-called mining police (*Bergpolizei*)—technically trained officials who constitute a specialized branch of the police force. The enforcement of the laws concerning labor in mines is, as in France and in most other European countries, intrusted to these mining officials.

Like the ordinary police, the inspectors have the right to take immediate steps to secure the punishment of all persons found violating the law. But they do not exercise this right without having first tried persuasion and admonition. Should these means fail of the desired effect, they adopt measures more closely resembling those of the ordinary police.

Actual prosecution for violations of the law rests with the ordinary police authorities. Such violations as the inspectors may discover are brought to the attention of the police officials, upon whom it devolves to take further steps in the matter.

In the actual work of visiting the establishments subject to the law, the inspectors may require the assistance of the ordinary police. They may, moreover, intrust the police with the independent inspection of certain plants, and particularly with making repeated visits to establishments already inspected by the inspectors themselves. If in such cases certain changes or the abandonment of certain illegal practices have been ordered by the inspectors, the police authorities are perfectly competent to follow up the matter by one or more subsequent visits, and to ascertain whether the demands of the inspectors have been complied with. If such has not been the case, the police then take steps to have the offenders punished. This method of procedure has great advantages. It helps dispel the impression that the inspectors are merely policemen or spies. It marks a division of service such that the preventive, advisory, and conciliatory functions devolve upon the inspectors, and the executive and punitive functions are assigned to the ordinary police, a division which contributes to preserve the dignity of the inspector's office.

There are, however, certain provisions of the labor laws in the execution of which the police authorities play the more important part. It is their province, for example, to enforce the Sunday laws and ordinances. It is their province, also, to make such visits of inspection as are necessary to secure the observation of the regulations concerning the minimum period of daily rest for employees and apprentices in hotels, taverns, and restaurants. That this is no trifling matter is indicated by the fact that in 1908 there were 47,173 establishments of this sort subject to the law, and 41,488 of them were inspected, the total number of visits of inspection being 76,681.

In some respects quite as important as the cooperation of the ordinary police is that of the school-teachers. The law of 1903 is in a sense their work, and they have to some extent made it also their work to see that it is enforced. At the time the law of 1903 was under discussion in Parliament it was generally conceded that without the aid of the school authorities the law could not be effectively enforced. Hence the frequent reference, in the law, to the school authorities, and the requirement that they be consulted whenever exceptions to the law are granted. Unfortunately the term "school authorities" does not always mean the teachers themselves, although they alone are usually in a position to furnish the necessary information concerning the status of the children in their care. Consider, for example, the important provision of article 20 of the law of 1903, which makes it possible for the competent police officials, "upon the suggestion of, or after consultation with, the officials having charge of the supervision of schools, to restrict or prohibit the employment of individual children." Who is able to judge of the effects of labor upon individual children better than the teacher? In many cases, he alone is able to learn from the child or his companions when, where, how long, and in what occupations a child works. No one is better able to give the inspector the information, or, as the law puts it, the "facts," that make it justifiable for the latter to visit a domestic workshop at night. Nor is anyone more competent to decide whether this or that child ought to be allowed to take part in theatrical performances.(a)

It was certainly the intention of the legislators who passed the law of 1903 that the school-teachers themselves should be given every opportunity to cooperate with the inspectors in its application. Count von Posadowsky, the minister of the interior at the time the law was passed, in the course of a speech to the Imperial Diet, declared:

> Why do we enact this measure? To prevent children from being harmed in their physical development by excessive labor, and to provide that they retain the mental and physical freshness and vigor that is necessary in order to profit by the general compulsory education provided by the common schools. The best judgment upon this subject is never that of the industrial inspector, but that of the school-teacher himself.

Few of the States, however, have expressly provided for the cooperation of the teachers, so that this cooperation is, as a rule, either voluntary or only occasional. But in Hamburg, Hesse, and Sachsen-Altenburg the active aid of the teachers is specifically required by laws and ordinances.

In Hamburg, for example, it is ordered that "whenever a pupil is found to be very tired, inattentive, or in arrears with his school tasks,

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[a] See art. 6 of the law of 1903.

or if there are other reasons for suspecting that the child is required to work too long or too hard or at unsuitable times, the principal of the school must be notified, and the child questioned by the principal or the teacher (but not in the presence of other pupils) concerning his employment outside of school." The results of the inquiries must be recorded upon a form provided for this purpose. If the principal is convinced that the child is overworked, it is his duty to confer with the parents or guardian of the child, to call their attention to the provisions and penalties of the law of 1903, and to persuade them to limit or modify the child's labor. If such a procedure is unlikely to result successfully, and if the child is employed industrially—not in domestic service or agriculture—the form as filled out by the principal or teacher is forwarded to the inspectors for such action as it may prove necessary to take.

To the Grand Duchy of Hesse belongs the credit for having first recognized the need of the teachers' help. It is here provided "that the officials in charge of the supervision of schools, and the schoolteachers, shall furnish the officials having charge of the enforcement of the law with information upon all matters pertaining thereto, and report such abuses as they may discover; that for each class at school there must be a list of the children that are employed industrially; and that the school supervisors shall in all cases of necessity make use of their right to suggest the prohibition or restriction of work for particular children." The list of children employed industrially must contain the full name of the child; the date of his birth; the name, occupation, and address of the child's legal representative; the name and address of the employer; the nature of his business; and details concerning the employment of the child. These details must include the kind of work, the precise hours of employment, and the place of employment. The lists are prepared upon the basis of information given by the children themselves when the whole class is assembled, and if the teacher doubts the accuracy of the information thus obtained, he shall record his doubts upon the list in a column provided for that purpose. On request, the lists must be submitted to the inspectors for examination.

The preparation of these lists in Hesse is no mere formality, for the circuit school commissions are ordered to make sure by means of visits of inspection that the lists are carefully and correctly kept. Failure to do this is a neglect of professional duty. Moreover, no work card is delivered to a child without first having notified the local school director, who stands in such close relationship with the school teachers that abundant opportunity is given the latter to protest whenever there is occasion for it.

The Hessian lists include both "own children" and "other children," and the inspectors report that especially with regard to the

former it would be very difficult to enforce the law were it not for the help of the teachers.

Many of the Prussian inspectors likewise paid particular attention during the past few years to the enforcement of the law of 1903 and to the development of a system of cooperation for this purpose with the school authorities. In Charlottenburg, for example, the inspector distributed among the school children who work before school a clear and concise summary of the provisions of the law of 1903. Several Prussian inspectors report, however, that the increased knowledge of the provisions of the law has not invariably been followed by better observance, for in many cases it has simply helped to develop increased skill in circumventing the law.

Some of the States have appointed representatives of the laboring classes to membership upon their inspectorial staff, but always in a subordinate capacity. This is the case in Bavaria, Baden, Wurttemberg, and Hesse. In Bavaria there were several former laborers among the 13 assistant inspectors in 1903, and in 1897 an ex-foreman of a mill was made first assistant inspector. In 1903, 3 former workmen were made adjunct inspectors (*Gehilfen*) after taking a course of training under the direction of inspectors. Their work consists mainly in the inspection of smaller workshops using power motors, and other small establishments, particularly with regard to the enforcement of the law of 1903. In Baden there are on the inspectorial staff as assistants to the inspectors 3 machinists who have been graduated from a technical school.

The legislature of the Kingdom of Saxony has recently approved a plan according to which in 1912 a number of workmen are to be added to the staff of inspectors as assistants. This step was taken after consultation with the authorities of Bavaria, Wurttemberg, Baden, and Hesse with regard to the results of the plan of appointing representatives of the working classes to subordinate positions in the inspectorial service. It may be added that in Prussia the practice has for some years prevailed of having a number of laborers assist in the inspection of mines. A similar provision for appointing laborers to aid in inspecting mines was adopted in the Kingdom of Saxony in 1909. In Bavaria, laboring men have been appointed especially to aid in the application of the labor laws to the building trades.

As a general rule, it is assumed that the inspectors require such a degree of general culture, such knowledge of the laws, and such an amount of technical training that satisfactory performance of the duties can not be intrusted to workmen. Hence the latter are charged only with subordinate functions under the direction of academically trained superiors.

In 1906 there were 24 women in the inspectorial service of the several States—5 in Saxony, 4 each in Bavaria and Prussia, 2 each in

Wurttemberg and Hesse. In 1908 the number of women inspectors was 27, and early in 1910 the budget committee of the Prussian lower house recommended a further increase in the staff of inspectors, particularly in the number of women.[a] There were no general rules with regard to the preparatory training required of these women. In Prussia they were required to have been graduated from a girls' high school (*höhere Töchterschule*) and to have had some practical experience. This practical experience consisted in one case of several years as an industrial employer; in another case, of experience both as an employer and employee; in the third case, of work for a short time in the textile industry for the express purpose of acquiring a practical knowledge thereof; and in the fourth case, of experience as a teacher of manual arts. In Wurttemberg the requirements are said to be "a good general education, practical experience in life, intelligence, tact, and self-assurance." In Baden, the first female assistant inspector had received academic training in political economy, and the second had been academically trained in chemistry, and possessed practical experience as a laborer; both of them held doctor's degrees. The women officials in Hesse had only practical training.

The women officials nowhere have an independent sphere of action, although they are more independent in Baden than elsewhere. As a rule their particular work consists in inspecting the establishments in which a large number of female laborers are employed. But this work is carried on in collaboration with male officials, and the decision of debatable matters rests with the male inspectors under whose direction they serve. As a rule, too, the women officials are instructed to give special attention to the enforcement of the law of 1903.

The regular cooperation of physicians is provided for in very few cases. There are special medical inspectors in Baden, and the health officers may be called on for consultation in Prussia. In certain unhealthful occupations, to be sure, the ordinances concerning those occupations provide that the employer must have all of his laborers examined at stated intervals by a physician acceptable to the administrative authorities, and whose name is known to the inspectors. These examinations take place in the establishment where the laborers work. The physician may temporarily or permanently forbid the employment of certain laborers at specified sorts of work. Moreover, no laborer may be taken into the establishment unless a prior medical examination has been made and he has been found not unfit to engage in the work for which it is intended to employ him. The employer must keep a list of his laborers, upon which list are recorded the statements of the examining physician with regard to the laborers, and which is at all times subject to the scrutiny of the physician and the inspectors.

[a] Soziale Praxis, February 17, 1910.

These regulations, however, apply only to certain trades that have been recognized by ordinance as unhealthful, such as the manufacture of alkali-chromates, making electric accumulators, grinding Thomas slag, zinc works, making lead colors, etc., trades in which women and children either may not be employed at all or may be employed only in those rooms and in those operations which are not dangerous or unhealthful.

In spite of the cooperation of physicians, of teachers, and of the ordinary police, the opinion has been expressed by competent judges that the inspectors can not perform their duties thoroughly without the help of the laborers themselves and of labor organizations. This is emphatically the opinion of Industrial Councilor Lösser, whom we have already had occasion to quote. In order to enable laborers to confer with the inspectors, the latter have fixed hours for consultation in their offices and advertise the fact in the newspapers. These office hours, moreover, have been held on Sundays, in order that laborers may have no difficulty in finding the necessary time. To familiarize the working classes with the terms of the law, courses of lectures before labor organizations or at general public gatherings have been given by the inspectors or their assistants. Notwithstanding all this, the laborers have made comparatively little use of the opportunities offered them.

To overcome the distrust of the working classes, an interesting method has been used in Wurttemberg. At the suggestion of the laborers themselves, certain disinterested persons have been designated as intermediaries between the laborers having complaints to make or violations to report, and the inspectors. The intermediaries receive these complaints or reports, and, if they come from apparently trustworthy sources, forward them to the authorities for investigation and action. The male intermediaries are elected by labor associations and sometimes have regular conferences with the inspectors. The women intermediaries are chosen by the inspectors and are usually nuns or deaconesses. In 1901 there were 182 intermediaries of the kind just described (114 men and 68 women) possessing absolutely no official authority, nevertheless performing an important function. The chief purpose of the arrangement is, of course, to protect the laborers themselves from retaliatory measures on the part of the employers whom they denounce.

Despite the considerable growth of labor organizations in Germany during the past few years and the appointment of permanent officials by trade unions, the original attitude of these organizations and these officials has generally been one of suspicion or of hostility toward the inspectors. Gradually, however, this attitude is giving way to a willingness to cooperate, and not merely to forward com-

plaints to the inspectors, but first to examine whether or not the complaints appear to be well founded. In some of the States of the Empire the inspectors and the trade union officers are on a footing of mutual respect and friendship. In Bremen and in Saxony the latter have acquired a reputation for caution and circumspection in forwarding complaints to the inspectors; whereas the complaints that come from individual laborers are too often prompted by a desire for revenge, and so frequently bear the marks of exaggeration that they deserve little attention. This is reported to be particularly the case in Wurttemberg. Upon this point the reports of the Saxon inspectors contain interesting data regarding the district of Chemnitz in 1904. In a total of 66 reports of violations made to the inspectors by trade unions, 37 were found to be justified and 26 not justified; in a total of 82 reported to the inspectors directly by individual laborers, 32 were well founded and 45 not; in 24 reported anonymously, 11 were justified; and of 109 violations of the law referred to in labor meetings or in the newspapers, 20 were found upon examination to be fully justified and 72 without any foundation whatever. For the whole of Saxony during the same year (1904) 61 per cent of the violations denounced by labor organizations were well founded, 45 per cent of those reported by individuals, and 34 per cent of those mentioned in newspapers.

It is no secret that the laboring classes generally manifest little desire to cooperate systematically with the industrial inspectors in securing the enforcement of the labor laws. This lack of interest on their part, says Prof. W. Kähler,[a] is characteristic of laborers of all sorts and of all convictions, almost up to the present day. Only recently have they begun to appreciate the significance of labor inspection. Thus, at the Congress of Christian Trade Unions held at Cologne in July, 1909, a prominent delegate called particular attention to the neglect of the unions in this respect and urged the importance of an active interest in labor legislation and its enforcement. Congresses of trade unions have repeatedly, during the last few years, advocated strengthening the inspection service through the addition of representatives of the laboring classes, and particularly of women inspectors.

A like apathy is exhibited by employers' organizations. In 1906 the Industrial League (*Bund der Industriellen*) of Berlin issued 2,000 circular letters of inquiry relating to protective labor laws, and received 400 answers. In 36 per cent of the answers no complaints were made with regard to the activity of the industrial inspectors, although the questions in the circular letter were designed and phrased to elicit complaints.

[a] Soziale Praxis, Vol. XIX, Nos. 11, 12, and 13.

The inspectors complain almost regularly from year to year that in the application of the law of 1903 the laboring classes, particularly the laborers engaged in home industries, show little appreciation of the law, and that parents are often guilty of shameless exploitation of their own children, displaying remarkable ingenuity in circumventing the child-labor law. It is therefore considered a most hopeful sign that labor organizations in some of the larger industrial centers are now giving special attention to the enforcement of measures for the protection of child laborers.

In Saxony the Social-Democratic trade unions have taken steps in this direction through the organization of committees for the protection of children (*Kinderschutzkommissionen*). Late in 1909 a similar movement was inaugurated in Berlin, where for some time groups of women connected with the local trade unions made it their business to hunt out violations of the law of 1903. As long, however, as these women worked without the official support and sanction of the trade unions they accomplished comparatively little, despite their unquestioned energy and self-sacrifice. But in 1909 the Social-Democratic party and the Social-Democratic trade unions created for Greater Berlin a "Kinderschutzkommission" having under its direction a number of female "controllers" (*Kontrolleurinnen*) and assistant controllers whose function it is to detect violations of the law, to use persuasive means to prevent the continuance of illegal or harmful practices, and, as a last resort in cases of necessity, to bring them to the attention of the inspectors or the police authorities. The controllers and their assistants meet from time to time; their addresses are advertised in the workingmen's newspapers; and the custom is developing of reporting to them such infractions of the law as chance to come to the attention of the laborers in the unions.

Stuttgart, in March, 1910,[a] followed the example of Berlin and also established a committee for the protection of children, consisting of seven women representing a group of trade unions and the local Social-Democratic party.

Reference has already been made to the training of the women inspectors. A few words may be added concerning the training of the male inspectors and their subordinates.

The members of the regular inspection staff are all appointed for life. In Prussia the inspectors of the highest rank, called "government councilors," or "industrial councilors" (*Regierungsräte* or *Gewerberäte*), are appointed by the King, whereas those of inferior rank are appointed by the minister of commerce. In Saxony the 57 members of the regular inspectorial staff are assisted by 6 expert chemists.

[a] See Soziale Praxis for March 17, 1910. Hamburg has had a similar organization since 1909.

In Wurttemberg a superior medical councilor is associated with the 17 inspectors. In Alsace-Lorraine the inspectors are aided by 11 municipal building inspectors, intrusted with the enforcement of the labor laws in building enterprises. Apart from the officials who do not have the enforcement of the labor laws as their exclusive task, the number of inspectors for the whole Empire in 1908 was 466. If we add to these the inspectors of mines the total reaches 576.

In the first years of factory inspection in Germany there were no specific provisions concerning the training inspectors were required to possess; the best available candidates were taken, regardless of examinations or preparatory training. Nowadays, however, it is the general practice to appoint to the higher positions only academically instructed engineers and chemists who either have been specially trained for this work or have served a sort of apprenticeship in the actual work of inspection. Under the direction and supervision of these higher officials there are usually, especially in the South German States, assistants of various grades who have had no academic training.

Prussia has a regular system of training and promotion, introduced by a regulation under date of September 7, 1897, which is a close imitation of the system applied to judicial officials. According to the needs of the service, the minister of commerce appoints so-called "Anwärter," who must have had at least a course of three years in a technical school, who must furthermore have passed an examination in machine construction, mining, metallurgy, or chemistry, and who must have had some practical experience. Those who pass the examination successfully are called "Gewerbereferendare" and are then required to "practice" for a year and a half under the direction of an "industrial councilor." This probationary period is followed by three semesters of university study in law and political sciences, and a written and oral examination at Berlin by an examining board instituted for this special purpose. Candidates who successfully go thus far are designated "Gewerbeassessoren." The subjects of which the last examination consists are industrial hygiene, public law, economics, and the inspectorial service.

In the other States, the number of inspectors is too small to justify so elaborate a set of rules concerning the required training of candidates. But as a rule it is considered that the chief inspectors should be academically trained and should have had some practical experience either in the service in a minor capacity or in industrial life.

The inner organization of the inspectorial service varies somewhat from State to State. In Prussia, with a staff of over 270 officials, each government councilor or industrial councilor (the highest in rank of

the inspectors) is at the head of one or more administrative circuits, each of which is in turn divided into a number of sections. Each of these sections is in charge of an inspector. The councilors and inspectors may be assisted by the "Gewerbeassessoren" to whom reference has already been made. Conferences of the councilors are held annually at the call of the ministry in order to secure uniformity in the application of the laws.

In Bavaria there is a central inspector at the head of the whole staff of "factory" and "industrial" inspectors, and each inspector has charge of an administrative circuit (*Regierungsbezirk*), except that for Upper Bavaria there are two inspectors. Each inspector has one or more assistants, the sphere of whose activity, however, is not limited to one circuit. Annual conferences of the inspectors are held.

In Saxony every circuit has a board of administrative officials which includes a government councilor for industrial affairs. Under this official are the industrial inspectors, to whom are assigned one or more assistants. Each inspector has his own district, but each of the "chemical experts" covers several inspectorial circuits.

In Wurttemberg there are four districts, each in charge of an industrial inspector at the head of a staff of assistants; some of the latter are academically trained (the so-called "Gewerbeassessoren"), while others are chosen from the laboring classes and are known as "Gewerbe-Inspectionsgehilfen," or aids to the industrial inspectors. The capital of the Kingdom, Stuttgart, is the headquarters for all four inspectorial districts. But the inspectors at the head of each district are entirely independent of each other, although they hold consultations from time to time in order to secure as uniform an enforcement of the laws as possible.

In Baden there is a chairman of the inspection staff. Below him in rank are 3 factory inspectors, 3 industrial assessors, and 3 technical assistants, all of whom have their headquarters at Karlsruhe. The country is divided into three inspectorial areas, but at the same time each of the inspectors is placed in charge of particular branches of the work for the whole Duchy. The "specialties" into which some of the work is thus divided are home industries, working schedules, ventilation of factories, etc. There is thus a technical as well as a territorial division of labor, the one overlapping the other. A woman inspector has charge of the tobacco industry and the clothing trades—regardless of territorial divisions—as well as of the establishments in which mainly women are employed. The assistants are usually intrusted with inspecting the smaller establishments. The unity of the entire corps under one head and the consultations that are held from time to time permit of specialization and of an effective

utilization by all the officials of the expert knowledge and the experience of each.

It is manifest that with so varied an organization of the inspection service throughout the German Empire there are sure to be differences in the enforcement of the law, not only from State to State, but within each State of the Empire. Indeed, there may be as many different degrees and varieties of enforcement as there are inspectors, for the terms of the law are such as to call for the frequent exercise of discretionary power. The Industrial Code, for example, provides that the health and safety of employees shall be protected "as far as the nature of the industry or occupation permits;" it speaks of "sufficient" light and "ample" space. These are elastic terms that all inspectors will not interpret alike. Yet it is desirable that these differences of interpretation be not too great, else certain employers will be placed at a disadvantage in competing with employers in the same industry who happen to be located in a district that is in charge of a less rigorous inspector. In the smaller States a fair degree of uniformity may be attained by frequent consultation among the inspectors, as is provided for in Bavaria, or by a division of labor according to phases of inspectorial activity, as is customary in Baden. These methods, however, are impracticable in a larger country like Prussia, where uniformity is sought by means of a central bureaucratic regulation and the establishment of certain general rules by the central authorities. The occasional conferences of the officials of highest rank, and the power which these officials possess in their respective territories, help considerably to prevent wide divergencies in the enforcement of the laws.

A fair clew to the varying degrees of intensity with which the work of inspection is carried on may be gained from the following table:

NUMBER OF INSPECTORS AND OF ESTABLISHMENTS SUBJECT TO INSPECTION, NUMBER OF EMPLOYEES IN SUCH ESTABLISHMENTS, AND PER CENT OF ESTABLISHMENTS VISITED IN 1908, BY STATES.

State.	Establishments subject to inspection.		Number of inspectors.						Average establishments subject to inspection for each inspector.		Per cent of establishments visited in 1908.
	Number.	Persons employed.	Government councilors and assistants.	Industrial inspectors.	Male assistants.	Female assistants.	Other.	Total.	Number.	Persons employed.	
Prussia	146,369	3,019,137	40	151	80	5	.....	276	530.3	10,938.9	47.9
East Prussia	4,036	52,836	2	5	1	.....	.....	8	504.5	6,604.5	52.6
West Prussia	4,352	64,388	2	8	1	.....	.....	11	395.6	5,853.5	56.8
Brandenburg	28,244	584,664	5	26	15	3	.....	49	576.4	11,931.9	46.1
Pomerania	5,253	76,804	2	6	1	.....	.....	9	583.7	8,533.8	47.5
Posen	4,141	53,622	2	6	1	.....	.....	9	460.1	5,958.0	40.7
Silesia	15,062	390,086	4	16	14	1	.....	35	430.3	11,145.3	43.4
Saxony	12,070	249,456	4	13	6	.....	.....	23	524.9	10,845.9	57.2
Sleswick-Holstein	6,647	91,949	1	6	3	.....	.....	10	664.7	9,194.9	37.6
Hanover	11,634	204,329	4	15	6	.....	.....	25	465.4	8,173.2	60.0
Westphalia	15,537	343,293	4	16	10	.....	.....	30	517.9	11,443.1	58.5
Hesse-Nassau	8,658	167,336	2	8	5	.....	.....	15	577.2	11,155.7	42.3
Rhineland	30,578	736,364	7	26	17	1	.....	51	599.6	14,438.5	44.3
Sigmaringen	157	4,010	1	.....	.....	.....	.....	1	159.0	401.0	92.4
Bavaria	28,046	468,890	10	13	3	4	.....	30	934.9	15,629.7	45.8
Saxony	26,271	692,895	12	8	26	5	[a] 6	57	460.9	12,156.1	71.4
Wurttemberg	10,934	214,625	4	6	4	2	[b] 1	17	643.2	12,625.0	96.3
Baden	10,381	229,243	1	4	[c] 6	1	.....	12	866.1	19,103.6	88.8
Hesse	5,981	96,668	.....	5	3	2	[d] 5	15	398.7	6,444.5	71.0
Mecklenburg-Schwerin	2,052	21,243	.....	1	.....	.....	.....	1	2,052.0	21,243.0	16.8
Saxe-Weimar	908	29,424	.....	1	.....	1	.....	2	454.0	14,712.0	63.7
Mecklenburg-Strelitz[e]	326	3,388	.....	.....	.....	.....	.....	.....	.....	.....	23.9
Oldenburg	2,330	25,005	.....	1	1	1	.....	3	776.7	8,335.0	27.0
Brunswick	2,054	48,039	1	1	1	.....	.....	3	684.7	16,013.0	36.5
Saxe-Meiningen	915	29,060	.....	1	.....	.....	.....	1	915.0	29,060.0	56.6
Saxe-Altenburg	1,046	28,131	.....	1	1	1	.....	3	348.7	9,377.0	58.8
Saxe-Coburg-Gotha	775	21,546	.....	1	.....	1	.....	2	387.5	10,773.0	65.3
Anhalt	1,351	31,960	.....	1	1	1	.....	3	450.3	10,653.3	43.5
Schwarzburg-Sondershausen	257	7,956	.....	1	.....	.....	.....	1	257.0	7,956.0	30.4
Schwarzburg-Rudolstadt	222	8,612	.....	1	.....	.....	.....	1	222.0	8,612.0	42.8
Waldeck[f]	214	1,330	.....	.....	.....	.....	.....	.....	.....	.....	21.5
Reuss-Greiz	238	13,192	.....	1	.....	.....	.....	1	238.0	13,192.0	50.4
Reuss-Schleiz	757	22,764	1	1	.....	.....	1	3	252.3	7,921.3	67.0
Schaumburg-Lippe[f]	172	2,490	.....	.....	.....	.....	.....	.....	.....	.....	39.5
Lippe[f]	461	6,643	.....	.....	.....	.....	.....	.....	.....	.....	64.3
Lubeck	338	7,687	.....	1	.....	.....	.....	1	338.0	7,687.0	93.8
Bremen	1,283	25,752	1	1	3	1	.....	6	213.8	4,292.0	96.3
Hamburg	5,051	71,320	2	3	3	1	.....	9	561.2	7,924.4	44.4
Alsace-Lorraine	7,644	198,774	3	2	2	1	11	19	402.3	10,461.8	27.6
German Empire	256,376	5,326,274	75	206	134	27	24	466	550.2	11,429.8	51.6

[a] Expert chemists.
[b] A physician.
[c] One is a physician.
[d] Adjunct inspectors taken from the working classes.
[e] For purposes of inspection Mecklenburg-Strelitz is combined with Mecklenburg-Schwerin.
[f] Inspection in Waldeck, Lippe, and Schaumburg-Lippe is taken care of by Prussian officials.

METHODS AND WORK OF THE INSPECTORS.

According to section 14 of the Industrial Code, all new industrial establishments must be reported to the local authorities. No establishment can be founded without the authorities learning of it. A large proportion of these establishments, moreover, must obtain a permit from the police to carry on business. In this way the police obtain a mass of information which is of great value to the inspectors. Factories in which women and children are employed are required to report in considerable detail. (See sec. 138 of the Industrial Code, pp. 247, 248.) These reports greatly facilitate the work of the inspectors. Domestic workshops, however, not being subject, as a rule, to the provisions of the Industrial Code, are not required to give notice to the police either of their existence or of the nature of the work carried on therein. For this reason the employment of young persons and of children in domestic workshops is more apt to escape the attention of the authorities than their employment in so-called factories and similar establishments. Indeed, the activity of the officials in seeking to enforce the law of 1903 is still regarded in many quarters and by many parents as unwarranted and inquisitorial. In his report for 1909, one of the Hessian inspectors declares that "bitter complaints are made, and not infrequently we had occasion to be glad, on visits of inspection, to get out on the streets again with an undamaged hide."

The inspectors keep a list of the industrial establishments in their respective territories, dividing them into two groups, namely, "factories and similar establishments" and the "other establishments," which are also subject to the labor laws. The information upon which these lists are based is furnished by the official records, supplemented by the observation of the inspectors themselves.

The official instructions concerning the enforcement of the Industrial Code, under date of May 1, 1904, provide as follows:

The supervision of the enforcement of the rules concerning Sunday rest is intrusted to the local police authorities. In applying these rules to industrial enterprises, except those of a commercial character (*Handelsgewerbe*), they are aided by the industrial inspectors and in applying them to mines by the officials in charge of the inspection of mines.

The application of the laws concerning work books and the employment of women and young persons rests with the local police in conjunction with the industrial inspectors, whose activity in this regard is regulated by instructions under date of March 23, 1892.

In securing the observation of the Sunday laws, the local police and the mining officials are required to make visits to the establishments within their jurisdiction regularly and at such frequent inter-

vals as may be necessary. Upon these visits they are enjoined to see to it particularly that the required lists of employees are kept; that, if exceptions to the general provisions of the law are allowed, the proper notices are conspicuously posted in the work places; and that the conditions upon which these exceptions are permitted are strictly observed. Should the local police consider that persons are being employed contrary to the provisions of the law, they shall consult the industrial inspector before taking further steps to secure the punishment of the parties concerned; whereupon the inspector may refer the matter to the chief executive official of the Province (*Regierungspräsident*) for his decision.

In every establishment subject to sections 135 to 139b of the Industrial Code, and in which female laborers or laborers under 16 years of age are employed, at least one "ordinary" visit of inspection must be made every six months by the local police authorities (*Ortspolizeibehörde*). Additional "extraordinary" visits should be made whenever they appear desirable, particularly when it is suspected that women or young persons are being employed contrary to the terms of the law. At every "ordinary" visit the inspecting official shall obtain the following information: How many laborers employed in the establishment? How many of them are males over 16 years of age? How many females between 16 and 21, and how many over 21 years of age? How many males between 14 and 16, females between 14 and 16, and how many males and females under 14 years of age? Which nonadult laborers are without the required work books, correctly filled out? Do the hours of work and the midday pauses for female laborers over 16 years of age agree with the legal requirements and with the report on these points made by the employer to the local police? Are the female laborers over 16 years of age, who have a household to take care of, granted one and one-half hours off at midday upon their request? Are the provisions of the law regarding the employment of mothers recovering from confinement complied with? Are the proper notices posted up in the work places in which women and young persons are employed? Does the posted list of these persons tally with the list furnished the local police? Does the list of young employees agree with the work books in the employer's keeping? Do the hours of work and pauses coincide with the requirements of the law and with the entries in the lists of employees? The inspecting officials should also ascertain that in the cases in which exceptions to the general provisions of the law are allowed, the employers comply with the conditions upon which these exceptions are permitted. Plants which carry on work at night or on Sundays should be visited from time to time at night or on Sundays; and those employing female laborers over 16 years of age should also be visited on Saturdays and days preceding holidays after

5 p. m., and on other workdays after the time indicated as the end of the workday.

Numerous provisions are also made with regard to keeping a record of the facts ascertained by the inspecting officials in the course of their visits.

The frequency with which the inspectors visit each establishment subject to the law necessarily varies according to the nature of the establishment and according to a number of other circumstances. In Prussia the inspectors are instructed to pay particular attention to three groups of establishments, namely: (1) Those which the ordinary police authorities are unable to inspect properly because of lack of the requisite technical knowledge; (2) those in which there is unusual danger to the life or health of employees, or which are apt to have disagreeable effects upon persons in the immediate neighborhood; and (3) those which are subject to a special régime of some sort; that is to say, those which are exempted from compliance with certain requirements of the law, or which are subject to exceptionally severe provisions, or which are forbidden to employ certain categories of laborers.

The Prussian ordinance concerning the enforcement of the industrial code requires that every establishment, subject to the law, in which women or children under 16 years of age are employed, must be visited once every six months, or oftener if there is reason to suspect that the law is being violated.

A corresponding ordinance in Baden requires that establishments belonging to this class be visited "at short intervals," and that other establishments be visited "from time to time." The reports from Wurttemberg speak of the "annual" visits of the inspector.(a)

The main source of information concerning the actual work of the inspectors consists of their annual reports, which must be presented in whole or in the form of extracts to the Federal Council and the Imperial Diet. They are collected by the Imperial Office of the Interior and published under the special direction of the Imperial Statistical Office in Berlin.(b) These annual reports for the Empire include the reports of the officials in charge of the inspection of

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[a] W. Kähler, Die Durchführung der Arbeiterschutz-Gesetze und die Gewerbeinspektion in Deutschland. 1908. Berlin.

[b] Until 1892 they were called Amtliche Mitteilungen aus den Jahresberichten der mit der Beaufsichtigung der Fabriken betrauten Beamten; the title was then changed to Amtliche Mitteilungen aus den Jahresberichten der Gewerbeaufsichtsbeamten. Since 1899, however, the reports of the inspectors have been published not in extracts but in their entirety under the title Jahresberichte der Gewerbeaufsichtsbeamten und Bergbehörden. Amtliche Ausgabe. Bearbeitet im Kaiserlichen Statistischen Amt. Berlin. The data in the present study are taken from the issues for 1904 to 1908, inclusive, unless otherwise stated.

mines. Comparatively little is done in the way of summarizing the results and experiences of the inspectors throughout the Empire, save for a few statistical summaries. There is practically no effort at analysis, interpretation, or criticism of results, like that given in the French reports. There is, however, a remarkably detailed and useful index. Moreover, a general plan has been adopted by the inspectors for the arrangement of the matters taken up in their respective reports. The Bavarian annual reports are exceptional in the respect that they contain not only the reports of the individual inspectors for each circuit, but general discussions of certain problems and of particular industries throughout the Kingdom. It has already been stated that in Hesse separate annual reports are issued concerning the enforcement of the child-labor law of 1903.

The table given at the close of the preceding section shows that for the Empire as a whole each member of the inspectorial staff was in 1908 responsible, so to speak, for an average of 550 establishments subject to the law, employing an average of 11,430 laborers. The averages were approximately the same during the preceding years, the increases in the number of inspectors having little more than kept pace with the growth in the number of establishments and of laborers subject to inspection. The proportion of establishments visited annually, and the number of laborers in these establishments, is the subject of the following table:

NUMBER OF "FACTORIES AND SIMILAR ESTABLISHMENTS" SUBJECT TO INSPECTION AND OF PERSONS EMPLOYED AND NUMBER AND PER CENT OF ESTABLISHMENTS INSPECTED AND OF PERSONS EMPLOYED IN SUCH ESTABLISHMENTS, 1902 TO 1908.

Year.	Establishments subject to inspection.		Establishments inspected.		Per cent of establishments inspected.	Per cent of employees in inspected establishments of total employees.
	Number.	Persons employed.	Number.	Persons employed.		
1902	178,936	4,849,108	87,878	3,822,959	49.1	78.8
1903	184,270	5,054,068	94,517	4,026,282	51.3	79.7
1904	215,339	5,362,199	107,901	4,302,635	50.1	80.2
1905	226,565	5,607,657	116,034	4,566,346	51.2	81.4
1906	236,643	5,884,655	123,526	4,821,557	52.2	81.9
1907	250,724	6,128,319	130,735	5,036,133	52.1	82.2
1908	259,617	6,122,416	135,330	5,081,051	52.1	83.0

Thus it appears that the inspectors visit about one-half of the establishments annually, but as they tend to select the larger concerns, the inspected establishments contain four-fifths of the laborers whose employment is subject to legal regulation. In six of the States of the Empire, however, only one-third of the establishments subject to the law are visited in the course of a year, while in three States less than one-fourth of them are visited (Waldeck and the two

Mecklenburgs). In Prussia there were in 1908, 530 establishments per inspector, and in Mecklenburg 2,052; whereas in Sigmaringen, Lippe, and Lübeck, with a small area, each inspector has an average of from 159 to 338 plants under his jurisdiction, but only 90 to 95 per cent of them are actually inspected in the course of a year. Among the larger States Wurttemberg is a noteworthy exception to the general rule, probably because of the geographical concentration of its industrial plants and the more effective cooperation of the trade unions. It would seem that 300 establishments per inspector is a reasonable maximum compatible with efficient supervision, for not only is a single visit per annum insufficient in many cases, but it should be borne in mind that the inspectors are usually burdened with miscellaneous clerical labors, with the work of preparing reports, and with the conduct of special investigations assigned to them from time to time.

Considerably more intensive than the work of the "industrial" inspectors is that of the officials charged with the inspection of mines, and the application of the labor laws to mines and similar establishments. This is indicated by the following table:

NUMBER OF MINE INSPECTORS AND OF MINES SUBJECT TO INSPECTION, NUMBER OF EMPLOYEES IN SUCH MINES, AND PER CENT OF MINES INSPECTED AND OF PERSONS EMPLOYED, IN 1908, BY STATES.

States.	Mines subject to inspection.		Number of inspectors.	Average mines subject to inspection for each inspector.		Per cent of—	
	Number.	Persons employed.		Number.	Persons employed.	Mines inspected.	Persons employed.
Prussia	2,215	706,818	70	31.6	10,097.4	94.7	100.0
Bavaria	360	12,239	8	80.0	1,529.9	99.4	99.9
Saxony	196	33,143	12	16.3	2,761.9	100.0	100.0
Wurttemberg	7	765	1	7.0	765.0	71.4	93.7
Baden	44	692	1	44.0	692.0	61.4	80.3
Hesse	53	2,339	2	26.1	1,169.5	79.2	98.5
Sachsen-Weimar	19	1,932	1	19.0	1,932.0	63.2	96.7
Brunswick	32	3,965	1	32.0	3,965.0	100.0	100.0
Sachsen-Meiningen	108	3,426	1	108.0	3,426.0	95.4	99.7
Anhalt	19	2,631	2	9.1	1,315.5	100.0	100.0
Schwarzburg-Sondershausen	13	707	(a)	.....	.....	92.3	97.3
Schwarzburg-Rudolstadt	9	939	(b)	.....	.....	100.0	100.0
Reuss (younger line)	7	153	1	7.0	153.0	71.4	100.0
Alsace-Lorraine	159	26,393	10	15.9	2,639.3	90.6	98.9
German Empire	3,241	796,142	110	29.5	7,237.7	95.5	99.8

[a] Prussia has charge of the inspection of mines in Schwarzburg-Sondershausen.
[b] Schwarzburg-Rudolstadt is combined with Sachsen-Meiningen for this purpose.

From this table it appears that despite considerable variation from State to State within the Empire, over 95 per cent of the mines were inspected in 1908, and that these mines contained nearly all of the laborers employed in mining and allied pursuits (99.8 per cent). What the statistics regard as an "establishment," however, often consists of a series of widely scattered enterprises, some of which may

entirely escape attention. Moreover, a single visit per annum would be lamentably insufficient in the case of mines, as, indeed, it is in the case of many other establishments.

The necessity for repeated visits is, of course, not entirely overlooked, and the number of plants visited by the inspectors is considerably smaller than the total number of visits, as the following table indicates:

FREQUENCY OF VISITS OF INSPECTION, 1908.

Groups of industries.	Number of visits made.			Establishments.			
	Total.	At night.	On holidays and on Sundays.	Number visited.	Number visited.		
					Once.	Twice.	Three or more times.
Metallurgy, salt works, etc.	47,922	722	1,087	3,791	1,051	701	2,039
Stone and clay products	23,693	176	530	18,203	14,797	2,385	1,021
Metal trades	14,295	168	358	10,894	8,804	1,423	667
Machinery, tools, etc.	15,290	211	458	11,072	8,773	1,491	808
Chemicals	3,806	31	100	2,080	1,337	363	380
Oils, grease, varnish, etc.	3,671	54	123	2,575	1,921	425	229
Textiles	13,991	330	307	10,694	8,536	1,529	629
Paper	4,424	114	178	2,968	2,094	554	320
Leather	2,564	23	67	1,899	1,504	274	121
Wood, etc.	21,266	110	400	17,851	15,389	1,872	590
Food products	54,932	298	1,163	46,748	41,000	4,353	1,395
Clothing trades	20,035	524	363	16,320	13,811	1,852	657
Building trades	5,605	16	80	5,099	4,685	334	80
Printing, etc.	6,501	192	194	5,102	4,154	677	271
Others	2,277	4	9	2,130	2,042	67	21
Total	240,272	2,973	5,417	157,426	129,898	18,300	9,228

For the purposes of the present inquiry it is important to note the extent of child labor in the plants subject to the labor laws, and particularly in the establishments that are visited by the inspectors. Concerning the age and sex of laborers employed in all factories and similar establishments subject to the labor laws (whether or not they have been visited by the inspectors), the following figures are given:

EMPLOYEES, CLASSIFIED ACCORDING TO AGE AND SEX, IN "FACTORIES AND SIMILAR ESTABLISHMENTS" SUBJECT TO THE PROVISIONS OF THE INDUSTRIAL CODE, 1904 TO 1908.

Year.	Total employees.	Males over 16.	Females over 21.	Females 16 to 21.	14 to 16 years.		Under 14 years.		Total under 16 years.
					Boys.	Girls.	Boys.	Girls.	
1904	5,362,199	4,004,134	608,950	379,179	232,810	127,484	5,542	4,100	369,936
1905	5,607,657	4,173,522	633,918	406,829	246,591	135,673	5,771	4,474	392,509
1906	5,884,655	4,364,255	668,820	426,200	268,329	145,325	6,228	4,619	424,501
1907	6,128,319	4,533,548	696,099	449,436	285,335	150,847	7,295	5,759	449,236
1908	6,122,416	4,520,066	699,146	450,887	289,597	150,658	6,677	5,385	452,317

The comparatively steady increase in the number of persons under 16 years of age employed in establishments subject to the provisions of the Industrial Code is indicated for a longer period by the next table:

EMPLOYEES UNDER 16 YEARS OF AGE IN "FACTORIES AND SIMILAR ESTABLISHMENTS," CLASSIFIED BY AGE GROUPS, 1882 TO 1908.

[From Conrad's Handwörterbuch der Staatswissenschaften, Vol. V, p. 731.]

Year.	Employees.		
	12 to 14 years of age.	14 to 16 years of age.	Total.
1882	14,600	123,543	138,143
1886	21,035	134,589	155,624
1890	27,485	214,252	241,737
1895	4,327	217,422	221,749
1902	8,077	316,303	324,380
1905	10,245	382,264	392,509
1906	10,847	413,654	424,501
1907	13,054	436,182	449,236
1908	12,062	440,255	452,317

With regard to employees under 14 years of age it is of course apparent that the decline between 1890 and 1895 is due to the "Gewerbe-Novelle" of 1891. In the number of laborers between 14 and 16 years of age, however, there has been an uninterrupted increase. But it should be noted that Alsace-Lorraine was first included in the figures for 1890, and that the extension in 1904 of certain provisions of the Industrial Code to workshops in which clothing and linen wear are made is at least in part responsible for the increase since that year.

The adult employees, i. e., those over 16 years of age, numbered 4,524,728 in 1902 and 5,670,099 in 1908. Hence during these six years the adult laborers have increased about 25 per cent, whereas the nonadult employees have increased about 33 per cent in number.

The statistics given in the industrial census of 1907, compared with the figures for 1895, indicate that of all persons engaged in gainful occupations at each of these dates, in 1895 those between 14 and 16 years of age were 0.58 per cent, and in 1907, 0.54 per cent.

The proportion of employees under 16 years of age to all the laborers subject to the provisions of the code, and the absolute number of those in the two age groups "under 14" and "14 to 16" is given for the years 1904 to 1908 in the following table:

TOTAL EMPLOYEES, NUMBER UNDER 16 YEARS OF AGE IN SPECIFIED AGE GROUPS, AND PER CENT UNDER 16 OF TOTAL EMPLOYEES IN "FACTORIES AND SIMILAR ESTABLISHMENTS" SUBJECT TO INSPECTION, 1904 TO 1908.

Year.	Total employees.	Employees under 16 years of age.			Per cent under 16 of total persons employed.
		14 to 16.	Under 14.	Total.	
1904	5,362,199	360,294	9,642	369,936	6.90
1905	5,607,657	382,264	10,245	392,509	7.00
1906	5,884,655	413,654	10,847	424,501	7.21
1907	6,128,319	436,182	13,054	449,236	7.33
1908	6,122,416	440,255	12,062	452,317	7.39

If attention be limited to the "factories and similar establishments" actually inspected, this table should be modified as follows:

TOTAL EMPLOYEES, NUMBER UNDER 16 YEARS OF AGE IN SPECIFIED AGE GROUPS, AND PER CENT UNDER 16 OF TOTAL EMPLOYEES IN "FACTORIES AND SIMILAR ESTABLISHMENTS" VISITED BY THE INSPECTORS, 1904 TO 1908.

Year.	Total employees.	Employees under 16 years of age.			Per cent under 16 of total persons employed.
		14 to 16.	Under 14.	Total.	
1904	4,302,635	277,415	7,037	284,452	6.61
1905	4,566,346	298,764	7,143	305,907	6.70
1906	4,821,557	324,429	8,101	332,530	6.90
1907	5,036,133	343,863	10,008	353,871	7.03
1908	5,081,051	350,285	9,000	359,285	7.07

Thus, during the past five years, the proportion of employees under 16 years of age in the plants visited by the inspectors has increased from 6.61 to 7.07 per cent, the number of these laborers having increased somewhat more rapidly than the total number of employees.

The industrial groups in which the number of employees under 16 years of age is largest is indicated by the next table, based on the returns for the years 1905, 1906, 1907, and 1908.

NUMBER OF EMPLOYEES UNDER 16 YEARS OF AGE IN "FACTORIES AND SIMILAR ESTABLISHMENTS" SUBJECT TO INSPECTION, 1905 TO 1908, BY INDUSTRIES.

Industry.	1905.	1906.	1907.	1908.
Mining, metallurgy, salt works, etc	31,641	34,609	38,086	40,480
Stone and clay products	38,090	39,623	40,197	38,405
Metal manufactures	48,927	53,499	56,658	56,669
Machinery, tools, etc	47,431	55,267	60,916	62,558
Chemicals	5,566	6,139	6,647	6,580
Oils, grease, varnish, etc	2,131	2,273	2,520	2,422
Textiles	76,168	80,084	83,496	79,662
Paper	14,738	15,694	16,362	16,071
Leather	5,381	5,799	5,850	5,487
Wood products	21,769	24,288	25,217	25,387
Food products	35,308	37,413	41,023	45,303
Clothing trades	41,002	44,046	45,392	46,464
Building trades	6,778	7,562	7,634	6,988
Printing, etc	16,698	17,420	18,501	19,056
Others	886	785	737	785
Total	392,514	424,501	449,236	452,317

There has been a steady increase in the absolute number of laborers under 16 years of age in mining, metallurgy, etc.; in metal manufactures; in the manufacture of machinery, tools, etc.; in the making of wood products; in the food-producing industries; in the clothing trades; and in printing and allied occupations. The total number of these laborers has for the past five years been greatest in the textile industries, followed, in the order named, by machinery and tools,

metal manufactures, the clothing trades, food products, mining and metallurgy, stone and clay products, wood products, printing, paper, the building trades, chemicals, leather, and the manufacture of oils, varnish, and allied products. If, instead of the absolute number of laborers under 16 years of age, we consider the relative number of such laborers in the several groups of industries into which the industrial population of the German Empire is divided, the order is a somewhat different one, as the next table shows:

TOTAL EMPLOYEES AND NUMBER AND PER CENT OF CHILDREN AND YOUNG PERSONS EMPLOYED IN "FACTORIES AND SIMILAR ESTABLISHMENTS" SUBJECT TO INSPECTION IN 1908, BY GROUPS OF INDUSTRIES.

Group of industries.	Total employees.	Children (under 14).		Young persons (14 to 16).		Per cent of employees under 16 who were—	
		Number.	Per cent.	Number.	Per cent.	Males.	Females.
Mines, salt works, metallurgy	1,006,434	103	0.01	40,377	3.8	96.7	3.3
Stone and clay products	529,535	1,481	.2	36,924	5.8	79.3	20.7
Metal manufactures	423,689	1,334	.2	55,335	10.2	83.2	16.8
Machinery, tools, etc	759,521	983	.1	61,575	7.1	94.1	5.9
Chemicals	116,439	120	.1	6,460	4.5	60.9	39.1
Oils, grease, varnish, etc	63,112	114	.1	2,308	3.2	51.8	48.2
Textiles	371,487	3,560	.4	76,102	8.9	38.1	61.9
Paper	100,479	457	.3	15,614	9.1	44.3	55.7
Leather	73,411	94	.1	5,393	5.7	66.6	33.4
Wood products	319,159	699	.2	24,688	6.6	85.9	14.1
Food products	411,578	1,270	.2	44,033	7.1	51.0	49.0
Clothing trades	97,247	1,300	.3	45,164	12.1	16.7	83.3
Building trades	120,154	56	.04	6,932	5.4	99.6	.4
Printing, etc	117,004	476	.3	18,580	10.6	73.9	26.1
Others	10,817	15	.1	770	5.3	73.0	27.0
Total (1908)	4,520,066	12,062	.2	440,255	7.2	65.5	34.5
Total (1907)	4,533,548	13,054	.3	436,182	7.1	65.1	34.9

Thus in 1908 the proportion of laborers under 16 years of age was as follows: Clothing trades, 12.4 per cent; printing and allied trades, 10.9 per cent; metal manufactures, 10.4 per cent; paper, 9.4 per cent; textiles, 9.3 per cent; food products, 7.3 per cent; machinery, tools, etc., 7.2 per cent; wood manufactures, 6.8 per cent; stone and clay products, 6.0 per cent; leather, 5.8 per cent; building trades, 5.44 per cent; chemicals, 4.6 per cent; mining, metallurgy, etc., 3.81 per cent; oils, varnish, etc., 3.3 per cent. The fifteen groups into which these laborers are divided, however, are based upon a necessarily more or less arbitrary classification of trades and occupations. It should be noted that of the 38,405 persons under 16 years of age employed in the manufactures of stone and clay products, 12,777 are employed in the manufactures of bricks, tiles, and earthenware, and 9,025 in glass works; that of the 79,662 persons under 16 engaged in the textile industries, 20,467 are employed in spinning mills; that of the 45,303 persons under 16 employed in the manufacture of food products, 21,994 are engaged in making cigars, 1,967 in bakeries, and 1,125 in the canning and preserving industry; and that of the 19,156 per-

sons under 16 years of age in the printing and allied trades, 14,478 worked in printing offices and in type foundries.

Regarding the sex of these laborers under 16 years of age, the table on page 303 indicates that in 1908 the males predominated in all of the fifteen groups of industries excepting the textiles, paper, and the clothing trades; whereas the sexes were about equally represented in the manufacture of oils, varnish, etc., and in the manufacture of food products.

It has already been stated that the inspection of hotels and taverns, and the application of the laws affecting conditions of labor in these establishments, is intrusted to the local police authorities. Our general account of the work done in inspecting establishments subject to the labor laws needs therefore to be completed by some reference to the extent and character of this work, concerning which the next table is given.

INSPECTION OF HOTELS AND TAVERNS BY THE LOCAL POLICE AUTHORITIES IN 1908.

State.	Number—			Per cent inspected.
	Subject to inspection.	Inspected.	Visits of inspection.	
Prussia	21,101	19,129	35,974	90.7
Bavaria	8,797	7,262	13,719	82.6
Saxony	5,734	4,926	6,550	85.9
Wurttemberg	1,043	1,043	1,120	100.0
Baden	4,120	2,987	8,349	72.5
Hesse	789	783	1,894	99.2
Mecklenburg-Schwerin	304	304	334	100.0
Saxe-Weimar	296	253	998	85.5
Mecklenburg-Strelitz	73	73	77	100.0
Oldenburg	202	150	293	74.3
Brunswick	275	262	461	95.3
Saxe-Meiningen	149	149	226	100.0
Saxe-Altenburg	126	126	151	100.0
Saxe-Coburg-Gotha	186	186	644	100.0
Anhalt	163	163	315	100.0
Schwarzburg-Sondershausen	44	44	131	100.0
Schwarzburg-Rudolstadt	106	106	239	100.0
Waldeck	49	48	108	98.0
Reuss-Greiz	59	59	92	100.0
Reuss-Schleiz	112	77	104	68.8
Schaumburg-Lippe	21	20	30	95.2
Lippe	58	51	73	87.9
Lübeck	75	75	149	100.0
Bremen	394	394	569	100.0
Hamburg	1,150	1,150	1,372	100.0
Alsace-Lorraine	2,747	1,668	2,709	60.7
German Empire	47,173	41,488	76,681	87.9

Turning now to the subject of detected violations of the child-labor provisions of the Industrial Code, it should be noted, first of all, that the procedure adopted by the inspectors with regard to such violations is substantially the same as with regard to any other offenses. The inspectors are instructed first to try to persuade employers to conform to the provisions of the law, particularly when the violations have to do with matters of form, such as keeping lists of employees, seeing that each employee has his work book, etc. Offenses of this character may be due to simple neglect or to ignorance of the require-

ments of the law. Should persuasion fail to produce the desired consequences, the inspectors usually call upon the police authorities to follow up the matter, and in the event of continued failure to comply with the law the employer is brought to trial before the ordinary tribunals. This step, however, is supposed to be taken only in cases of well-authenticated violations, because it is recognized in Germany, as elsewhere, that the prestige of the inspectors would suffer if it frequently happened that prosecutions instituted at their suggestion resulted in the acquittal of the defendants. Here, moreover, as in other countries comprised in the scope of this investigation, it is not uncommon for laborers, called as witnesses during a trial, to repudiate the statements they have previously made in private to the inspectors.

In trials for violations of the labor laws the same rules of procedure apply as in other trials; the inspectors, as a rule, take no part therein. This partial elimination of the inspectors is reported as explaining why they are sometimes not promptly informed of the outcome of the trials, and that often, therefore, they are unable to secure an appeal within the allotted time in cases of unwarranted acquittal.

Reference has already been made to the subject of responsibility for infractions of the labor provisions of the Industrial Code. The employer is of course responsible at criminal law; but it is sometimes a matter of difficulty to determine the responsible employer. In case of corporate enterprises, the president or official head is regarded as liable. When the direction of an enterprise or of part of an enterprise is intrusted to an agent, the latter is held responsible, no matter what his designation may be. But if offenses against the law are committed by an agent with the knowledge of his principal, or if the principal ordered his agent to do that which constitutes a violation of the law, the former is liable as well as the latter. The same is true if the principal did not exercise reasonable care in the selection of his agent or did not exercise that degree of supervision over his agent's conduct which he was in a position to exercise.

Laborers are not liable at criminal law for violating the protective provisions of the Industrial Code, although, as a matter of fact, violations are often attributable to the carelessness and indifference of the laborers themselves, or, when piece wages are paid, to the fact that these provisions are held by the laborers to interfere with the rapidity of their work. Thus the safety appliances required by law are sometimes removed by the workmen, and frequently the factory or workshop rules are ignored, although these rules are established largely in the interest of the laborers. In such cases the employer endeavors to secure obedience by imposing fines for noncompliance with the rules.

Should a laborer accuse his employer of violating the law and it be proved that the laborer knew his accusation to be false, he may be punished, according to section 164 of the Criminal Code, by imprisonment for a period of not less than one month.

Violations of the provisions of the Industrial Code affecting children under 16 years of age may conveniently be divided into three groups:

(1) Violations of what may be called the formal provisions of the code, such as those regarding work books, wage books, work schedules, factory rules, and lists of employees.

(2) Violations of the more important and distinctly protective features of the law, such as the employment of "protected persons" in prohibited occupations (under the first clause of section 135 of the Industrial Code), longer workdays than the law permits, neglect to allow the legally required number or duration of pauses, and illegal work at night or on holidays.

(3) Violations of the administrative regulations enacted by the Federal Council in the exercise of its discretionary power to supplement the statutory provisions of the Industrial Code, such as those concerning medical certificates, employments especially forbidden under certain circumstances or to laborers of a certain age or sex, alternation of shifts of laborers, rest periods between changes of shifts, etc.

The number of these various offenses detected during the years 1904 to 1908, inclusive, is indicated in the following table:

NUMBER OF CASES OF VIOLATION OF THE PROVISIONS OF THE INDUSTRIAL CODE AND NUMBER OF PERSONS AFFECTED, 1904 TO 1908, BY NATURE OF OFFENSE.

Offense.	1904.		1905.		1906.		1907.		1908.	
	Cases.	Persons affected.	Cases.	Persons affected.	Cases.	Persons affected.	Cases.	Persons affected.	Cases.	Persons affected.
Formal offenses regarding—										
Work books	7,056	.....	7,952	.....	7,442	.....	7,132	.....	6,988	.....
Wage books	2,269	.....	1,523	.....	1,4[illegible]	.....	1,106	.....	728	.....
Lists of employees, etc.	9,520	.....	9,650	.....	9,248	.....	9,418	.....	8,732	.....
Graver offenses regarding—										
Prohibited child labor	507	941	540	948	470	833	605	987	648	1,183
Length of workday:										
Children under 14 years	599	946	566	870	548	923	599	909	551	824
Persons between 14 and 16 years	1,596	3,974	1,523	3,699	1,393	3,330	1,238	2,914	1,149	2,889
Pauses	1,015	4,534	1,159	4,497	1,204	5,069	1,300	5,785	1,114	4,984
Night work	147	312	174	383	181	355	196	394	246	500
Sunday and holiday work	199	332	247	475	241	485	213	310	249	429
Offenses against special ordinances of the federal council regarding—										
Forbidden employments	162	314	164	289	176	306	115	194	101	185
Medical certificates	44	158	31	160	35	193	20	72	25	106
Rests between shifts and changes of shifts	106	138	77	107	71	108	67	75	86	109
Other matters	338	.....	148	.....	234	.....	91	.....	200	.....
Total	23,558	11,649	23,754	11,428	22,739	11,602	22,100	11,640	20,817	11,209

ESTABLISHMENTS IN WHICH VIOLATIONS WERE DETECTED, 1904 TO 1908.

	1904.	1905.	1906.	1907.	1908.
Number of establishments	15,066	15,813	15,948	15,755	15,099
Per cent of establishments inspected	12.7	12.5	11.7	10.6	9.6
Number of persons punished	1,847	1,717	1,924	1,837	1,587

Approximately half of the offenses have been of the sort here designated as "formal." Of the graver offenses, the largest number consisted of having laborers work longer than the law allows; 1,149 cases of this sort in 1908 concerned young persons between 14 and 16 years of age, and 551 cases concerned children under 14 years of age. Next in number were the cases concerning pauses (1,114), those concerning prohibited labor (648), those concerning work on Sundays and holidays (249), and those concerning night work (246).

The participation of the several groups of industries in these offenses is indicated by the following table, in which is given, besides the number of establishments that were found violating the law, the per cent which this number bears to the total number of establishments visited by the inspectors in each group of industries.

ESTABLISHMENTS FOUND VIOLATING THE PROVISIONS OF THE LAW CONCERNING EMPLOYEES UNDER 16 YEARS OF AGE, CLASSIFIED ACCORDING TO GROUPS OF INDUSTRIES, 1905 TO 1908.

Group of industries.	1905.		1906.		1907.		1908.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Mines, metallurgy, etc.	94	2.6	113	2.9	92	2.4	87	2.3
Stone and clay products	2,417	14.3	2,593	14.0	2,212	12.4	2,018	11.1
Metals	1,102	11.8	1,231	13.0	1,183	11.5	1,009	9.3
Machinery, tools, etc.	1,153	12.7	1,211	12.5	1,166	11.3	1,144	10.3
Chemicals	89	4.9	88	4.6	82	4.1	74	3.6
Oils, varnish, etc.	70	3.0	81	3.3	74	3.1	49	1.9
Textiles	1,394	15.9	1,453	15.3	1,437	14.7	1,269	11.9
Paper	318	12.6	371	13.6	397	13.7	293	9.9
Leather	165	9.7	168	9.5	164	8.8	138	7.3
Wood	1,438	10.0	1,458	9.1	1,447	8.6	1,288	7.2
Food products	2,512	7.6	2,467	6.9	2,722	6.6	2,992	6.4
Clothing trades	3,946	26.3	3,395	22.7	3,497	20.6	3,467	21.2
Building trades	285	13.8	414	9.8	399	8.4	441	8.6
Printing, etc	769	16.1	815	16.7	799	15.4	735	14.4
Others	61	5.4	90	8.1	84	4.9	95	4.5
Total	15,813	12.5	15,948	11.7	15,755	10.6	15,099	9.6

It thus appears that during these years the clothing trades enjoyed the unenviable distinction of standing at the head of the list with regard to the proportion of inspected concerns found violating the child-labor regulations, from one-fifth to over one-fourth of these establishments having been found guilty during the past four years of violating these regulations. Next in order come the printing trades and the textile manufactures. More particularly, the chief offenders are tailoring establishments, bakeries (included under the

"food products" group of industries), and brickyards (under the group "stone and clay products"). More than one-third of the total number of infractions occur in these three occupations.

On the whole, however, there appears to be a slight improvement from year to year in the proportion of all inspected establishments found guilty of violating these provisions of the law, the per cent being 12.5 in 1905, 11.7 in 1906, 10.6 in 1907, and 9.6 in 1908.

Thus far in the present chapter our attention has been mainly devoted to the work of the inspectors in enforcing the child-labor provisions of the Industrial Code, the amendments to the code, and the ordinances enacted under its terms. Of particular interest, however, for the purposes of the present study, is the enforcement of the child-labor law of 1903, which particularly aimed to regulate child labor in home industries.

In Prussia the employment of young children in home industries appears to have decreased slightly during recent years, partly because of the depressed condition of a number of industries in which children were largely employed in their own homes, and partly because of the substitution of factory work for domestic production. Thus, for instance, the inspector at Aix-la-Chapelle reported, in 1908, that a brass-ware factory in that town, which formerly provided home work for a large number of children, had devised machinery to take the place of the children. Similar reports were made by other inspectors.

Violations of the law, however, show no decline, and continue in many cases to be of the most flagrant character. Particularly bakers are in the habit of employing children illegally in the morning to deliver bread. The Danzig inspector found 14 children employed illegally in a fish-smoking establishment, and in the larger cities many school children are employed delivering newspapers without having been registered with the police, and therefore without that supervision of their work which the law provides. In fact, many of the inspectors testify very frankly that the difficulty of exercising anything like a rigid supervision of child labor in families with large numbers of children makes it almost impossible to judge the extent to which the law of 1903 is being violated. In the Cologne circuit the most frequent offenses consist in the failure to provide children with the required work cards and in the employment of children at times not permitted by law.[a]

It has already been pointed out that the inspectors are assisted in the enforcement of the law by the local police and by the schoolteachers, the latter aiding in the work of preparing lists of school children employed in gainful occupations. In Düsseldorf, for exam-

[a] See Reichsarbeitsblatt, 1909, Nos. 6, 7, 9, and 10.

ple, the school-teachers are reported not only as calling the attention of the police to violations of the law, but also as causing the withdrawal of work cards—in conformity with article 20 of the law of 1903—from children whose school work is unsatisfactory. To prevent strained relations between the parents of the children affected and the teachers who furnish this information, it has been arranged that the information shall be transmitted by the teachers to the school inspector of the circuit and by him turned over to the authorities without disclosing its source.

In certain parts of Bavaria the law of 1903 is reported as very imperfectly observed. Thus in Oberpfalz 443 children were found employed industrially, and of this number 312 were employed illegally. Of 358 employed industrially in Unterfranken, 76 were working illegally. A large proportion of these cases consisted of the employment of children under 12 years of age, or the employment of school children after 8 p. m. In Oberbayern the activity of the police in regard to the work of children in hotels and taverns, however, led to a decrease in the number thus employed from 120 in 1907 to 66 in 1908. Throughout Bavaria the chief occupations of the school children engaged in employments subject to the law of 1903 consist in delivering goods, setting up tenpins in bowling alleys, and helping in domestic industries. In Mittelfranken 229 children under 14 were engaged in delivering goods, 208 in making toys and metal ware, 60 in making mirrors, 185 in the manufacture of imitation jewelry, 34 in the manufacture of papier-maché and cardboard ware, 74 in making brushes, 50 in making candles, and 260 in other varieties of home industries. In Schwaben it is reported that large numbers of children under 13 are employed in the manufacture of straw hats.[a]

It has already been pointed out that in Hesse a special report is issued annually regarding the enforcement of the law of 1903. The report for 1908 indicates that of a total of 198,849 school children, 3,909, or 1.96 per cent of the whole number, were employed industrially. This represents a decline, for in the preceding years the per cent was 3.05 in 1904, 2.51 in 1905, 2.12 in 1906, and 2.08 in 1907,[b] Of the children employed industrially, 2,605 were "own" children and 1,304 "other" children. (See p. 271.) These children were

[a] Reichsarbeitsblatt, 1909, No. 6.

Shortly after the recent publication of the reports of the Bavarian inspectors for 1909 a ministerial order was issued to the effect that "Statistics concerning the violations of the regulations governing the employment of women and children again indicate that most of these violations occur in brickworks and in shops for the manufacture of clothing and linen wear. * * * The severest measures must be taken to secure the punishment of the offending employers." See Soziale Praxis for July 7, 1910.

[b] The report for 1909 indicates that in a total of 203,636 school children, 1.83 per cent were employed industrially.

employed as follows: In forbidden occupations, 14; in workshops, 208; in mercantile establishments, 55; in transportation enterprises, 5; in theatrical and similar public performances, 85; in hotels and taverns, 49; in delivering goods and in similar occupations, 3,493. Of these 3,909 children subject to the law of 1903, 1,274, or 32.6 per cent, were employed illegally; that is to say, they were employed for longer hours than the law allows or at other times than the law allows or under conditions not sanctioned by the law.

In Wurttemberg the general impression of the inspectors appears to be that the law of 1903 regarding home industries is very difficult to enforce because of the necessarily concealed character of these industries.(a) "There are still districts with extensive home industries in which the people are ignorant of the fact that there is such a thing as an imperial law, passed five years ago, regulating the employment of children in home industries."

The Hamburg "Kinderschutzkommission" undertook in the fall of 1909 to gather data with regard to the gainful employment of school children in that city, with the result that a large number were found to be employed contrary to the terms of the law of 1903. On Sunday, March 6, 1910, according to the reports of this committee, it was found that 1,921 children under 14 years of age were employed gainfully between the hours of 6 and 9 o'clock in the morning—743 in delivering bread, 714 in delivering milk, and 464 in similar occupations. The ages of these children varied all the way from 5 to nearly 14 years.(b)

To detect violations of the labor laws is one thing; to punish the offenders adequately is quite another. The former rests with the inspectors and their collaborators; the latter rests with the ordinary tribunals. These tribunals in Germany manifest the same degree of leniency toward offenders against the labor laws as that noted in the other countries included within the scope of the present investigation. Upon this point the testimony of the German inspectors is unequivocal. Unfortunately their reports give little or no information concerning the amount of the fines imposed by the courts for violations of the provisions concerning the employment of persons under 16 years of age. It is certain, however, that heavy fines are rarely imposed and scarcely ever the penalty of imprisonment. Although the Industrial Code fixes a fairly high maximum for fines, it gives the courts a wide latitude in determining the measure of punishment, with the result that the fines actually imposed in most cases are wholly devoid of any deterrent value. Thus, it has happened that employers

(a) Prof. Stephan Bauer's clever epigram, "Heimarbeit ist Geheimarbeit" contains a large degree of truth.

(b) See Soziale Praxis for June 23, 1910, from which these data concerning Hamburg are taken.

guilty of offenses for which the Industrial Code allows a maximum penalty of 2,000 marks ($476) or imprisonment for six months are fined only 50, 20, or even 10 marks ($11.90, $4.76 or $2.38). Rarely does the fine exceed 100 marks ($23.80). The penalty of imprisonment appears to be imposed only in cases involving industrial accidents that have resulted in death or in serious injuries.

The Prussian inspectors constantly report that the courts exhibit little disposition to cooperate with the inspectors and the police in securing stricter enforcement. Even when violations are discovered and the guilty parties brought to trial, the penalties are frequently so small that they have no preventive influence, the profits of illegal but cheap child labor being so much greater than the fines usually involved.

The figures given in the table on page 307 show how comparatively small a proportion of the employers reported by the inspectors as violating the law receive punishment. Although in 1908, for instance, 15,099 establishments were found violating the provisions of the law concerning the employment of persons under 16 years of age, and the total number of offenses was 20,817, the total number of persons punished was only 1,597; that is, 10.5 penalties for every hundred establishments breaking the law. Nearly 20,000 infractions remained unpunished. It should be noted, however, that not all of the States of the Empire are equally lenient. In Prussia 18.4 per cent, in Baden 26.4 per cent, and in Lippe 27.5 per cent of the offenders against the child-labor provisions of the law were subjected to penalties; but there were seven States of the Empire in which not a single penalty was imposed in 1908 for violating these provisions. In the Kingdom of Saxony 98.3 per cent, in Wurtemberg 98.9 per cent, and in Hesse 95.5 per cent of the offenders of this class went scot free.

Until a few years ago the criminal statistics of the German Empire were tabulated without special reference to violations of the labor laws. These offenses were grouped with others in such a way as to make it impossible to distinguish them. But in 1906 a more elaborate classification was adopted, and for the years 1906 and 1907 it is possible to obtain a more accurate notion of the extent to which the main provisions of the labor laws have been violated. These violations naturally group themselves into two main divisions—those against the "protective" provisions of the Industrial Code and its amendments and supplementary ordinances and those against the other laws and ordinances which are intended to protect the laboring classes. In the latest report issued, that for 1907,[a] the total number of punished violations of the labor laws was 21,384, of which 15,912

[a] Band 193 der Statistik des Deutchen Reichs. Berlin, 1909.

were violations of the Industrial Code and 5,472 were violations of the provisions of other labor laws and ordinances. The total of 5,472 includes not only the offenses against the Child Labor Law of 1903 (numbering 4,214), but also those against the workingmen's insurance laws (numbering 1,232), the law governing the manufacture of phosphorus matches (numbering 1), and the law concerning the protection of mariners (numbering 25).

The participation of the principal States of the Empire in the total number of offenses punished in 1907 was as follows: Prussia, 11,506; Saxony, 2,431; Bavaria, 1,520; Hamburg, 1,283; Wurtemberg, 1,162; Baden, 1,108.

The penalties imposed for violations of the labor laws are divided into four classes: Reprimands (*Verweise*), fines, detention (*Haft*), and imprisonment (*Gefängnis*). Of the penalties imposed in 1907, 99.5 per cent consisted of fines—20,958 in a total of 21,061. Half of these fines, moreover (10,150), were between 3 and 10 marks (71.4 cents and $2.38); and 6,668 were fines of exactly 3 marks (71.4 cents). The penalty of imprisonment was imposed in 45 cases and that of detention in 13 cases. Of the 45 cases of imprisonment, 40 concerned the illegal use of deductions made from wages; of the 13 cases of detention, 8 were due to violation of the Sunday law.

The total of 15,912 offenses against the labor provisions of the Industrial Code included 36 offenses regarding the working schedule, 33 concerning wage payments, 2,486 concerning rest periods and closing time for mercantile establishments, 8,821 concerning Sunday rest, 2,285 concerning the sanitary condition of work places, the prescribed safety appliances, etc., 1,094 concerning the employment of women, 1,155 concerning the employment of persons under 16 years of age, and 2 concerning the identity of laborers.

If consideration is given particularly to the provisions of the law of 1903, the violations in the years 1904 to 1908[a] were as follows:

NUMBER OF VIOLATIONS OF THE CHILD LABOR LAW OF 1903 PUNISHED EACH YEAR, 1904 TO 1908, BY NATURE OF OFFENSE.

Nature of offense.	1904.	1905.	1906.	1907.	1908.
Employment of "other children" in forbidden occupations (articles 4 and 23)	41	69	80	112	97
Employment of "other children" in workshops, commerce and transportation, contrary to articles 5 and 23	474	642	723	1,228	909
Employment of "other children" in theatrical performances, etc., contrary to articles 6 and 23	18	28	29	31	49
Employment of "other children" in taverns, restaurants, etc., contrary to articles 7 and 23	153	166	197	216	180
Employment of "other children" to deliver goods, run errands, etc., contrary to articles 8 and 23	1,037	1,933	2,040	2,399	2,206
Employment of "other children" on Sundays and holidays, contrary to article 24, part 1	140	167	214	228	255
Total	1,863	3,005	3,283	4,214	3,696

[a] From the Vierteljahrshefte zur Statistik des Deutschen Reichs, 1909, Heft IV, page 184. The figures here given for 1908 are, however, "preliminary."

ITALY.

HISTORY OF CHILD-LABOR LEGISLATION.

In the parliamentary debates preceding the enactment of the Italian law of June 19, 1902, del Balzo Carlo, a member of the Chamber of Deputies, called attention to the fact that a statute of the Venetian glass makers in 1284 forbade the employment of children in certain dangerous branches of the glass-making trade. This is probably the oldest European child-labor law. A century later, a Venetian ducal edict of 1396 prohibited the work in certain trades of children under the age of 13 years. From that time, however, down to the middle of the nineteenth century it is impossible to find any other measures of this sort.

In 1843, the Viceroy of Lombardy and Venice issued an ordinance prohibiting the employment of children under 9 years of age in industrial establishments employing more than 20 persons over 15 years of age, and decreeing that children under 12 years of age must not work at night, i. e., between 9 p. m. and 5 a. m. It forbade corporal punishment for child employees; fixed the maximum workday at 10 hours for children under 12, and at 12 hours for children between 12 and 14 years of age; and required that they be given at least 8 hours per day for sleep. The enforcement of this law was intrusted to the officials of each commune, assisted by a physician and by the so-called district commissions.

Sixteen years later, on November 20, 1859, a law was passed concerning the labor of children in mines. This law, which first applied only to Sardinia, was extended on December 23, 1865, to the whole Italian peninsula. It forbade children under 10 years of age to work underground and prescribed a fine of 5 to 50 lire (96.5 cents to $9.65) for violations of the law. But in the absence of anything approaching the inspection of labor in mines, and in default of heavier penalties for infractions, the law remained practically a dead letter and the exploitation of child laborers continued unabated.

During the following few years a number of projects were elaborated with a view to regulating the industrial employment of children, particularly in mines, in mills, and in dangerous occupations. Few of the plans, however, ever came up for discussion by the legislature. A public-health bill presented to the Senate in 1870, containing provisions regarding the labor of children, was approved by that body in 1873 after lengthy discussion, but it was not even debated by the lower house. A similar project met the same fate in 1876. Under date of December 21, 1873, however, a law was passed forbidding the employment of children in so-called "wandering" trades.

In 1879 the minister of agriculture, industry and commerce ordered an investigation to be made throughout the Kingdom with regard to the employment of children, and requested the opinion of the local authorities, of mutual benefit societies, of chambers of commerce, and of the more important industrial organizations, as to the desirability of additional legislation upon this subject. A great majority of those consulted pronounced themselves in favor of a new law, and many contended that the new law should also deal with the subject of female labor. But not until February 11, 1886, did any of the numerous projects discussed actually become a law.

The law of 1886, which went into force at least nominally on August 18, 1886, was admittedly only a preliminary attempt to regulate the gainful employment of children. From the hygienic, legal, and sociological points of view it was clearly insufficient, and only a few of its provisions were retained in the subsequent law of 1902. The decrees concerning its enforcement ordered the minister of agriculture, industry, and commerce to present a report to the Chamber of Deputies every three years concerning the application of the law.

In 1889 the first of these reports concerning the enforcement of the law was presented to the chamber. It contained but little information of interest now. The second report, that of 1892, showed that the law was still very imperfectly applied. In establishments subject to the regular inspection of the royal corps of mining officials, the law was fairly well complied with; but other establishments, visited only at long intervals of two or three and sometimes more years, paid little attention to its provisions. The greatest tolerance, moreover, was to the regular inspection of the royal corps of mining officials, the law although the law itself was by no means radical or far-reaching, since it fixed the age of admission to industrial establishments, mines, and quarries at 9 years, and at 10 years for underground work in mines. The law furthermore limited the employment of children under 12 years of age to 8 hours a day. But the absence of a special corps of officials having charge exclusively of the enforcement of the labor laws, and the lack of interest of other officials in the often unenviable work of inspecting industrial establishments with a view to detecting infringements of these laws, were mainly responsible for the continued meager results of the law of 1886. It was urged that the local authorities supposed to carry out at least part of the work of inspection had so many other tasks to perform that they were unable to devote to this additional work the necessary time and attention.

All establishments subject to the law were required to report annually to the authorities. Immediately after the passage of the law approximately 4,000 establishments complied with this requirement, but in 1892 the number had fallen to 197. In 41 Provinces

there were no reports at all in the latter year; in 7 of them not a single establishment had ever reported since the law went into effect. Although a ministerial circular letter issued in October, 1892, led to an increase in the number reporting, the number never again rose to the original figure.

With regard to the work book which the law required every laboring child to keep, it was reported that the communal officials intrusted with the delivery of these booklets often knew little of the law; and, it might have been added, many of them cared less. Nor was much attention paid to the provision that children under 15 years of age could not be employed unless they were provided with a medical certificate stating their physical fitness to work. The physicians received no pay for this work from the Government, and the certificates, as a matter of fact, proved nothing at all, being given as a mere matter of form.

The movement for a new law and a better enforcement received considerable impetus from the national congress of physicians at Palermo in 1892, which urged a much more careful regulation of child labor in the sulphur mines, where conditions were extremely deplorable. A further impetus came from the international congress on labor accidents, held at Milan in 1894, at which the medical and physiological consequences of excessive labor, and of labor under unhealthful conditions, were set forth with appalling details by an Italian delegate (Luigi Belloc), upon the basis of elaborate personal investigations and the testimony of prominent Italian physicians.

Although the demand for new labor laws grew more insistent from year to year, it was not until 1902 that the law of 1886 gave way to a new series of provisions concerning the employment of children. The law of June 19, 1902, regulated the employment of women as well as children. The same year witnessed the creation of a bureau of labor (a) and of a superior council of labor, the former having for its function the collection and publication of information concerning labor conditions and labor problems at home and abroad, the latter being intrusted with the investigation of relations between laborers and employers and with advisory powers in connection with labor legislation.

The law of June 19, 1902, many parts of which are still in force, was modified by the law of July 7, 1907, which did away with some of the exceptions and transitory provisions in the law of 1902 and modified it in important respects. Both laws were brought together in a code or so-called "unified text," on November 10, 1907. This text contains in compact and well-arranged form the present provisions of the law with regard to the labor of women and children.

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[a] Law of June 29, 1902.

The last few years have witnessed a remarkable growth of interest in the regulation of labor conditions in Italy, partly due to a marked increase in the membership and influence of labor organizations.[a] The Italian system of workmen's insurance has been improved and extended. A law concerning labor in rice fields, passed on June 16, 1907, aimed to improve the unhealthful conditions under which persons employed in rice culture were too often required to work. In the same year Italy ratified a treaty with France concerning industrial accidents, by which French laborers in Italy and Italian laborers in France were given all the benefits of the insurance laws of the country in which they are employed. In 1904 a treaty had been concluded by the same two nations with regard to the enforcement of their respective labor laws. An important law providing for a weekly day of rest in industrial and commercial establishments was passed on July 7, 1907, closely following the features of the French law of July 13, 1906. On March 22, 1908, a law was passed abolishing night work in bakeries. Not until very recently, however, has it been possible to learn from official sources what the effects of this series of labor laws have been.

PRESENT REGULATION OF CHILD LABOR.

The law of 1886 had fixed the age of admission to industrial establishments, mines, and quarries at 9 years, and permitted the employment of children between 9 and 12 years of age for 8 hours a day. The law of 1902 raised the age limit to 12 years. But this provision of the law was not absolute, nor was it passed without bitter opposition. Gavazzi, a member of the Chamber of Deputies, who acted as spokesman for the silk-growing industry, declared that this industry employed 53,000 children between 9 and 15 years of age, and that the work lasted 5, 6, 7, or 8 hours a day, the laborers being divided into relays. Of 400 towns in Lombardy which had been asked for their opinion concerning the 12-year age limit of admission, 75 per cent replied that the adoption of this age limit would mean the ruin of Italian silk culture. Hence a paragraph was added to the measure providing that children between 10 and 12 years of age at the time the law went into effect might continue to be employed in the establishments in which they were working at that time. But the law of July 7, 1907, did away with this paragraph and established 12 years as the minimum age of admission to industrial establishments generally.

For underground work in mines the minimum age is 13 years if steam, electricity, or similar motive power is used; otherwise it is

[a] In 1906 there were 2,732 trade unions, with 298,446 members, and in 1907, 2,974, with 392,889 members.

14 years. Children under 15 years of age and women under 21 may not be employed at work that is too fatiguing, dangerous, or unhealthful (even though such work be carried on in establishments not subject to the law) except in cases especially provided for. In the sulphur mines of Sicily children 14 years of age may be employed to fill and empty ovens.

With regard to the precise scope of the laws of 1902 and 1907 the laws themselves are brief. But a "regulation" under date of January 29, 1903, defines the terms of the law as extending to all places in which industrial labor is carried on by means of mechanical motors, no matter what the number of laborers may be. When, however, there is no mechanical motor, all places in which more than 5 laborers (regardless of age or sex) are employed are to be considered as industrial establishments and hence subject to the law. Offices, shops, and sales rooms are excluded, but not the building trades, i. e., "the erection or repair of private or public edifices."

No female person under 21 years and no child under 15 years of age may be employed in any establishment or occupation subject to the law unless provided with a work book and a physician's certificate attesting that he or she is sound in body and fit to perform the labor at which it is proposed to employ him or her.

The work books are furnished to the communes by the minister of agriculture, industry, and commerce, and delivered free of charge to the laborers by the mayor of the commune in which they reside. The work books must indicate the date of birth of the bearer, stating whether he or she has been vaccinated and whether he or she has attended an elementary school, in conformity with the law of 1877,[a] and passed the final examination (except in cases of intellectual incapacity, certified by the school officials). The book must also show that the bearer has attended the obligatory courses of the secondary schools in conformity with the law of July 8, 1904, whenever such schools exist in the place where the child has resided. Employers were given until July 1, 1910, to conform to the above rules with regard to employing only children who have attended school as provided for by law.

The medical examination is made by the health officer of the commune, without charge to the laborer, the expense being borne by the communes. In case of necessity, determined by administrative ordinance, the medical examination may be repeated. The physician's certificate must specify the kinds of work which would be injurious to the child's development or health. This provision, if carried out,

[a] This law compels children 6 years of age to attend the elementary schools until they are 9 years old, or, if they fail to pass the examination prescribed after three years of attendance, until they are 10 years old.

would facilitate the work of the inspectors and lighten the responsibility of employers. But in practice, the utility of this provision is debatable, not only because it is apt to be unobserved in many cases or to become a meaningless formality, but because the modifications that are almost constantly taking place in the methods of production may render perfectly safe, by means of new machinery or of new processes, an operation or industry which has hitherto been dangerous. A regulation of January 29, 1903, permits the labor inspectors and mining engineers, whenever they have doubts with regard to the fitness of a child for the work in which it is engaged, to subject it to an additional examination by the communal physician, and if the work is recognized as dangerous or if the child has a contagious disease it may be compelled to leave the place of employment. Moreover, the medical examination may be repeated as often as the inspector or health officer considers justified by the physical condition of the child.

Italy possesses a well-organized sanitary police, the members of which are empowered to visit industrial establishments periodically and to see to it that males under 15 and females under 21 years of age are not employed at work that is too exacting. Unfortunately, however, the sanitary police exhibit little interest in this part of their work. They regard themselves as health officers in the customary and narrower sense of the term; that is to say, as intrusted mainly with the prevention of contagion and with the maintenance of a reasonable degree of cleanliness. Beyond this their visits are of purely formal significance in most cases, and so far as the provisions for repeated medical inspection are carried out at all, they are carried out almost exclusively by the regular inspectors; and inasmuch as these officials are mostly new to the work and have not had the experience which their colleagues in most other European countries enjoy, these provisions have not yet been actually put to the test of frequent application.

Upon receiving a request for a work book the mayor or his representative must notify the health officer, giving the exact date of birth of the petitioner. The latter is provided with a blank work book and takes it to the health officer appointed to make the physical examination. If the examination is favorable, the work book is returned to the communal authorities and the latter fill it out and transmit it to the petitioner. The minister of agriculture, industry, and commerce has warned the local authorities against the delivery of incomplete work books, particularly those not indicating that the medical inspection has been made. He has, moreover, called the attention of employers to the necessity for examining work books with the greatest care, and enjoined them never to employ persons whose work books are not in perfect conformity with the requirements of

the law. The work books of laborers who have left the region of their employment should be given by the employers to the communal officials in order to prevent difficulties and abuses. The minister has also expressed the hope "that the physicians will be diligent and conscientious in the performance of their duty in order to prevent a recurrence of the complaints that they are exceedingly careless in their examinations and in delivering medical certificates."

Employers are required not only to examine the work books of the children and female persons under 21 years of age in their employ, but to take charge of them during the time that the owners are in their service, and to record therein the date of beginning and ending the term of employment. The work book must also indicate what changes take place in the nature of the employment of the owner. When an employee is dismissed or leaves the place of employment, his work book must be returned to him at his request.

Whoever employs women (no matter of what age) or children under 15 years of age at certain kinds of work specially designated by law or by ordinance, must make an annual declaration to this effect. He must, moreover, in the course of the year, report all changes that have taken place in the character of his establishment, either through changes in the name of the firm, or the introduction of mechanical motors, or in any of the respects enumerated by ordinance. Two copies of such reports or "declarations" must be sent to the prefect of the province in which the establishment is located. The prefect shall keep a record of the contents thereof, and immediately forward the reports or "declarations" to the minister of agriculture, industry, and commerce. A royal decree shall, after consultation with the superior board of health, the council of industry and commerce, and the superior council of labor, determine what kinds of work are to be regarded as dangerous, too fatiguing, or unhealthful, and in which therefore women under 21 years of age and children under 15 must not be employed at all. In the same manner, a royal decree shall enumerate, by way of exception, the unhealthful kinds of work in which women under 21 years of age and children under 15 may be employed under such conditions and with such precautions as may be judged necessary.

NIGHT WORK.

Night work is prohibited for male persons under 15 years of age and for all female persons. But female persons over 15 years of age who were employed in industrial establishments, quarries, or mines at the time the law of 1902 went into effect may continue to be employed therein as before.

The prohibition of night work for female persons may be suspended at certain seasons of the year and in cases in which they are employed either in the manipulation of raw materials or in the transformation of goods susceptible of rapid deterioration, provided that night work is necessary to prevent an inevitable loss of value. The occupations and processes to which this suspension of the law applies shall be determined by administrative regulation. Night work is interpreted to mean, during the months of October to March, inclusive, that which takes place between 8 p. m. and 6 a. m., and, during the remainder of the year, between 9 p. m. and 5 a. m. These limits, however, may be altered by the minister of agriculture, industry, and commerce in those regions in which special climatic or economic conditions require it, upon the favorable recommendation of the board of health of the province concerned. The minister was furthermore empowered to permit night work for women under certain conditions until January 1, 1908. Where female laborers are divided into two shifts, it is provided that after January 1, 1911, all work must be carried on between the hours of 5 a. m. and 10 p. m., in accordance with the convention of Berne under date of September 29, 1906.

The above provisions concerning night work are a remarkable advance beyond the law of 1886, which made no reference whatever to this subject.

DURATION OF THE WORKDAY.

Concerning the duration of the workday, the laws of 1902 and 1907 likewise constitute a step beyond the law of 1886. The latter limited the workday to 8 hours for children under 12 years of age. The new laws not only exclude persons under 12 from the establishments and occupations subject to the law, but provide that children between 12 and 15 years of age must not be employed more than 11 hours per day, and that female persons (of no matter what age) must not be employed for more than 12 hours. These provisions, to be sure, fall short of the standards set up with regard to the working period for women and children in several other industrial nations of Europe. But the demands of certain industries, such as silk culture, the prosperity of which appeared to be peculiarly precarious, were considered sufficient to justify the rejection of more radical measures.

Whenever work is carried on by two shifts of laborers, neither shall work longer than 8½ hours. The working period is counted from the time the laborers enter the factory, workshop, work yard, quarry, or mine, until the time of their departure, deducting the periods of rest.

Children under 15 years of age and all female laborers must be given one or more intervals of rest amounting to at least 1 hour when

the workday lasts between 6 and 8 hours; amounting to 1½ hours when the workday lasts between 8 and 11 hours; and amounting to 2 hours when the workday lasts longer than 11 hours. If the laborers consent, the 1½ hours of rest may be reduced to 1 hour when the workday does not exceed 11 hours, and to half an hour if there are two shifts of laborers. But in no case may the labor of children, or of female persons under 21, last longer than 6 hours without interruption.

All female persons, as well as children under 15 years of age, are entitled to one full day of rest of 24 hours every week.

Unless otherwise provided for by law or by administrative ordinance, the owners, managers, lessees, and superintendents who employ children or female persons must see to it that all measures are adopted to provide for the health, safety, and morality of their employees, not only in the work places and the places connected therewith, but also in the dormitories, in the rooms provided for female employees, and in the refectories.(a)

Industrial establishments subject to the law must have a set of factory or workshop rules, certified by the mayor of the locality in which the establishment is situated, and conspicuously posted where they may be seen by the laborers and by the public officials intrusted with the enforcement of the law. The enforcement of the law is intrusted, under the direction of the minister of agriculture, industry, and commerce, to labor inspectors, mining engineers, assistant mining engineers, and police agents. These officials have the right of free access to the establishments comprised within the scope of the law, and are charged with the detection of violations of the law or of the administrative ordinances supplementing them. A detailed report of all such violations must be sent promptly to the competent judiciary authorities and a copy thereof transmitted to the local prefect.

Any industrial secrets that may be discovered by public officials in the performance of their duties must, under penalty of the law, be kept strictly inviolate.

The provision for a distinct corps of inspectors marks what is perhaps the most important achievement of the laws of 1902 and 1907.(b) It is true that there had previously been three so-called industrial inspectors. But the principal duty of these officials consisted in the inspection of technical and industrial schools. It is not far from the truth to declare that until very recently there was no pro-

[a] In establishments employing women the latter must be permitted to nurse their infants, either in a room provided for this purpose or outside of the establishment, and the time shall not be included in the periods of rest otherwise provided for. There must be a special room for this purpose in all establishments employing 50 women or more.

[b] The new service of inspection began in November, 1906.

vision for the efficient inspection of industrial establishments, nor was sufficient provision made for reporting the actual operation of the law. Indeed, factory and workshop inspection in Italy is still in its swaddling clothes. This is not surprising when it is remembered that France and England required a quarter of a century to establish this institution upon a satisfactory basis.

Of no mean importance in securing the enforcement of the labor laws is the activity of the "carabinieri," types of half soldier and half policeman, whose sudden appearance leads in many regions to the detection of infractions of the law which would otherwise certainly pass unnoticed in the absence of an experienced and well-organized inspectorial force.

The general nonobservance of the labor laws led, in 1903, to a special investigation into the subject of labor inspection, the results of which were published in 1904 and brought about the adoption of a plan for the thorough reorganization of the staff of inspectors. Meanwhile the Government of Italy, in signing the Franco-Italian labor treaty of April 15, 1905, formally pledged itself "to complete the organization throughout the Kingdom, and particularly in the regions in which industrial labor is developed, of a service of inspection working under the authority of the State and guaranteeing the application of the laws in a manner analogous to that assured by the labor inspectors in France."

On December 11, 1905, the minister of agriculture, industry, and commerce, in conjunction with the minister of finance, proposed a law creating a staff of inspectors consisting of two classes of officials, the first consisting of twelve regional inspectors, with two general inspectors and one chief inspector, and the second of 15 adjunct inspectors. Both groups were to be chosen on the basis of competitive examinations, but only workmen or former workmen could take part in the competitive tests for the selection of adjunct inspectors. The proposition also outlined the duties of the inspectors and appropriated 100,000 lire ($19,300) for salaries and expenses. Not until July 19, 1906, however, and after some modification, was the law passed and promulgated. It authorized an expenditure of 70,000 lire ($13,510) to carry out the terms of the treaty with France, but was clearly only a transitory solution of the general problem of labor inspection.

For the fiscal year 1907–8, 80,000 lire ($15,440) were appropriated for the employment of inspectors. Inasmuch as this amount was insufficient to permit the appointment of enough regular inspectors to carry out the law in all parts of the Kingdom, the Government decided to begin with the most important industrial sections, and to appoint three inspectors, located at Turin, Milan, and Brescia. Each of these was a "divisional" inspector. Under the one at Turin there

were three regional inspectors, at Milan there were four regional inspectors, and at Brescia two. This made a total of twelve inspectors, all of them in the northern part of the Kingdom, which is, of course, more industrial in character than the remainder, if we take the reports of industrial accidents as a criterion. The employers of women and children are required to report the industrial accidents which take place among their employees, and three-fifths of these reports came from Lombardy, Piedmont, Liguria, and certain parts of Venetia.

The new service of inspection is under the direction of the Labor Office. The inspectors are instructed to secure the enforcement of the law concerning the employment of women and children and of the law concerning industrial accidents; all the establishments subject to these laws are placed under their supervision, except those conducted by or belonging to the Government. The inspection of mines continues in charge of official mining engineers.[a] Subsequent increases in the appropriations have permitted an increase in the force of the inspectors and in the area subject to regular periodical inspection. Two laborers have been appointed assistant inspectors.

The regional inspectors arrange their visits according to the instructions of the divisional inspectors, making use in this connection of the reports that have been made to the authorities by the heads of establishments employing women or children. They are particularly instructed to ascertain which establishments of this sort have failed to make the required report; these establishments, the official instructions declare, "there is every reason to believe are numerous." If violations of the labor laws are discovered they are to be reported, but in view of the practical difficulties that still beset a continuous and efficient supervision of the establishments subject to the law the inspectors are urged at the outset to be tolerant and, as a rule, simply to warn offending employers against a continuance of forbidden practices. The circular of instructions further advises the inspectors to welcome the advice, suggestions, and criticism of employers and laborers, especially those made by trade unions. But until the inspectors have gained the confidence of the parties concerned, it is specifically stated that "the inspectors should not enter into too close relations with organizations of employers or employees, so that there may be no justification for any suspicions of partiality."

Violations of the provisions of the law concerning the measures that must be adopted to protect the health, safety, and morality of women and children employees, concerning the rooms that must be provided for women to nurse their infants, and concerning the fac-

[a] In 1905 there were 63,996 persons employed in the mines of Italy, including 5,548 children under 15 years of age; there were 59,342 persons employed in quarries, including 3,985 children under 15.

tory or workshop rules, are punishable by a fine of 50 to 500 lire ($9.65 to $96.50). All other violations are subject to a fine of not more than 50 lire ($9.65), imposed as many times as there are persons employed under conditions contrary to the law; but the total fine may not exceed 5,000 lire ($965). In case of repeated offenses the penalties may be increased by one-sixth to one-third. The receipts from fines are paid into a national fund for the payment of pensions to superannuated and incapacitated laborers.

So much for the provisions of the laws of 1902 and 1907. These laws left numerous gaps to be filled by way of administrative ordinances. Thus, with regard to the measures which employers are required to adopt in order to safeguard the health, safety, and morals of their child and female employees, the law set up no specific standards determining what these measures should be. This was left to be determined in accordance with the character of each industry.

A long series of rules has been established with regard to the prevention of accidents in dangerous occupations. In 1899 such rules were promulgated for mines and quarries and for the manipulation of explosive materials. In 1900 rules for the building trades were issued and in 1901 for railroads. These rules are numerous and detailed. Only their main features need be given here.

In mines and quarries persons not employed therein are forbidden to enter. The shafts must be surrounded at the top by barriers to prevent accidents. It is forbidden to get on wagons while in motion or to travel upon them when they are not provided with brakes.

Wherever dynamos or other motors are employed they must be installed in separate rooms or surrounded by protective barriers. Apparatus for the transmission of power (belts, cogwheels, etc.) must be so covered and guarded as to prevent accident.

Industries in which explosive substances are employed must provide their employees with special clothing to be worn while at work, and the employees are forbidden to wear shoes containing nails.

UNHEALTHFUL OCCUPATIONS.

With regard to unhealthful trades in which children and women may either not be employed at all or only under specified conditions and precautions, a series of ordinances has been passed reaching back to 1886. Some of the ordinances prohibit altogether the employment of women and children in certain occupations; others permit women and children to be employed under certain prescribed conditions.

Decrees of 1886 and 1888 enumerate 22 occupations in which it is forbidden to employ children under 15 years of age. Among these occupations are: Grinding and refining sulphur, the manipulation of animal residues in the production of nitrous substances, and the

manipulation of sulphuric or nitric acid, of phosphorus chloride, and chloride or hypochloride of lime.

There are 22 industries in which the conditional employment of women and children is permitted. Thus, for instance, women and children may work in printing establishments, provided they are not employed to clean type. Again, women and children may not be employed to clean machinery that is in motion.

Two important occupations that play an important part in Italy, and in which considerable numbers of children are employed, are rice culture and sulphur mining. Both of these occupations are extremely unhealthful and have repeatedly engrossed the attention of the Italian legislator on that account.

In the Sicilian sulphur mines conditions are extremely primitive. Nearly all the work is done by hand. The "adult" laborers, a large number of whom are between 15 and 17 years of age, carry loads of 70 to 120 pounds. Younger children carry 50 to 70 pounds. The conditions and the nature of this work are such that 55 per cent of the males of military age who have been thus employed are unfit for military service.(a) The law of 1907, therefore, in fixing the age of admission to employment at 14 years for underground work in mines not employing mechanical motive power, and forbidding the employment of children under 15 in especially dangerous occupations, marks a distinct advance beyond previous legislation upon this subject.

The law of June 16, 1907, concerning labor in rice fields, contains numerous sanitary provisions designed to prevent, or at least to restrict, the ravages of malaria among the laborers employed in these fields. It provides that children under 14 years of age must not be employed in cleaning and polishing rice, nor may this work be carried on before sunrise. This work, moreover, must not last longer than ten hours per day for laborers who live near by, or nine hours per day for others; and once this amount of daily work is accomplished, the laborers engaged therein can not be otherwise employed.

Not until July, 1909, did the minister of agriculture, industry, and commerce present to the Chamber of Deputies the reports of the inspectors covering the period between July 1, 1903, and July 25, 1907. These reports concern the application of the law of 1902 on the employment of women and children, and not the modifications made by the law of July 7, 1907. The main topics treated in these reports are as follows: The exceptions that have been allowed; the abolition of girl labor in sorting bones and rags; the temporary permission of the labor of school children; exceptions to the law granted in cases of seasonal industries; the extension of the law to apply to female

(a) In the province of Caltanisetta for example, out of 3,709 candidates for the army in 1900, 2,055 had to be refused.

employees in the telephone and telegraph service; the arrangements that have been made for the payment of the fines imposed for violations of the law to the fund out of which national old age and invalidity pensions are paid to the working classes.

The inspectors report considerable difficulty in enforcing the provisions that require the employers of women and children to report to the authorities. This was especially the case in seasonal trades and in establishments employing only members of the family of the employer and whose character is not clearly industrial (such as certain auxiliary occupations connected with agriculture, commerce, and educational institutions).

In 1907 there were 12,503 establishments, subject to the law, having children or women in their employ. Although the enforcement of the law is intrusted jointly (according to the law of 1902) to the industrial inspectors, the mining engineers, and the police officials, comparatively little was done by the inspectors, and the bulk of the work devolved upon the local police authorities. Not until 1907 did the inspectors undertake any important part of the work. In that year the mining engineers made 793 visits, the inspectors 8,680, and the local police agents 12,957. Some establishments were of course visited more than once.

Concerning the violations of the law detected by the officials, the relatively most numerous were those concerning the employment of children under the legal age of admission, the employment of women and children having no work books, the failure to report the employment of women and children, and neglect to post up the working schedule of the factory or workshop and the provisions of the law regarding women and children.

The penalties imposed by the courts for these offenses varied greatly during the period under investigation. It will be some years before it will be justifiable to draw conclusions with regard to the efficiency of factory inspection in Italy; the inspectors themselves remark upon the insufficient number of inspectors and upon the narrowly limited scope of the labor laws.

SWITZERLAND.

CHILD-LABOR LEGISLATION PRIOR TO 1877.

Switzerland has never been a country of large factories, and to-day the tendency toward centralized industrialism is not so pronounced there as in many other nations of western Europe. Various types of domestic industry have continued to prevail in spite of the forces that make for centralized production on a large scale. Some of the commodities which play an important part in Swiss exportation, such as embroidery, watches, and silk goods, are still very largely produced

in the homes of the workers;[a] and it may even be noted that in the production of certain kinds of embroidery there is a backward movement from factory production to domestic production.[b]

The history of Swiss legislation in behalf of industrial employees reaches back to a period when factories in the modern sense of the term were unknown. The earlier Swiss experiments in this direction, however, were confined mainly to those phases and those varieties of economic activity which nowadays the labor laws of most nations either do not affect at all, or with which a few of them, after considerable hesitation, have but recently ventured to interfere—namely, the regulation of home work and the determination of a maximum workday and a minimum wage for adults. Much of this early legislation, to be sure, grew out of the guild system and the mercantilistic doctrines which influenced to a considerable degree the patriarchal, aristocratic governments of three centuries ago. The interest of the authorities centered in the maintenance and development of national industries and the price and quality of their products rather than in the welfare of the laborers themselves; and so far as the latter received any attention at all, it seems to have been turned almost exclusively to adult laborers. Not until the end of the eighteenth century and the beginning of the nineteenth does it appear that measures were adopted in behalf of child laborers. In Switzerland, as elsewhere, the introduction of the cotton industry marks the beginning, not of child labor altogether, nor even of child labor upon an extensive scale, but of the conspicuous evils of child labor.

Aristocratic paternalism in the industrial Cantons gave way, in the latter part of the eighteenth and the early part of the nineteenth century, to laissez faire and economic individualism. The Napoleonic era with its continuous wars and blockades injured the Swiss export trade; but at the same time it placed obstacles in the way of English importation and thus fostered the transition in Switzerland from spinning by hand to spinning by machine, a change which spelled disaster for many workers. In the cotton industry of Zurich alone the number of spinners was reduced from 34,000 in 1787 to scarcely one-third that number twenty years later.

As in England, the new machine workers were mainly young women and children. Work went on uninterruptedly by day and night, the laborers being divided into two shifts, one working from midnight to noon, the other from noon to midnight. Even children of 8 years were engaged for these long periods, though the homes of many of them were miles away from the factories and many of them had to

[a] A. Pfleghart: Bericht über die schweizerischen Hausindustrien, etc., Bern, 1907.

[b] Swaine: Die Arbeits- und Wirtschaftsverhältnisse der Einzelsticker in der Nordostschweiz und Vorarlberg, pp. 22 ff. and 52, Strassburg, 1895.

go back and forth daily. Under such circumstances the school laws of the industrial Cantons were manifestly farcical, and a clear conflict of interests arose between the school and the factory, a conflict which soon gave rise to legislative intervention in the Cantons that were disposed to take their school laws seriously.

Zurich, the home of Pestalozzi, where compulsory primary education was introduced in 1778, seems to have been the first to take alarm, for at the very outset of the new industrial era—in 1779—the authorities of this Canton enacted a "mandate" concerning what was known in the local dialect as " Rast-geben," a custom whereby children were hired to do a certain prescribed amount of work per week or per day in exchange for their board or their board and lodging; when this prescribed amount of work was finished they might continue to work for wages if they chose. The mandate of 1779, which was probably directed quite as much against the employment of children in home manufactures as in factories, forbade " Rast-geben " for all children who had not yet complied with the requirements of the school law passed in 1778. It declared that " no child should be allowed to leave school upon any pretext whatsoever until it is at least able to read easily and understandingly; nor until it has learned to repeat intelligently, and from memory, the catechism, a few psalms, and a few beautiful prayers and sacred hymns." As long as this minimum of secular and religious instruction was provided for, the cantonal government felt no anxiety, although conditions were sufficiently unsatisfactory to suggest to the educational council of Zurich in 1813,(a) that cotton spinning did not contribute to the development of a child's body and soul, and that " when children of 9 years can make 1 or 2 'schneller' a day, reckless parents are tempted to withdraw their children from school as soon as possible. * * * Children 8, 9, and 10 years old are thus torn away from home life. * * * Parents have come to believe that when children go to the factory the school has no further claim upon them, and that teachers should be satisfied to take the hours when children are too worn-out and too sleepy to attend to the machines. In the sixty and odd large and small spinning factories of this Canton no less than 1,124 children are now working." Among this total number were several under 6 years of age; 48 were between 7 and 9, and 248 between 10 and 12.

This rather definite statement led the government of Zurich to pass an ordinance in 1815 " concerning children in factories generally and in spinning mills in particular."(b) Typical of many others

[a] In a message to the Government, quoted by C. A. Schmidt: Wie schützte früher der Kanton Zürich seine Fabrikkinder. Zürich, 1899.

[b] Neue offizielle Sammlung der Gesetze und Verordnungen des Standes Zürich, 1821. Band I.

passed a little later in several Swiss Cantons, this ordinance declares it to be the proper sphere of government "to see to it that the ignorance, carelessness, and selfishness of parents does not jeopardize the physical health and strength and morality of their children, nor deprive them of that training of mind and heart which should be required of every member of civil society and of the Christian Church, nor detract seriously from their capacity to earn a necessary livelihood as adults by honest means, and to perform their domestic and civic duties; and that inasmuch as the free and unrestricted employment of young children in factories and in the newly built spinning mills is now spreading more and more rapidly, the lower council recognizes and decrees," among other things, "that no child which has not yet begun its tenth year shall be employed in a factory or spinning mill; that every child thus employed shall attend the 'repetition school' (*Repetier-schule*) as assiduously and regularly as other children; that it shall likewise take the ordinary courses of instruction given by the pastor of the locality; that these children shall not work more than twelve to fourteen hours daily, nor begin work in the summer before 5 o'clock nor in winter before 6 o'clock in the morning; that these children shall not work at night; that parents should be enjoined, so far as possible, to save the earnings of children for their subsequent benefit; that factory children should be supervised by the pastors and local officials; and that reports should be made upon the operation of the law by the local school teachers."

The Canton of Thurgau passed a similar law[a] the same year, after the school authorities there had complained of poor attendance and numerous absentees, and the pastor of Gelshofen had fulminated against the factories at Constance, whither hordes of children went from his parish to work and were thus prevented throughout the whole year from attending school. "It is impossible," he declared, "to maintain a Sunday school, for wages are paid on Sunday afternoon and then the children run off again to the city."[b]

Zurich, in many respects the pioneer Canton in matters of child-labor regulation, took a further step forward in 1832, raising the minimum age of admission to spinning mills to 12 years; and in 1834 it forbade the labor of children on Sundays and holidays. An investigation made in the same year revealed that children of school age lost on an average one-fourth of the entire school period on account of employment in factories. Hence in 1837 a new ordinance was passed prescribing that boys and girls under 16 years of age must not work more than 14 hours per day, interrupted by at least 1 hour's

[a] Hoffmann: Geschichte der Fabrikgesetzgebung im Kanton Thurgau. Frauenfeld, 1892.

[b] Quoted by Dr. Julius Landmann. Die Arbeiterschutzgesetzgebung der Schweiz, p. xix. Basel, 1904.

rest at midday; and that children under 16 shall not work at night (but exceptions to this rule were permitted).

In the Canton of Berne a compromise was effected in 1835 between the demands of the factory and those of the school. "Factory schools" were permitted in order that the children of school age might more easily be employed a large part of the time as factory workers. The testimony of contemporary writers is to the effect that from a pedagogical and hygienic point of view these "factory schools" were far from being model institutions, although the law provided that employers must furnish the children in these schools with instruction equivalent to that provided by the primary school. That the law must have been an absolutely dead letter is manifest, according to Prof. Stephen Bauer,[a] when we learn that even as late as 1866 factory children of school age were required to work from 11½ to 14 hours a day, and some of them worked through the entire night.

In nearly all of the industrially important Cantons the opposition of factory owners and of the uncompromising advocates of "industrial liberty" was powerful enough to prevent, or at least to delay, the enactment of genuinely restrictive measures against child labor until the middle of the century. At that time, partly under the influence of newer, more radical social theories emanating mainly from France, and partly in imitation of the British labor laws of 1833, a new movement for labor legislation was inaugurated.

In 1848 the Canton of Glarus decreed (not for all factories, but for spinning mills only) that children under 12 years of age must not be employed; that between the ages of 12 and 14 years they must not regularly work longer than 14 hours daily, including an hour's pause at noon; and that if employed at night they must not work on the nights preceding the days set aside for repetition school and for religious instruction. Children over 14 years of age were not allowed to work regularly more than 15 hours per day, including an hour's midday pause. Those working sometimes by day and sometimes by night must not work more than 13 hours during the daytime nor 11 hours at night. Night work was thus expressly permitted for children who had completed the required period of attendance at an "all-day school," i. e., those who were 12 years old.

It was further ordered that when there are two shifts of laborers, shifts may change, as a rule, only at 6 a. m. and 7 p. m. On Saturdays and days preceding legal holidays machines must be stopped at 7 p. m. and not be started before 5 a. m. on the following Monday or the day following the holiday.

[a] Article on "Arbeiterschutzgesetzgebung in der Schweiz," in Conrad's Handwörterbuch der Staatswissenschaften, Vol. I, third edition. Jena, 1908.

St. Gall in 1853 provided that children under 13 years of age should not be employed at all in factories, and that those between the ages of 13 and 15 should not work more than 12 hours daily.

In the period between 1848 and 1877 many of the Swiss Cantons passed labor laws, most of which concerned the labor of children in factories. But the rather bewildering array of cantonal enactments does not appear to have been accompanied by a corresponding improvement in the condition of working children. Many of them were dead-letter laws.

An important law, not only for the Canton which passed it, Zurich, but for the other Cantons as well, was that of 1859,[a] which grew out of an elaborate investigation made by a commission especially appointed for this purpose. It provided as follows:

(1) Children could not work in factories until they had finished "all-day school." By way of exception, however, all day pupils over 10 years old might take the places of "supplementary school" pupils in the factory on the days when the latter were in attendance at the "supplementary school," unless this practice proved to be harmful to their physical and mental development.

(2) Every factory owner was obliged to allow the children of school age employed in his factory to take part regularly in all religious exercises and school sessions.

(3) The workday for children not yet "confirmed" as church members, or who were not yet 16 years old, must not exceed 13 hours (on Saturday 12 hours); and for "all-day pupils" it must not exceed 5 hours daily. There must be a pause of 1 hour at noon, and night work was prohibited.

Compared with previous laws this was in some respects a step backward, particularly in allowing exceptions to the general rule that children 10 years old must not be employed in factories. In matters of labor legislation it has been noted that the exceptions often outweigh the rule in importance. A most valuable feature of the new law, however, consisted in the provision that "all factories shall be subjected to periodical official inspection;" for the one great lesson taught by the history of factory laws everywhere is that without an efficient system of factory inspection these laws are of very problematical value. The Zurich ordinance of December 31, 1859, created a factory commission consisting of five members charged with the enforcement of the law.

Other Cantons again followed the example of Zurich. Aargau in 1862[b] forbade the labor of children in factories before they were

[a] Landmann: Die Arbeiterschutzgesetzgebung der Schweiz, p. xx.

[b] Kaufmann, article on "Fabrikgesetzgebung," in Furrer's Volkswirtschafts lexikon der Schweiz, Band I, p. 595.

fully 13 years of age; children under 16 were not allowed to work more than twelve hours a day. Night work and Sunday work was forbidden them, and the government council was given authority to pass ordinances to prevent the excessive use of child labor elsewhere than in factories. Three factory inspectors were appointed to secure the observance of the law.

In Glarus factory inspection was intrusted to experts specially appointed from time to time; in Zurich, Basel Town, and Aargau, to so-called "factory commissions;" in Schaffhausen, to the cantonal and local police; and in St. Gall, to the police, the clergy, and the school officials. The appointment of permanent inspectors soon led to a better knowledge of the conditions under which children were employed in the factories of these Cantons.

The most interesting disclosures were those from St. Gall in 1865. It was here discovered that 15,927 men, 16,492 women, and 5,458 children were employed in 1,586 factories; 16.8 per cent of the factory population consisted of children.

Equally characteristic are the results of an investigation made in Basel Land in 1866, the reports of which state that between 280 and 300 "repetition school" pupils were found at work in the factories of the Canton, and that—

The daily work of these children in summer and in winter averages from 11½ to 14 hours. * * * In two factories school children are regularly employed in alternate weeks, in one of the factories for a period of 10 hours and in the other throughout the entire night, precisely the same as adult laborers. Every day in the winter children are regularly employed for a few hours at night. In one of the factories this night work lasts 3 to 4 hours, in another 4½ hours, in a third until 9 o'clock at night, and in a fourth until between 9 and 10 o'clock. * * * In general it can not be denied that the children who work in factories are noticeable for their pale and worn appearance; they offer a striking contrast to the fresh and vigorous-looking children employed in the country. The heavy, foul air of the factory, the inhalation of dust and gases, the hasty passing from hot rooms into the cold, damp night air, must have a damaging effect upon the lungs of these young laborers. Hence hectic diseases are common among them. They complain much of headaches, lack of appetite, the consequences of long periods of work in closed spaces. Early curvature of the spine and shortsightedness are not uncommon among them. Their young, undeveloped bodies are attenuated, their growth is stunted, and their powers of resistance are weakened. * * * Mental elasticity gives way to laxness and exhaustion. Instead of youthful alertness and energy we find mental laziness and indifference; the capacity to learn is diminished, and susceptibility to new impressions often reduced to zero. The love of study and the desire for intellectual growth is gone, and with it the sense for things that are exalted and beautiful.(a)

[a] Schweizerisches Bundesblatt, p. 673. Jahrgang, 1869.

In the same report factory children are declared to be the "weakest pupils," and the ethical evils of child labor in factories are also noted. "Contact with adult laborers whose language is coarse and often immoral affects the children disastrously; their earnings make them too independent and lead to a loss of respect for parental authority; smoking is learned very soon, the saloons are frequented, nocturnal carousals indulged in, and the habits of adults carefully copied."

This portrayal of the evils of premature factory labor led to the adoption of the law of June 7, 1868, in Basel Land.[a] It provided that children under 13 years of age must not be employed in factories; those between the ages of 13 and 16 years must not work more than 10 hours a day, including attendance upon the "repetition school" and the religious instruction preparatory to "confirmation;" night work was forbidden.

In 1873 Schaffhausen and Ticino passed laws of similar purport. But the most progressive of Cantons in the regulation of child labor at this time was Glarus, the laws of which served subsequently in some respects as a model for the federal factory act of 1877. The law of 1848 in this Canton has already been referred to; it applied only to spinning mills, but in 1856 it was extended to apply to all factories. In 1858 work on Sundays and holidays was forbidden. By the law of August 10, 1864 (the first European law to decree a 12-hour workday for adult male laborers) night work was forbidden, children under 13 years of age were excluded from factories, and a regular system of factory inspection was provided for. In 1872 the 12-hour limit was reduced to 11 hours, even for adult male laborers. This sweeping enactment of a maximum workday for all factory laborers alike is attributed by one writer[b] to the fact that this Canton was governed by a popular assembly, and fully one-fourth of its citizens were factory employees.

Of equal importance were the steps taken in 1869 by the Canton Basel Town, noted for its culture, its wealth, and its silk-ribbon manufactures. Under the leadership of Klein, the chief of the Democratic party, and of Köchlin-Geigy, a prominent conservative member of the cantonal government who was also a factory owner, a law was passed, after vigorous opposition, raising the age of admission to factories from 13 to 14 years, forbidding Sunday work and night work, but allowing some exceptions. Two years after this law went into force the factory inspectors reported as follows:

The beneficent effects of the law are already so apparent that the constraint which it may have imposed on our industrial employers is

[a] Landmann: Die Arbeiterschutzgesetzgebung der Schweiz, p. xxi.

[b] Georg Adler, article on "Arbeiterschutzgesetzgebung," in Elster's Wörterbuch der Volkswirtschaftslehre, second edition. Jena, 1906.

more than counterbalanced; and these employers themselves will soon learn to recognize the usefulness of the law.(a)

A clue to the state of affairs which in some Cantons must have prevailed outside of the textile factories which were regulated by law is furnished by the terms of a "regulation" concerning match factories passed by Berne in 1865. This regulation set forth that "children under 7 years of age must not be employed in these factories; the owners of factories must see to it that children of school age employed in them do not neglect to attend school." This provision is surprising, not so much because it suggests that there must have been children under 7 years old in the match factories of Berne, as because of the fact that Berne was one of the few Cantons that took any action upon the matter. For it should be noted that labor legislation was almost entirely confined to the German-speaking Cantons, and that many of the Cantons possessed no laws whatever concerning the employment of child laborers; among the latter were Lucerne, Uri, Obwalden, Zug, Fribourg, Solothurn, Appenzell Outer Rhodes, Appenzell Inner Rhodes, Grisons, Vaud, Valais, Neuchâtel, and Geneva. In Thurgau, where in the latter sixties 111 children under 13 years of age were found employed in 60 factories—in 26 factories for more than 12 hours a day, and in some factories for 18 hours a day—the child-labor law proposed by a special commission did even not come up for discussion in the State Council.(b)

A survey of the child-labor laws of the ten Cantons possessing such laws reveals a considerable divergence of standards. It was provided generally that children of primary-school age should not work in factories, but it should be noted that the age at which children were regarded as having finished their primary education was not everywhere the same. In Aargau the minimum age of admission to factories was 13; in Schaffhausen, 12 years. Berne allowed the employment of children 7 years old in manufactories of phosphorus matches, whereas Nidwalden excluded them under the age of 18 years. In Zurich, Aargau, and Basel Land children under 16, and in Basel Town children under 18 years of age might be excluded from particularly unhealthful establishments. Special protective measures applied in Schaffhausen to children from 12 to 14 years of age and to "young people" from 14 to 16; in St. Gall to children under 15 years; in Zurich to children from 12 to 16 years old; in Aargau and Basel Land to children from 13 to 16; in Glarus, Basel Town, and Ticino to all laborers. The earliest hour at which work might be begun and the latest at which it might end at night were fixed by law in Zurich, Thurgau, Schaffhausen, Aargau, and Basel Land. In

[a] Georg Adler, Basel's Sozialpolitik in neuester Zeit. Tübingen, 1897.

[b] Hoffman: Geschichte der Fabrikgesetzgebung im Kanton Thurgau. Frauenfeld, 1892.

Glarus, Basel Town, and Ticino night work was forbidden even for adults, although exceptions were allowed. The maximum duration of the workday for "young persons" varied from 12 to 14 hours in Thurgau; in Zurich it was fixed at 13 hours; in St. Gall and Aargau at 12 hours; in Basel Land at 10 hours. In Schaffhausen, for children between 12 and 14 years old, it was 6 hours daily, and for young persons between 14 and 16 it was 10 hours. The maximum "normal" workday for all laborers was fixed at 12 hours in Basel Town and Ticino and at 11 hours in Glarus. Nearly all of the German Cantons provided for a midday pause and for permitting factory children to attend "continuation schools."

The laws of St. Gall, Zurich, and Basel Land expressly forbade the corporal punishment and imprisonment of young employees by their employers. Provisions for the protection of laborers against accidents and disease were included in the factory laws of Glarus, Zurich, Aargau, Schaffhausen, and both Basels. The laws of both Basels, Zurich, Aargau, and Schaffhausen also required employers to submit the factory rules and working schedules to the public authorities for approval. Zurich and Basel Town fixed a minimum period of notice to be given to employees before they could be dismissed. Aargau and Schaffhausen required every laborer to carry a work book (*Arbeitsbuch*) containing certain data with regard to the holder.

The above necessarily incomplete account of the earlier factory laws of the several Cantons is sufficient to indicate the confusing and conflicting diversity of labor legislation throughout a rather small total area, and to suggest the difficulties which stood in the way of rigorous and consistent enforcement. In the Cantons having a relatively severe legislation manufacturers naturally complained that they were placed at a serious competitive disadvantage when compared with the Cantons having less strenuous laws or having no labor laws at all.

As early as 1855 a movement was started in Glarus to secure an intercantonal agreement concerning this subject. Numerous conferences were held, notably at Berne in 1859 and 1864. But they accomplished nothing of significance, except to make it fairly evident that the only way to secure uniformity would be by means of federal action. The movement for federal regulation received a powerful impetus in 1869, when the results of a general official investigation into child labor were made known, and disclosed a disquieting state of affairs. On July 7, 1868, the National Council had voted to "request the Federal Council to cause a general investigation of child labor in factories to be made in all the Cantons." In the latter part of the year the Federal Council sent out a circular letter of instructions calling for such an investigation, and in July, 1869, the statis-

tical bureau of the confederation reported the results.(a). To conduct this investigation most of the Cantons appointed special factory inspectors. But in Zurich and Berne the questions were answered by the employers themselves. Some of the answers from these Cantons are so roseate as to arouse a certain degree of suspicion. Not infrequently the factories in these Cantons are described as "good," "excellently arranged," "large and well lit," "healthful," "entirely adapted to all needs," "not objectionable," "not harmful," "excellent," "exceptionally beneficial." The statistical bureau itself displayed a certain degree of skepticism in commenting on the answers.

In the Cantons of Appenzell Inner Rhodes, Obwalden, Solothurn, Valais, and Geneva no children at all under 16 years of age were reported as working in factories. But in the twenty other Cantons and half Cantons the reported number of child laborers in factories was 9,540. Of these, 9,017 were between 12 and 16 years of age, 436 between 10 and 12, and 52 under 10. According to these figures the total number of factory children was only three-tenths of 1 per cent of the total population, or 5.7 per cent of the total number employed in factories. The report states:

These small figures bear witness to the large number of children that are employed industrially in home manufactures, which, of course, lie outside the scope of this investigation. It must be borne in mind that the children employed in factories form only a part of the total number under 16 years of age that are employed industrially, and that a correspondingly large number of them are engaged in home manufactures—as apprentices and helpers—partly under even more unfavorable conditions of employment. In this regard we need only compare weaving by hand, in which many young persons are at work, with machine weaving. The weaver by hand, to whom no reference is made in this report, must work in a more unhealthful bodily position, in stuffier rooms, in fouler air, and for a more miserable wage than the weaver who works with a machine.

The workday of the children varied greatly—from 4 to 14 hours. In the Canton of Zurich the total daily working period, after subtracting pauses, averaged 13 hours for a majority of the children. In some factories, cantonal laws to the contrary notwithstanding, children worked from 10 to 11 hours at night. The school officials protested against the irregular school attendance and the inattention of factory children, while the clergy complained of their wickedness and wildness. Their physical condition was in most cases reported as "satisfactory," although it was stated that many young children were employed in several phosphorus match factories without any precautions whatever against the ravages of the poison. "In a match factory at Arbon the upper jaw of one boy protruded and suppurated after he had worked there over two years, and in another a boy got

[a] Schweizerisches Bundesblatt, p. 669. Jahrgang 1869.

the same illness and died in the hospital." A report from Aargau stated that the numerous accidents among child workers were largely due to insufficient food and clothing, to their 12 hours of daily monotonous work, and their long and fatiguing walks to and from the factory. In summarizing the reports received, the statistical bureau declared that " in most establishments the air and the temperature are unhealthful, and the ventilation is usually defective."

In 1870 the Federal Council declared that the legal regulation of child labor was imperatively called for, and that such regulation should be undertaken by the Confederation. A clause to this effect was inserted in a draft of the revised federal constitution. But the draft as a whole was rejected by popular vote in 1872, whereupon the Canton of Glarus again agitated the question of an intercantonal agreement. This effort, however, was as unsuccessful as the others in the same direction. Then, in 1874, the people accepted a new constitution containing an article which gave the Confederation express power " to establish uniform regulations concerning the employment of children in factories and concerning the hours of labor for adult persons." The Confederation was also empowered " to enact measures for the protection of laborers engaged in occupations which endanger their health or safety."

Upon this new basis the friends of labor legislation went vigorously to work, and the next year a bill was elaborated for the regulation of labor in factories. After lengthy discussion and numerous modifications it was passed in March, 1877, was ratified by a scant majority vote of the people in December, and went into effect on the 1st of January, 1878. This law still constitutes the basis of labor legislation in Switzerland. It may be supplemented by cantonal enactments (so far as these do not concern factories), and its provisions are enforced by cantonal authorities under the supervision of the Confederation.

Some of the provisions of the law are rather indefinite and have required frequent interpretation by the Federal Council. It should be noted, however, that it has usually been the endeavor of the Federal Council so to interpret the terms of the law as to give it a very broad application. When we add that the Cantons have frequently exercised the privilege of passing laws for the protection of laborers employed outside of factories it will be understood that Swiss labor legislation extends in reality considerably further than a narrow interpretation of the factory law alone would lead one to suppose.(a)

a Since 1904 the federal inspectors and a commission of experts have been actively at work elaborating a new federal factory bill, which will be presented to the Swiss Parliament. Should the bill pass, it is probable the new law will provide that the maximum workday in factories, even for adults of either sex, shall be 10 hours, and 9 hours on Saturdays and the days preceding legal holi-

THE FACTORY LAW OF MARCH 23, 1877.

It must be understood, in the first place, that the law of 1877 applies only to laborers employed in those establishments which the law or the Federal Council regards as factories (*Fabriken*). Article 1 states that the term "factory" applies to "every industrial establishment in which a number of laborers are employed simultaneously and regularly, in closed rooms outside of their homes. If there is doubt whether a given establishment should be regarded as a factory, the final decision, after the cantonal government has reported upon the case, rests with the Federal Council."

This first article of the law has necessitated more than fifty ministerial "circular letters," decisions of the Federal Council, departmental "instructions" and "judgments," which, taken together, fill 54 closely printed pages of the official commentary on the law. For a thorough understanding of the precise scope of the law it is necessary to give an account of the most important of these interpretative utterances.

All industrial establishments may be divided into two groups, the first of which includes all "factories" in the sense of the law, which are therefore subject to federal regulation; and the second of which includes all other establishments, which are therefore regulated by cantonal laws, so far as they are regulated at all.

A leading decree with regard to what constitutes a "factory" was published June 3, 1891, by the Federal Council.[a] According to this decree, the following industrial establishments, so far as they come within the general terms of article 1 of the law of 1877, are factories:

(*a*) Those, having more than 5 laborers, that use mechanical motive power, or that employ persons under 18 years of age, or that involve danger to the health or life of the employees.

(*b*) Those employing more than 10 persons.

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days; that exceptions to this rule may in no case be made when children under 16 years of age or married women are concerned; that except in cases of proved necessity, recognized by the Federal Council, no female persons may be employed at nights or on Sundays, and when they are so employed they must never work after 10 p. m. nor have less than 11 hours of uninterrupted rest at night; that children under 14 years of age and children who have not yet fulfilled the cantonal requirements with regard to attendance in elementary schools must not work in factories; that for children of 15 or 16 years of age the hours for school attendance and for religious instruction, added to their hours of work in the factory, must not exceed 10 per day; and that repeated violations of the factory law are punishable not only by fines of from 5 to 500 francs, but by imprisonment not exceeding three months.

[a] Das Bundesgesetz betreffend die Arbeit in den Fabriken, vom 23 Marz 1877. Kommentiert durch seine Ausführung in den Jahren 1878–1899, Herausgegeben vom schweizerischen Industriedepartement, p. 35. Bern, 1900.

(*c*) Those that employ less than 6 persons under the conditions specified under (*a*), or that, although they employ less than 11 persons, offer unusual danger to the health or life of employees, or possess the unmistakable characteristics of factories.

In determining whether a given establishment is a factory, the Federal Council declared, in 1878,[a] that the considerations of primary importance did not consist in the number of persons employed nor in the size or construction of the place in which they worked, but in the presence or absence of danger to the health, life, or limb of the employees, and in the presence or absence of children or young persons as employees. Repeatedly the Council decided that the clause of article 1 which refers to work in "closed rooms" is not to be so narrowly interpreted as to exclude sheds or yards or even open spaces, whenever the work in them is carried on under conditions which make the application of the factory law seem desirable in behalf of the employees.

Furthermore, in determining the number of persons employed in an industrial establishment, the maximum number should be taken, and not the minimum nor the average number; the relatives of the employer should be counted; and when any establishment seeks withdrawal from the list of factories on the ground that it no longer employs the requisite number of persons, proof must be furnished that the reduction in the number of employees is not merely temporary. Thus it has happened that establishments have been included within the scope of the law in which only 3 laborers were employed.[b] In counting the number of laborers it does not matter whether they receive wages.[c]

Among the kinds of establishments specifically affected by the law, by virtue of special decrees of the Federal Council, are the following, some of which would scarcely fall under the designation "factories" in the usual application of the term: Dye works, cement works, straw-weaving establishments, tobacco and cigar manufactories, the manufacture of rubber bands, floor making, the manufacture of doors and sashes, machine shops, iron foundries, potteries, shingle factories, chemical bleaching plants, tanneries, flour mills with more than 2 laborers not members of the employer's family, beer breweries, embroidering by machine, when carried on with the aid of persons not belonging to the family of the employer and not using more than three looms, gas works, watch factories, book-printing establishments, woodworking establishments, sawmills, shirt factories, bookbinderies, bread

[a] Das Bundesgesetz betreffend die Arbeit in den Fabriken, vom 23 Marz, 1877. Kommentiert durch seine Ausführung in den Jahren 1878–1899. Herausgegeben vom schweizerischen Industriedepartement, p. 10. Bern, 1900.

[b] Kreisschreiben des Bundesrates vom 2 September, 1886.

[c] Rekursentscheid des Bundesrates, vom 29 Juni, 1895.

bakeries, cheese manufacturing, electric power plants (even though they employ only 3 persons), plants in which the parts of watches are put together, dressmaking and tailoring establishments, the manufacture of matches (regardless of the number of persons employed or the quantity of goods produced). If an establishment in any of these classes operates under the conditions enumerated above, it is subject to the law of 1877.

The pretexts upon which employers have sought exemption from the law have been numerous and shrewdly elaborated; but the Federal Council has rarely given employers the benefit of any doubt.(a)

The twenty-one "articles" of the law of 1877 do not, of course, all apply to children or young persons particularly. Indeed, only article 16 deals especially with this class of laborers. Article 15 regulates the employment of women. Articles 17 to 21 have to do almost exclusively with the administration and promulgation of the law. The remaining articles refer to adult male laborers generally. But of course all the privileges and all the protection granted to adult male laborers apply equally to children and young persons. For this reason a summary of these articles may appropriately be given here.

Article 2 provides for the proper protection of the health and safety of employees. Article 3 provides that the plans for building or reconstructing factories must be approved by the "building police" officials. Articles 4 and 5 concern accidents and employers' liability for them. Article 6 requires employers to keep a complete list of all their employees. Article 7 requires the employer to issue factory rules (*Fabrikordnung*) concerning the working schedule, the factory police regulations, the conditions of employment and discharge, and the payment of wages; it provides that fines must never amount to more than half a day's wages and must be used in the interest of the employees, particularly for the maintenance of relief funds; and it requires factory owners to watch over the conduct and morals of the laborers in their employ. Article 8 concerns the factory rules, and provides that they must be submitted to the cantonal government to see that they contain no violations of the law. Article 9 concerns the discharge or voluntary withdrawal of employees, and requires, as a rule, two weeks' notice. Article 10 concerns the method and time of wage payments.

Article 11 prescribes that a regular day's work shall not exceed 11 hours (on days preceding Sundays and holidays, 10 hours), and shall take place between 6 o'clock in the morning and 8 o'clock at night (except in June, July, and August, when work may begin at

[a] A curious petition to be exempted from the terms of the law is that made by a watch-case factory in 1896, the owners of which constituted a cooperative association and therefore claimed that they were all employers and not employees.

5 o'clock). In unhealthful occupations, and in establishments which happen to be so arranged or engaged in such processes as to incur danger to the life or health of laborers if they should be employed for 11 hours a day, the Federal Council may reduce this limit until such time as the dangers are proved no longer to exist. The local authorities may grant exceptional and temporary extensions of this daily limit for a total period not exceeding 2 weeks. At least 1 hour must be granted for dinner in the middle of the working period; laborers who bring their midday meals or have them brought to the factory must have a suitable room placed at their disposal, free of charge, outside of the usual workrooms, and heated in winter. Article 12 provides that the preceding article does not apply to such work as is auxiliary (*Hilfsarbeiten*) to the proper work of the factory, but which precedes it or succeeds it, and is performed by males or by unmarried females over 18 years of age.

Article 13 provides that night work (work between 8 o'clock at night and 6 o'clock in the morning, or 5 in summer) is permissible only by way of exception, and laborers can be then employed only with their own consent. In every case save that of urgent repairs requiring only one night's work, official permission for such work must be obtained, and such permission can be granted only by the cantonal government if the night work is to last more than two weeks. In those industries, however, which by their nature demand uninterrupted operation, night work may be carried on regularly. But enterprises which claim this privilege must establish to the satisfaction of the Federal Council the necessity for continuous operation, and must at the same time submit their schedule of working hours, according to which under no circumstances may any laborer be allowed to work more than eleven hours out of twenty-four.

Article 14 forbids work on Sundays, except in cases of necessity, save in such establishments as by their nature require continuous operation and have secured the consent of the Federal Council, as provided in article 13. In establishments of this sort each laborer must be given a holiday on alternate Sundays. The Cantons may declare additional holidays, upon which work in factories shall be likewise forbidden, but the total number of such additional days shall not exceed 8.

By virtue of this article the Federal Council in its decree of January 14, 1893, permitted certain kinds of work to be carried on at night in the following establishments and occupations: Tanneries; bakeries; dairies; distilleries; the manufacture of gas; the manufacture of wood pulp, cellulose, paper, and cardboard; sawmills; electrical works; salt works; cement and lime factories; gypsum manufactures; brickkilns and pottery manufactures; flour and rice mills; and beer breweries. The same decree permits Sunday work

under prescribed conditions for certain specified operations in a list of establishments which include nearly all of those just enumerated.

Night work and Sunday work may be carried on in these establishments in the specified operations without application for permission, but such work is always subject to the following conditions: (1) Only male persons over 18 years of age may be so employed and only with their consent. (2) The working period for each laborer may, under no circumstances, not even when the change is made from day shift to night shift, exceed 11 hours out of 24. The hours fixed for rest must be consecutive, and only the time the laborer is away from his place of work and is not required to perform any work at all shall be counted as rest. (3) On Sundays and legal holidays each laborer must have 24 consecutive hours of rest; in factories in which Sunday work is allowed each laborer shall have this period of rest on alternate Sundays. (4) The conditions upon which night work and Sunday work are allowed and the working schedule must be posted up in the place of work. (5) If the conditions of the decree are not observed or evils should become manifest, permission to work on Sundays and at nights may at any time be withdrawn.

Article 15, relating particularly to the employment of women, provides that no female shall under any circumstances be employed on Sundays or at night; nor may females of any age whatsoever be employed in cleaning motors, devices for transmitting power, or dangerous machines of any sort while in motion.

PROVISIONS OF THE LAW OF 1877 WHICH PARTICULARLY AFFECT CHILDREN IN FACTORIES.

Article 16 of the factory law of 1877 applies particularly to the employment of minors and reads in full as follows:

Children who have not yet completed their fourteenth year shall not be employed to work in factories.

In the case of children who have begun their fifteenth year and are not more than 16 years of age the time required for school, for religious instruction, and for work in the factory shall not exceed a total of 11 hours per day. School and religious instruction must not be interfered with by work in the factory.

Sunday work and night work are forbidden for young people under 18 years of age. By way of exception, the Federal Council may allow industrial establishments that have proved the necessity of continuous operation, in conformity with article 13, to employ boys from 14 to 18 years of age on Sundays and at night to the extent that their services are proved to be indispensable, particularly whenever such work is of value to these persons in learning their trade thoroughly. In such cases, however, the Federal Council shall for the night work of young persons fix a lower limit than 11 hours; it shall make an examination of each case in which such permission is sought; it shall condition the permission upon the employment of relays, alternating shifts of employees, and other arrangements de-

signed in the interest of the young persons and the preservation of their health.

The Federal Council shall have power to name the kinds of factories in which children must not be employed at all.

A factory owner can not be held innocent because he did not know the age of nonadult workers in his employ or because he did not know that they were by law still required to attend school.

In the interpretation of this article, as of most others contained in the law of 1877, numerous problems arose from time to time and were solved by decrees and circular letters of the Federal Council. The most important of these decrees and circular letters provide as follows:

To secure the observance of this article is primarily the task of the cantonal authorities. Factory owners themselves are nevertheless in duty bound to observe the terms of the law, and to refuse to employ children who are still required to attend school. Hence factory owners must not leave it to the option of the children themselves whether they shall attend school or not; it is their duty to secure accurate information concerning the age and school status of all children seeking employment in their factories, and not to employ any that are under the legal age or still bound to attend school.(a)

No person under 18 years of age may be admitted to work in a factory until he has produced an official certificate proving that he has completed his fourteenth year. This certificate itself or an attested copy thereof must be kept on file, accessible to public officials, in the office of the factory.(b)

In issuing this circular letter to the cantonal officials the Federal Council remarks, significantly, that all so-called proofs of age other than public official certificates are unreliable. The general European practice of requiring all births to be accurately and promptly registered with a public official, sometimes under penalties which in the United States would be regarded as exaggerated and unwarranted, makes it relatively easy to determine the exact age of every man, woman, and child in the community. To facilitate the ascertainment of a child's age, moreover, the Federal Council advised the cantonal authorities to make no charge for furnishing age certificates to children seeking employment, and granted free postal transportation for correspondence concerning age certificates for factory employees.(c)

An important decree under date of December 13, 1897, enumerates the establishments in which children under 16 years of age may not be employed. The list includes the following kinds of work:

(*a*) Attending steam boilers.

(*b*) Attending "motors" of all sorts, by which is meant water wheels, turbines, steam engines, gas motors, benzine motors, and petroleum motors.

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[a] Degree of April 19, 1881. [b] Circular letter of April 7, 1885.
[c] Decree of August 8, 1893.

(*c*) Attending dynamos, electrical machinery, and apparatus with high-grade currents.

(*d*) Attending cranes and operating or using elevators.

(*e*) Shifting pulleys and belts for the transmission of power.

(*f*) Attending circular saws, belt saws, span saws, and planing and molding machines.

(*g*) Attending "square-holes," calendering machines, and shearing machines, if they are not equipped with absolutely safe appliances to prevent injuries; also kneading machines, crushing mills, centrifugals, and cutting machines (for paper, leather, etc.).

(*h*) Work with explosive materials, including explosive gaseous substances.

(*i*) Heating easily inflammable substances (such as asphalt, tar, pitch, varnish, and wax).

(*j*) Work in cement, lime, and gypsum factories, within rooms in which much dust is produced; also work in connection with emery grinding machines; trimming castings; work at the mills in glass-paper and emery-paper factories; grinding glass (with friction wheels or sand blast), stone, bones, or wood; peat works; rag sorting; combing and carding in hemp and flax spinning mills; silk finishing in floss silk mills; singeing, swan-down making, and work at deviling machines of all kinds, unless the dust caused by these enumerated processes is sufficiently removed by suction apparatus.

(*k*) Gluing and bowing in hat factories.

(*l*) All work in chemical industries in which poisonous substances are employed, or gases are produced, or may be produced, that are injurious or may become injurious if condensed.

(*m*) Tin-coating and zinc-coating processes.

(*n*) The production of glaze containing lead, glazing with unfritted lead glaze, and laying on enamel containing lead.

The provisions of this decree do not apply to persons who are engaged as apprentices for a number of years, by written contract, in occupations in which such apprenticeship is customary.

The enforcement of article 16, as well as the other parts of the law, and the penalties for its violation, are provided for in a general way by articles 17, 18, and 19.

Article 17 assigns the enforcement of the law, and of such ordinances and decrees as the Federal Council may enact in conformity therewith, to the governments of the several Cantons, which designate the officials intrusted with this task. The cantonal governments are required to send to the Federal Council a list of the factories subject to the law together with certain statistical information about them. The cantonal governments, moreover, shall make a detailed report at the end of each year to the Federal Council upon their activities in applying the law, the results of its enforcement, its

general effects, etc., according to instructions laid down by the Federal Council.

Although the execution of the law is intrusted to the Cantons, the Federal Council insisted from the very start upon the desirability of a uniform enforcement of the law, declaring expressly that "the experience of all nations which have enacted factory legislation proves the uniform enforcement of such laws to be of the very greatest importance."

In 1882 a circular letter issued by the Federal Council provided that the reports of the federal inspectors should alternate annually with the reports of the cantonal officials intrusted with the enforcement of the law, each report covering a period of two years. In accordance with this arrangement the federal reports are now issued in the even-numbered years for the preceding two years, and the cantonal reports in the odd-numbered years.

Article 18 gives the Federal Council supervision of the enforcement of the law by means of permanent federal inspectors whose duties and powers the council may determine. The Federal Council is also empowered to ordain the appointment of special inspectors for particular industries or factories.

The machinery for the enforcement of the law, the rights and duties of the inspectors, and the results of their activities are matters of such importance that they will be discussed in a separate section.

With regard to the penalties that may be imposed for violations of the law, article 19 provides that the failure to observe any provisions of the law, or of the written instructions of the properly authorized officials charged with factory inspection, shall involve, apart from the consequences determined by the civil law, a fine of 5 to 500 francs (97 cents to $96.50). In case of repeated violations of the law, the courts may, in addition to the imposition of a suitable fine, sentence the offender to a period of imprisonment not exceeding three months.

FURTHER FEDERAL LEGISLATION AFFECTING CHILD LABOR.

Although the factory law of 1877 constitutes the Swiss factory worker's Magna Charta, so to speak, it is by no means the only federal enactment designed to improve the conditions of labor.(a)

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[a] In addition to the federal laws mentioned, the following protective measures for laborers are now in force:

Laws of December 23, 1872, June 27, 1890, December 22, 1892, and December 15, 1902, concerning hours and days of work for employees of railroads, steamboats, the postal, telegraph, and telephone service.

Law of June 24, 1902, concerning plants producing or using electrical power.

Law of June 26, 1902, concerning the payment of wages and the imposition of fines by employers.

Law of March 28, 1905, concerning liability for accidents among the employees of railroad companies, steamship companies, and the postal service.

Nor is it the only federal law entailing benefits for child laborers. Reference should be made in this connection to the employers' liability laws of 1881, 1887, and 1905; to the law concerning the manufacture of matches, passed November 2, 1898; and to the law concerning Saturday work, passed April 1, 1905.

The employers' liability laws(a) require that "in every factory, the rooms, machinery, and apparatus must be so arranged and of such a nature that the health and safety of the laborers are protected in the best manner possible." Under this sweeping clause decrees have been passed concerning the construction and operation of steam boilers and providing for a system of boiler inspection. Decrees have also been promulgated to prevent lead poisoning, and to prevent accidents in the building trades, in the use of explosives, and in electrical plants. Circulars of information have been issued to prevent the transmission of infectious and contagious diseases in such trades as tobacco manufacturing.

Factory owners are required to report all accidents and deaths which occur in their establishments. The owner is held liable for such accidents; the burden of proof rests upon the employer; and the liability of the employer extends also to trade diseases in establishments employing certain enumerated dangerous and poisonous substances, such as lead, quicksilver, arsenic, white phosphorus, benzine, aniline, etc.

The regulation of the manufacture of matches constitutes an interesting chapter of Swiss legislative and industrial history. The terrible diseases to which laborers who handle white phosphorus are exposed led to cantonal legislation by Zurich in 1846 and 1861, by Berne in 1864, and by Schwyz in 1873, with a view to the introduction of precautionary measures in the places—usually very small establishments—in which phosphorus matches were made. But these laws seem to have been practically without effect. Nor did the federal factory law of 1877 perceptibly improve the condition of children engaged in this industry. A special report of the newly appointed factory inspectors, dated May 17, 1879, states that at that time the 26 match factories of Switzerland employed 600 laborers, of whom 20 per cent were children under 15 years of age. Many of the laborers, particularly the children, exhibited the effects of phosphorus necrosis. This official report led to the enactment, on December 23, 1879, of a federal law forbidding the manufacture, importation, and sale of matches in the production of which white phosphorus is used. Soon thereafter a number of defective and dangerous substitutes made their appearance, and the law was abrogated in 1882 by the Federal Council, which substituted for it a "regulation" under date of October 17,

(a) Those of 1881 and 1887 are given in full by Dr. Julius Landmann, Die Arbeiterschutzgesetzgebung der Schweiz. Basel, 1904.

1882. Nevertheless, in spite of the most detailed prescriptions for the protection of the laborers, conditions remained practically the same until the law of November 2, 1898, and the ordinance of December 30, 1899, were passed. These enactments place all match factories under the factory law; forbid home manufacture by prescribing that "matches may be made only in rooms that serve exclusively for this purpose;" prohibit the manufacture, importation, exportation, and sale of matches made with white phosphorus; and forbid the employment of children under 16 years of age. An exception is made for children over 14 years of age, but they may be employed only in making match boxes, and are strictly forbidden access to other parts of the factory. Both children and adults are forbidden to remain in a match factory unless they are employed in it. Since the adoption of these measures phosphorus necrosis is practically unknown in Switzerland. Violations of the law may be punished by fine up to 1,000 francs ($193), and for repeated offenses by imprisonment for not more than three months.

The federal law concerning Saturday work, passed April 1, 1905, provides that on Saturdays and the days preceding legal holidays work in establishments subject to the federal factory law shall not last more than 9 hours nor in any case later than 5 p. m. So-called "auxiliary" or "preparatory" labor is excepted from this rule, but not the work of cleaning. Nor does the rule apply to concerns for which night and Sunday work is allowed regularly. To evade the law by giving employees work to do at home after leaving the factory is also prohibited. Permission to work overtime on Saturdays and days preceding holidays can only be granted for specific and imperative reasons, and generally not for a longer period than two weeks. The industries for which the period may be longer than two weeks are: The straw industry of Aargau; the making of clothes, linen, and shoes, as well as cleaning and repairing them; preserving vegetables; the mineral-water industry; the artificial manure industry; printing daily newspapers; horseshoeing; and repairing vehicles. Certain industries which otherwise enjoy exemption from the prohibition of night work are, nevertheless, expressly subjected to the law of 1905, and must, therefore, shut down from Saturdays at 5 p. m. until Monday. These are: Chocolate factories (except the process of condensing milk); breweries; sawmills; stonecutting works; plaster works; and cement and lime works (excepting certain specified processes therein).

CANTONAL LEGISLATION AFFECTING CHILD LABOR.

It has already been pointed out that the federal provisions for the protection of adult laborers necessarily involve a like protection for children. Thus the 11-hour limit per day for laborers in general

applies equally to nonadult laborers, and the restrictive provisions concerning all female laborers manifestly include females under 18 years of age. The same general principle must be stated with regard to cantonal legislation: Every cantonal provision in favor of laborers generally redounds also to the benefit of nonadult laborers. Hence the special laws passed by many of the cantons in behalf of women employees apply equally to nonadult female workers. The cantonal laws concerning Sunday rest, work in hotels and restaurants, apprenticeship, and compulsory school attendance all involve a further restraint upon employers in contracting for the labor of nonadult persons.

As will be explained later on, the federal factory law, in spite of its rather broad interpretation, not only leaves the child laborers wholly unprotected in a large variety of occupations (including all those which are not "industrial" in the narrower sense of that term), but even in many of the protected industrial occupations the size of some of the productive units is so small or their operations so difficult to supervise that a relatively large proportion of the persons engaged in these occupations really enjoy no legal protection whatever. Indeed, the federal law does not, except by way of rare exceptions, affect children or young persons working in industrial establishments employing less than 6 persons, nor does it ever or in the slightest degree affect those engaged in home industries, in agriculture, transportation, or commerce.[a]

Here, then, is a large field left entirely to cantonal intervention and regulation, particularly as regards children and young persons. In the machine embroidery industry, for example, half of the total number of laborers are unprotected, being employed in small establishments having but one or two machines. The other establishments which are subject to the law show a pronounced tendency to split up their labor forces and revert to the method of scattered household production in order to escape the limitations of the federal law. In home manufactures, which are particularly extensive and important in Switzerland,[b] many women and children are employed, and their hours of work are often excessive. Moreover, mechanics' apprentices and journeymen frequently stand sorely in

[a] The law of June 27, 1890, and the ordinance of January 9, 1891, provide that persons employed by railroads and certain transportation enterprises, as well as certain classes of post-office officials, shall have a 12-hour workday, 1 hour's rest at midday, and 52 days of rest per year, of which 17 must be Sundays.

[b] A Swiss congress and exposition of home industries held at Zurich in August, 1909, brought out the fact that probably more than 130,000 persons are employed in home industries, or nearly 4 per cent of the total population. Consult: Verhandlungen des ersten allgemeinen schweizerischen Heimarbeiterschutz kongresses, Zurich, 1909.

need of legal protection. Upon these and similar subjects there has been a considerable amount of cantonal legislation, much of which, directly or indirectly, affects children and young persons of one sex or of both sexes. It will be indispensable, in endeavoring to give a complete and well-rounded account of what the law attempts to do on behalf of nonadult workers in Switzerland, to present a summary of those provisions of the several cantonal laws that redound, directly or indirectly, expressly or impliedly, to the benefit of child laborers.

CLASSIFICATION OF CANTONAL LABOR LAWS AFFECTING CHILD LABOR.

Cantonal labor laws, from this point of view, may be divided into the following groups:

1. Laws establishing protective rules for all workers alike, whether male or female, adult or nonadult. The Canton of Glarus has such a law.

2. Laws for the protection of nonadult employees generally, whether male or female. Geneva has a law of this sort.

3. Laws concerning the employment of apprentices. Such laws have been enacted in the Cantons of Zurich, Lucerne, Berne, Schwyz, Obwalden, Glarus, Zug, Fribourg, Basel Town, Aargau, Vaud, Valais, Neuchâtel, and Geneva. St. Gall, Appenzell Outer Rhodes, Solothurn, and Thurgau have apprenticeship laws under consideration.

4. Special laws concerning the employment of females. Laws of this sort, usually entitled laws "for the protection of female workers," are found in the Cantons of Zurich, Berne, Lucerne, Solothurn, Basel Town, Appenzell Outer Rhodes, St. Gall, Aargau, Glarus, and Neuchâtel.

5. Special laws for the protection of persons employed in hotels, taverns, and restaurants (*Wirthschaftsgesetze*). The Cantons of Zurich, Basel Town, Neuchâtel, Lucerne, Solothurn, Aargau, Thurgau, Appenzell Outer Rhodes, Fribourg, Berne, Schaffhausen, and Grisons possess laws of this character.

6. Laws concerning the conditions of work in certain other trades and industries.

7. Laws concerning Sunday work or rest, such as have lately been passed in St. Gall, Geneva, Berne, and Zurich, and which are being elaborated in the Cantons of Basel Town, Aargau, Solothurn, Schaffhausen, and Appenzell Outer Rhodes.(a)

8. Finally, the school laws of the Cantons which have created "continuation schools" or "supplementary schools." These laws

(a) In several Cantons there are older Sunday laws, prompted solely by religious motives and aiming to prevent unnecessary work and noise during the hours of divine service.

generally involve additional restrictions upon the hours during which the pupils in such schools are permitted to engage in gainful occupations. In 19 out of the 25 Cantons attendance at continuation schools is (in some districts at least) obligatory for boys up to the age of 17 years; and in one Canton it is obligatory for girls also. The Cantons in which attendance at continuation schools is wholly or in part obligatory for boys are Zurich, Uri, Zug, Fribourg, Solothurn, Basel Town, Basel Land, Schaffhausen, Appenzell Outer Rhodes, Appenzell Inner Rhodes, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchâtel, Berne, St. Gall, and Grisons. In all of these save Berne, Appenzell Outer Rhodes, St. Gall, and Grisons compulsory attendance is enacted by vote of the Canton; in these four it is enacted by vote of the communes. Several of these Cantons, though they do not require all pupils to attend the continuation schools, do require attendance of apprentices. Attendance is obligatory for girls as well as boys in the Canton of Fribourg, and also for girl apprentices in Zurich and Basel Town.

1. Laws Applying to All Workers.

The only cantonal law coming under the first group is the Glarus law of May 8, 1892, which applies to "all businesses not subject to the federal factory law, in which persons in the service of an employer work for wages or as apprentices." Agriculture is entirely excluded, and only certain parts of the law apply to persons engaged solely in serving guests or customers in hotels, taverns, restaurants, shops, and stores. Work must not last longer than 11 hours per day, nor, on Saturdays and the days preceding legal holidays, more than 10 hours. One hour must be allowed for the midday meal. Work on Sundays and holidays is forbidden. The municipal council may grant temporary extensions of the working period until not later than 10 p. m., by way of exception in cases of urgent necessity, but not repeated periodically; nor may the total period of such grants exceed two months in the year. Moreover, no such grants shall apply to persons under 18 years of age. Such persons must never be employed at any work whatsoever after 8 p. m. Females who have a home to attend to must be given a midday rest of at least 1½ hours. Children under 14 years of age may be employed neither as industrial wage-earners nor as apprentices. Persons employed in stores and shops to wait upon customers must be allowed a night's rest of at least 9 hours. The same rule applies to persons who wait upon guests in hotels, taverns, and restaurants, although they may be employed at night until the closing hour fixed by the local police. Violations of the law entail a fine of 10 to 500 francs ($1.93 to $96.50) and, in serious cases, imprisonment for a period of not more than 14 days.

2. Laws for the Protection of Nonadult Workers.

The Geneva law concerning "the labor of minors" (which has been mentioned as a law of the second group) was passed November 25, 1899. It applies not only to minors of both sexes placed under the guidance of an employer to acquire a trade or occupation, but also to those, not apprentices, engaged in commerce or industry. Persons under 13 years of age may neither become apprentices nor be regularly employed in commerce or industry. The normal duration of work for apprentices and other minors is 10 hours a day; this may be raised to 11 hours, but must not, save by way of exception, exceed a total of 60 hours a week for employees under 18 years of age. The time needed for theoretical instruction and religious lessons must be counted as part of the day's work. Apprentices and laborers under 18 years of age shall not be employed at auxiliary tasks which require them to enter the place of work more than a quarter of an hour in advance of the other laborers, nor to leave it more than a quarter of an hour later than the other laborers. Male apprentices and nonadult laborers shall not be allowed to work between 8 p. m. and 5 a. m. (in winter 6 a. m.), nor on Sundays; and when work is done at such times, only males over 18 years of age, with their own consent, shall engage therein. Nonadult female persons shall not work at night or on Sundays, and when work at such times is allowed it shall be only for a limited period and only for female persons over 18 years of age. The Council of State may further limit or forbid the work of apprentices and nonadult persons if it is discovered that such work is dangerous or injurious to their health, or if the places in which they are employed are insalubrious. Each violation of the law is punishable by a fine of not less than 5 francs nor more than 500 francs (97 cents to $96.50), which may be doubled if the offense is repeated.

3. Apprenticeship Laws.

Apprenticeship laws (the third group or class of laws) of one sort or another are in force in more than half of the Swiss Cantons. The Geneva law discussed in the preceding paragraph practically includes an apprenticeship law.

One of the first of these laws still operative is that of the Canton of Vaud, passed November 21, 1896, and supplemented by several decrees passed during the succeeding year. It applies to all apprentices in industry, handicrafts, and commerce, and fixes 10 hours as the day of work, including the time necessary for religious, primary, supplementary, and technical instruction. By way of exception this may be increased to 11 hours, but must not exceed a total of 60 hours a week. There must be a period of rest in the middle of the day lasting at least 1½ hours. The apprentice must not work on Sundays

or at night, i. e., between 8 p. m. and 5 a. m. But the Council of State may authorize an exception to these rules in favor of those trades in which circumstances make it necessary. The commission on apprenticeship or its delegate may permit temporary exceptions to the rules upon condition that the excess of work be offset by suitable periods of rest, and that the permit, made in writing, shall not be granted for more than a month nor repeated more than three times in the course of a year. The above-named commission is charged with supervising the enforcement of the law and preventing the employment of apprentices at work that is unhealthful or beyond their strength. The penalty for violations of the law shall not exceed 200 francs ($38.60).

Quite as important as this law is the decree of April 23, 1897, concerning its application and interpretation. This decree enumerates the establishments and trades in favor of which the terms of the law concerning the hours of work per day, midday rest, night work, Sunday work, and the period for which exemptions may be allowed are modified. The list includes bakers, pastry makers, confectioners, butchers and meat dealers, hotels, restaurants, cafés, cooks, gardeners, horticulturists, barbers, and hairdressers. But even in these instances the apprentice must be granted the time necessary for his religious, primary, supplementary, and technical education; he must have 8 hours of uninterrupted rest every night; he must have at least one Sunday free out of three, and, whenever he is employed Sunday afternoon, at least half a day during the week. In workshops, shops, and stores in which the other employees work 11 hours a day regularly, apprentices over 16 years of age may be employed the same number of hours; and when these other employees have but 1 hour's rest at noon, the time allowed apprentices may be reduced to the same period if they take their meals in the proximity of their work place. The Department of Agriculture and Commerce may grant further exemptions in those trades in which exceptional circumstances require it.

The apprenticeship law of Vaud is fairly typical of those enacted by the other Cantons. Some of them are a trifle less rigorous; others, notably in the German Cantons, are more severe and admit less numerous and less far-reaching exemptions and exceptions.

The Glarus law and the executive ordinance for its application, both under date of May 3, 1903, apply to "male or female persons learning a trade or profession in handicraft or industry carried on with or without mechanical motive power." Sunday work and night work is not allowed for persons under 18 years of age. Night work is that occurring between 8 p. m. and 6 a. m. All apprentices during the period of apprenticeship must attend the general and professional continuation schools and courses of religious instruction. The hours

of attendance at the continuation school may encroach 2 hours per week upon the usual work period. The normal working period must not exceed 11 hours a day nor 10 hours on Saturdays and days preceding legal holidays. One hour's pause shall be allowed for the midday meal. Trades in which the normal working period can not be observed, such as those of bakers, barbers and hairdressers, cooks, waiters, etc., may be permitted by agreement between the executive council and the respective trade organizations to modify the above rules; but in every case apprentices under 18 years of age must be given an unbroken period of 10 hours a day for rest. The penalty for violation of the law is from 5 to 100 francs (97 cents to $19.30).

The Canton of Berne passed an apprenticeship law March 19, 1905, and nearly a score of ordinances concerning the application of the law to particular trades and professions. The law itself applies to "all handicrafts, all industrial and commercial professions, saloons, taverns, and boarding houses," excepting so-called "season hotels." The great council is empowered, moreover, to issue a decree concerning apprenticeship in law offices and administrative bureaus. Except in cases of urgent necessity the workday must not as a rule exceed 11 hours a day or 66 hours a week for male apprentices, nor 10 hours a day or 60 hours a week for female apprentices. Female apprentices must never work later than 10 p. m. On days when the apprentice must attend night school the workday shall not exceed 10 hours. Whenever the work of a trade is particularly fatiguing the executive council may reduce the workday. Apprentices under 15 years of age shall not work more than 10 hours a day. Work shall be interrupted for 1 hour at noon. Auxiliary tasks, like running errands, must take place within the legal working period. Work at night and on Sundays is forbidden, save that in those industries in which night or Sunday work is indispensable the executive council may, by decree, authorize it for male apprentices, on condition that persons thus employed shall have, in addition to the usual pauses, a daily rest of 9 hours and receive a just compensation for the Sundays during which they have worked. When there are local supplementary schools—either industrial or commercial—or special courses of trade instruction, employers are required to send their apprentices to such schools or courses and to grant them the necessary time for this purpose; if such instruction takes place during the working period, the employer shall grant at least 3 hours a week. Violators of the law may be fined from 2 to 50 francs (39 cents to $9.65), and for repeated offenses, 100 francs ($19.30).

The special ordinances concerning particular trades in which night work and Sunday work is considered imperative exhibit slight variations.

Photographers' apprentices shall not work more than 60 hours a week; they may work on Sundays and holidays, but not oftener than necessary; and they shall always be free one Sunday in each fortnight.

Butchers' apprentices may work not more than 66 hours a week; night work is permitted only in cases of extreme urgency; Sunday work shall not exceed 5 hours.

Chimney sweeps' apprentices, in case of necessity, when the work can not be terminated during the ordinary hours of labor, may be employed at night and on Sunday, provided that the week's work shall not exceed 66 hours and that the apprentice shall have a rest of 9 consecutive hours per day.

Candy and pastry makers' apprentices may work at night and on Sundays, provided the week's work does not exceed 66 hours and that the apprentice shall have a rest of 9 consecutive hours per day.

In hotels and inns male apprentices shall not work more than 66 hours a week and female apprentices not more than 60 hours a week, except in cases of extreme urgency and during the "season." They may work at night, provided they are given 9 hours of uninterrupted rest, and on Sundays and holidays if given compensatory rest during the week. Each apprentice shall, moreover, have a full day's rest of 24 hours each month or equivalent vacation periods during the year.

Gardeners' apprentices shall not work more than 66 hours a week save in cases of extreme urgency. Night work is allowed only in case of necessity. Sunday work is allowed only in cases of extreme urgency and for not more than 4 hours.

Barbers' and hairdressers' apprentices may be employed in summer from 6.30 a. m. (and in winter from 7.30 a. m.) until 8 p. m. on Mondays and Tuesdays; until 9 p. m. on Wednesdays, Thursdays, and Fridays; until 10.30 p. m. on Saturdays; and until 12 noon on Sundays—provided these hours do not violate the local police regulations. As far as possible, the apprentice shall have enough hours of rest to reduce the number of hours of work in the shop to not more than 66 per week.

Bakers' apprentices shall not work more than 66 hours a week. Night work is allowed according to requirements, and the 9 hours' rest period may be given at night and in the afternoon. Work may be carried on at night for not more than 7 hours, and upon the condition that the apprentice be left entirely free from 9 a. m. to 6 p. m.

Commercial apprentices shall not work longer than 1 hour per day more than the permanent employees, nor as a general rule more than 10 hours a day. Apprentices over 15 years of age may, by way of exception, when the house is unusually busy be employed not more than 66 hours a week. As a general rule they shall not work on Sundays or legal holidays. Sunday rest shall be governed by the municipal regulations of each locality.

The Canton of Schwyz passed its apprenticeship law now in force on November 28, 1906. It applies to "all male and female persons employed in a handicraft, a manufacturing establishment, a training workshop, or a commercial establishment, or in a business carried on commercially, for the purpose of acquiring a trade or profession." In accordance with the provisions of the Sunday law, work on Sundays and holidays is prohibited. The daily period of work must not exceed 11 hours except in case of pressing necessity. There must be at least an hour's pause at midday. Penalties for violating the law are from 1 to 50 francs (19 cents to $9.65).

Somewhat more definite than many of these cantonal apprenticeship laws (which frequently permit overtime work "when necessary," or "in case of urgent need," and which contain other similar elastic clauses, or, indeed, remain silent upon certain important matters, like the age of admission to apprenticeship) are the laws of the two progressive Cantons of Zurich and Basel Town, of which we shall give a somewhat detailed account.

The Zurich law of April 22, 1906, contains the following sections which affect nonadult laborers:

1. An apprentice in the sense of this law is any minor, male or female, engaged in learning a particular trade or profession in a mechanical or industrial establishment, in a training workshop, technical school, or in a commercial business establishment. * * *

2. The apprentice may begin his term of service with a person engaged in a mechanical or industrial profession after completing the required period of attendance in the elementary school in accordance with the provisions of the public-school law. * * * An apprentice may enter a commercial establishment only after completing the school year during which he has attained the age of 15 years.

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7. The daily period of work for an apprentice must not exceed 10 hours. * * * Temporary extensions of this limit are permissible in cases of periodically recurring, extraordinary tasks, like balancing accounts and making inventories; when time must be made up that was lost because of interruptions in business; when work accumulates during the busy season; when exceptional demands are made upon the establishment because of events that could not be foreseen; or when such extensions are necessary to prevent great damage or imminent destruction of material, or to prevent other persons from being thrown out of employment.

For such overtime only apprentices over 16 years of age may be employed. The extension of the daily working period must not exceed 2 hours, and must not exceed a total of 75 hours during the year.

8. Apprentices may not be employed on Sundays, on legal holidays, or at night. Night work is that performed between 8 p. m. and 6 a. m.

9. The executive council shall determine by ordinance the occupations in which apprentices may be employed on Sundays and holi-

days. Permission for such work may be granted only when a trade is not possible without Sunday work and night work, and when participation in such work by apprentices helps them to acquire a knowledge of the trade.

Regular Sunday work must not exceed 6 hours. The same provision applies to all night work. In all cases the apprentice must be given a daily rest period of 10 consecutive hours.

10. It is forbidden to give apprentices work to perform at home after the expiration of the legal working period.

11. If there is a technical or commercial or general continuation school where the master lives, or near by, the apprentice is required to attend such a school or such courses in it as shall help him to learn his trade, unless he already attends an institution of like character or has already attended such an institution. The master must grant him the time necessary for this purpose and grant him, for the instruction that takes place during the working period, at least 4 hours a week. These hours for instruction are counted as part of the legal working hours. The apprentice must also be given the time necessary for religious instruction.

Violators of the law may be fined to the amount of 5 to 200 francs (97 cents to $38.60).

The Basel Town apprenticeship law of June 14, 1906, supplemented by the ordinances of October 6, 1906, and December 15, 1906, applies to the same persons as those designated in section 1 of the Zurich law. It adds, however, that all paid employees are also to be regarded as apprentices, and therefore subject to the law, if the conditions of their employment are such as to indicate that they are learning a trade or profession. Apprentices must be allowed to attend the continuation school, as in Zurich, and for this purpose the working period may be encroached upon to the extent of 6 hours per week. The working period must not exceed 10 hours a day, or 60 hours a week, including the time necessary for religious instruction, for the continuation courses, and for the apprentice's examination. With the same restrictions, the working period for female apprentices who are not yet 15 years old must not exceed 9 hours a day nor 54 hours a week. Above these limits, apprentices may be employed in cleaning up, provided that this work does not last longer than a quarter of an hour daily.

Permission for the temporary increase of the workday may be granted exceptionally and in case of necessity, (*a*) by the department of the interior, if the extension does not continue more than 2 weeks, or (*b*) by the executive council, if the extension continues more than 2 weeks. But under no circumstances may the extension amount to longer than 2 hours daily nor continue longer than 4 weeks.

The regular employment of female apprentices at night is forbidden (i. e., between 8 p. m. and 6 a. m.). Night work is per-

missible for male apprentices only in trades that provide goods for daily use or whose nature demands it.

The executive council, in a decree concerning the night work of apprentices, set up the following list of trades and occupations in which male apprentices may be employed regularly at night: Bakers, confectioners, butcher shops, hotels and restaurants, barber shops, chimney sweeping. In all these trades apprentices must not only be given certain prescribed rest pauses, but during every 24 hours they must have an unbroken period of at least 10 hours for rest (and in bakeries 11 hours). The ordinance states very definitely and in great detail how long and at what times apprentices may work at night in these enumerated trades. The total number of hours allowed weekly is, as a rule, 62; and it is provided that apprentices shall have a rest period of at least 10 hours a day.

For violations of the law the courts may impose a fine, the maximum and minimum amounts of which are not indicated in the law; in serious cases or repeated offenses they may sentence the offender to imprisonment.

Petitions for the right to have apprentices work overtime (so far as the law allows overtime) must be addressed to the trade inspectors, and must specify the number of days or weeks for which the privilege is sought, the exact number of apprentices affected, and the precise hours at which they are to be employed.

A unique feature contained in the ordinance of October 6, 1906, is a scale of fees to be paid for permission to have apprentices work overtime. This scale is as follows: For a period of 3 days, 1 franc (19 cents); for a period of 4 days to 2 weeks, 2½ francs (48 cents); for 2 to 4 weeks, and not more than 5 apprentices, 5 francs (97 cents); for 2 to 4 weeks, and more than 5 apprentices, 10 francs ($1.93).

To facilitate a comparison of the cantonal laws on apprenticeship, at least so far as their main provisions are concerned, the following table is presented. It will be seen from this table that in their main features the laws of the other Cantons resemble those already discussed.

MAIN PROVISIONS OF SWISS CANTONAL APPRENTICESHIP LAWS, 1909.

Canton and date of present law.	Scope of the law.	Age of admission to apprenticeship (years).	Maximum hours of work per day.	Sunday work.	Night work.	Exceptions and excepted trades.
Neuchâtel (Nov. 21, 1890).	Not stated	13	[a] 11	Prohibited as a rule.	Prohibited as a rule.	Exceptions fixed by state council.
Fribourg (Nov. 14, 1895).	Persons learning a trade in industry or commerce.	[b]	11	Prohibited .	Prohibited from 9 to 5.	Determined by commercial authorities and ordinance of executive council.
Vaud (Nov. 21, 1896).	Apprentices in industry, handicrafts, and commerce.	[b]	[c] 10	.....do	Prohibited from 8 to 5.	Those in which it is necessary in opinion of state council.
Geneva (Nov. 25, 1899).	Not stated	13	[d] 11	.....do	Prohibited .	Determined by contract or by department of commerce and industry.
Obwalden (Apr. 28, 1901).	Apprentices in industrial or commercial occupations.	[b]	.....	Determined by local ordinances.	.....	
Glarus (May 3, 1903).	Persons learning a trade in handicrafts or industry.	14	[e] 11	Prohibited (persons under 18).	Prohibited from 8 to 6 (persons under 18).	Those in which the normal period can not be observed in opinion of executive council.
Aargau (May 26, 1903).	Wherever one or more females are employed or learning a trade in industrial establishments not affected by the factory law.	[b]	[e] 11	Prohibited.	Prohibited from 8 to 6.	The district bureaus may extend time to 10 p. m. in cases of necessity.
Valais (Nov. 21, 1903).	Apprentices in industrial and commercial establishments.	[f]	[c] 10	.....do	Prohibited.	Exceptions fixed by authorities in the interest of education.
Zug (May 5, 1904).	Persons learning a trade in hand work, commerce, or industry.	[g] 14	[h] 11	Not mentioned.	Not mentioned.	Application of the law is intrusted to an industrial commission.
Berne (Mar. 19, 1905).	Apprentices in industrial and commercial professions, saloons, and boarding houses.	[f]	[i] 11	Prohibited (no exceptions for females).	Prohibited (no exceptions for females).	Those in which executive council considers it indispensable.
Lucerne (Mar. 6, 1906).	.....do.....	[g] 14	10	.....do	Prohibited from 8 to 6; no exception for females.	Do.
Zurich (Apr. 22, 1906).	Persons learning a trade in mechanics, industry, or commerce.	[f]	10	.....do	Prohibited from 8 to 6.	Certain specified occupations fixed by ordinances of executive council
Basel Land (June 14, 1906).	.....do.....	14	[k] 10	.....do	Prohibited from 8 to 6; no exception for females.	Do.
Schwyz (Nov. 28, 1906).	Persons learning a trade in handicrafts, manufactures, or commerce.	[b]	11	.....do	Prohibited.	

[a] 10 hours for those under 15 years of age.
[b] Not given.
[c] 11 hours by way of exception, but never more than 60 a week.
[d] 10 hours for those under 18 years of age.
[e] 10 hours on Saturday.
[f] Must have finished "day school."
[g] In commerce, 15 years.
[h] Except in urgent cases.
[i] For males; 10 hours for females; 10 hours for both sexes under 15 years of age.
[j] After finishing primary school; in commerce, 15 years.
[k] 9 hours for females under 15 years of age.

4. Special Laws Concerning the Employment of Females.

The Swiss Cantons have been nearly as active in regulating the labor of women by special legislation as in regulating the employment of apprentices. These so-called "laws for the protection of female laborers" are important for the purposes of the present study, because they necessarily apply to nonadult as well as adult females and in some instances contain special provisions with regard to females under 18 years of age. It should be noted, however, that these laws never apply to agriculture or to the establishments subject to the federal factory law.

The Basel Town law of April 27, 1905, and the ordinance of July 29, 1905, apply to "all industrial establishments not subject to the federal law of 1877, including shops and stores in which one or more female persons are employed for wages or in learning a trade." The law does not apply to restaurants and hotels (which are regulated by a separate law).

The regular day's work for female laborers shall not exceed 10 hours, nor 9 hours on Saturdays and the days preceding legal holidays. It must take place between 6 a. m. and 8 p. m. In shops and stores, however, the workday may last 11 hours for female persons employed mainly or exclusively as saleswomen if they are more than 17 and 10 hours if they are under 17 years of age. This period must fall between 6 a. m. and 9 p. m., even on Saturdays and days preceding legal holidays. The midday pause must last at least 1½ hours, except in the case of saleswomen living in the household of their employer, in which case this pause need not exceed 1 hour. Sunday work is forbidden for saleswomen, except under conditions prescribed by the Sunday law. For every hour on Sunday or other legal holiday on which saleswomen work they shall be given 2 hours rest on other days. It is forbidden to give women work to perform at home beyond the legal workday.

Permission to exceed the above time limits, however, by way of exception and in case of necessity, may be temporarily granted by the cantonal department of the interior (when the total period does not exceed 2 weeks) or by the executive council (when the total period exceeds 2 weeks). But the extension shall never exceed 2 hours a day, nor may the whole period for which it is granted in any single case exceed 4 weeks. Female laborers may be employed overtime only with their own consent and for extra wages; such overtime work is entirely forbidden girls under 18 years of age. No girls may be employed before the end of the school year during which they have attained the age of 14 years. The employer must keep a list of all female persons in his employ, indicating which of them are apprentices, and giving the date of birth of all under 18 years of age. No

girls under 18 shall be allowed to work in any establishment unless they have furnished an official birth certificate or a certified copy of the same, which shall at all times be subject to inspection by the proper authorities. A working schedule indicating the precise hours of work for each female employee shall be submitted to the cantonal authorities for their approval in the case of every establishment employing (*a*) on an average more than 5 females, or (*b*) at least 2 saleswomen over 17 and at least 2 saleswomen under 17 years of age, or (*c*) on an average at least 4 female laborers working at different times. The approved schedule must be posted conspicuously in the place of work.

Permits for overtime must specify the precise number of hours and days or weeks for which they are granted, as well as the number of employees affected. In case of urgent need such permits may be granted by the chief of police for a single day. For granting these permits a scale of fees is set up identical with the scale for apprentices that has been already described (p. 357).

Workrooms and sales rooms must not be insalubrious. A sufficient number of seats must be provided for saleswomen. The Department of the Interior may enact such additional measures as may be found necessary for the protection of the health and morality of female workers and for the prevention of accidents. Violations of the law, or of the ordinance concerning its enforcement, are punishable by fine or imprisonment, the extent or duration of which is not specified in the law.

The Zurich law of August 12, 1894, is not quite so wide in its scope as the Basel law, for "commercial offices" and "persons in shops and stores, engaged exclusively in serving customers" are expressly excluded from its operation. But its terms are nearly the same as those of the Basel law, as far as minors are concerned, with the following exceptions: The total number of extra hours granted must not exceed 75 in any year; the grounds upon which an extension of the working period may be granted are enumerated;[a] overtime work shall end, if possible, before 8 p. m., and must at all events cease at 9 p. m.; violations of the law render the offender liable to a fine of not less than 5 francs (97 cents) nor more than 200 francs ($38.60).

The Berne law of February 23, 1908, and the decree of February 8, 1909, concerning its enforcement are in some respects more severe, in others less definite, than the regulations valid in Basel and Zurich. The law expressly does not apply to persons employed in hotels and inns[b] nor to domestic servants; nor does it apply to establishments in which the female employees are members of the employer's family.

[a] This list is almost exactly like that of the apprenticeship law. See p. 355, sec. 7.

[b] Berne, like several other Cantons, has a separate law concerning hotel employees.

"Female persons," the law states, "must not be required to furnish an amount of labor beyond their strength or likely to endanger their health. Whenever a female employee considers that the work assigned to her exceeds her strength or endangers her health she shall so advise her employer. * * * Girls under 17 years of age must not be employed more than 3 hours consecutively at a machine propelled by foot. In mines and quarries no female persons may be employed in underground work. The executive council may prohibit the employment of women and girls in trades that require too great an expenditure of strength, or that endanger either their health or their morals. * * * In sales rooms and offices they must be provided with chairs in sufficient number, and they shall be allowed to sit down during the pauses, and even while working, if the nature of the work renders this possible. To protect the health of female employees and avoid accidents, all measures dictated by experience and by the circumstances of the employment must be adopted. Ten hours of work a day are permitted, except for girls under 16 years of age, who must not work more than 9 hours. The workday shall not begin before 5 a. m. in June, July, and August, nor before 6 a. m. the rest of the year, and must end at 8 p. m."

The midday rest period must last at least 1 hour; for female employees having the care of a household it must last half an hour longer. Rest periods shall not be deducted from the working period unless the employees are allowed to leave the place of work.

Permission to work overtime is subject to the same conditions as in Basel, but may not be granted for a total period of more than 2 months in a year for a given establishment. The decree of February 8, 1909, confers upon the executive council the right to permit certain kinds of shops and stores to keep their employees at work until 10 p. m. for a total period not exceeding 3 months in the year, provided these employees are allowed time for meals and are regularly given a rest of at least 10 consecutive hours at night. All saleswomen, moreover, whose employment on Sunday is permitted by the Sunday law must have at least one Sunday free each month and must be given a period of rest during the week equivalent to the period of employment on Sunday.

Females not paid by the piece or by the hour who have been employed in an establishment for more than 1 year are entitled to 6 days' vacation with full pay; those employed 2 years are entitled to 8 days; those employed 3 years to 10 days; and those employed 4 years or more to 12 days. The other provisions of the law coincide with those of the Basel law.

Violations are punishable by a fine of not less than 2 francs (39 cents) and not more than 200 francs ($38.60), except in case of repeated offenses, for which the fine may reach 300 francs ($57.90).

The Aargau law of May 26, 1903, follows the same lines of that of Basel; certain parts of this law apply to women employed in hotels, taverns, and restaurants. The law as a whole has the same scope as that of Basel. The maximum workday is 11 hours (instead of 10), and 10 hours (instead of 9) on Saturdays and the days preceding legal holidays. Female employees having the care of a household must not only be given 1½ hours at noon, but must be dismissed at 4 p. m. on Saturdays and the days preceding legal holidays. The total period for which extensions of the working day may be granted must not exceed 2 months in a year for any establishment.

Saleswomen must be provided with chairs and must have at least 10 consecutive hours for rest every day. They must be free at least one Sunday every month, and in addition thereto be permitted to attend church one Sunday a month; for each of the other Sundays on which they are employed the whole working day, they must be allowed half a day off during the week.

Exceptions may be granted for sanatoria during the summer months by the administrative authorities.

Violations are punishable by a fine of 5 to 200 francs (97 cents to $38.60), and in case of repeated offenses by a fine and imprisonment for not more than 2 months.

Appenzell Outer Rhodes enacted a law for the protection of female laborers April 26, 1908, which applies to "business concerns employing 2 or more females not members of the family" of the employer. It does not apply to offices in which mainly clerical work is carried on; and only one paragraph of the law applies to females in shops and stores employed exclusively in serving customers. This particular paragraph permits the employment of saleswomen throughout the entire workday provided they be given an unbroken period of 10 hours daily for rest, and requires the employers to give their female employees who work on Sundays a corresponding period of rest during the week. Girls under 17 years of age may not work overtime. Every establishment subject to the law employing 5 or more female persons is obliged to submit its working schedule and working rules to the executive council for approval. Violations of the law are punishable by a fine of 5 to 200 francs (97 cents to $38.60).

There is nothing in the other provisions of the Appenzell Outer Rhodes law or in the similar laws of St. Gall, Lucerne, Solothurn, and Neuchâtel, which has not already been encountered in the laws already described.

The following table presents a summary of the main provisions of the cantonal laws concerning female employees:

SWISS CANTONAL LAWS CONCERNING FEMALE EMPLOYEES, 1909.

Canton and date of present law.	Scope of the law.	Hours of work per day for minors.	Midday rest periods for minors (hrs.).	Overtime for minors.	Sunday work.	Night work for minors.	Other limitations.
Glarus (May 8, 1892).	Industrial establishments (not under factory law) employing more than 2 females or any girls under 18 (except offices).	[a] 11	[b] 1	Prohibited for girls under 18.	Prohibited.	Prohibited [c].	No girls under 14 years may be employed.
St. Gall (May 18, 1893).	.....do.....	[a] 11	[b] 1	...do....	...do....	...do....	No girls under 14 years may be employed; girls under 16 must not work more than 3 hours consecutively at a machine propelled by foot.
Zurich (Aug. 12, 1894).	Industrial establishments (not under factory law) employing 1 or more women, except hotels and restaurants; also excepting saleswomen and office employees.	[d] 10	1½	...do....	...do....	...do.[e].	No girls under 14 years allowed to work.
Lucerne (Nov. 29, 1895).	Same as Zurich, but part of law applies to hotels and taverns also.	11	1	...do....	...do....	...do.[e].	No girls under 14 years may be employed.
Solothurn (Feb. 9, 1896).	All industrial concerns (not under factory law) employing females, except offices.	[a] 11	1	...do....	...do....	...do.[e].	Do.
Neuchâtel (Apr. 26, 1901).	Industrial establishments (not under federal factory law) employing 1 or more females, including shops, taverns, and hotels, and excluding members of the family and domestic servants.	[f] 11	1	.....	...do....	...do.[g].	No girls under 14 years may be employed unless they have a school certificate.
Aargau (May 26, 1903).	Industrial concerns (not under factory law) employing women.	[a] 11	[b] 1	Prohibited for girls under 18.	...do....	...do.[h].	Chairs must be provided for saleswomen; no girls of school age allowed to work.
Basel Town (Apr. 27, 1905).	Industrial establishments (not under factory law) employing women, except hotels and restaurants.	[i] 10	1½	...do....	...do....	...do.[e].	No girls under 14 years allowed to work.

[a] 10 hours on Saturday.
[b] For those having charge of households, one-half hour longer.
[c] After 8 p. m., except saleswomen and women in taverns and hotels.
[d] 9 hours on Saturday.
[e] After 8 p. m.
[f] 10 hours on Saturday; 10 for girls under 15 years of age.
[g] Except for saleswomen, who may work until 9 p. m., and women in taverns, who may work until midnight.
[h] After 8 p. m., except in taverns and hotels.
[i] 9 hours on Saturday; 11 hours in shops, if over 17 years of age, otherwise 10 hours.

SWISS CANTONAL LAWS CONCERNING FEMALE EMPLOYEES, 1909—Concluded.

Canton and date of present law.	Scope of the law.	Hours of work per day for minors.	Midday rest periods for minors (hrs.).	Overtime for minors.	Sunday work.	Night work for minors.	Other limitations.
Berne (Feb. 23, 1908).	Same as Basel, except hotel employees and domestic servants.	[a] 10	1	Prohibited for girls under 16.	Prohibited [b].	Prohibited. [c]	Girls under 17 years must not work more than 8 hours consecutively at a machine propelled by foot; no female must work underground in mines; chairs must be provided for saleswomen.
Appenzell Outer Rhodes (Apr. 26, 1908).	Businesses employing 2 or more females (not in the family) except office employees.	[d] 11	1	Prohibited for girls under 17.	...do	...do. [e]	No girls under 14 years may be employed.

[a] 9 hours for girls under 16 years of age.
[b] Except for saleswomen under certain conditions.
[c] After 8 p. m.
[d] 10 hours on Saturday.
[e] Girls under 16 years of age, in taverns, after 9 p. m.; in winter, 8 p. m.

5. Special Laws for the Protection of Employees in Hotels, Taverns, and Restaurants.

The hotel industry is known to be an important one in Switzerland. It is estimated that foreigners visiting this country spend $60,000,000 per annum, and a considerable portion of this amount is spent in hotels, boarding houses, and restaurants. The latest available statistics indicate that 95,000 persons over 14 years of age are employed in this industry alone. [a] For their benefit 13 Cantons have enacted special laws which constitute a noteworthy portion of the labor legislation of the country.

Apparently the oldest of these laws now in force is that of Fribourg, passed in 1893, and the latest that of Basel Town, passed January 14, 1909, and supplemented by the executive ordinance of March 27, 1909. [b] Special provisions concerning females employed in hotels and restaurants are contained in the laws for the protection of female laborers in Aargau and Appenzell Outer Rhodes, already referred to (p. 362). Moreover, the Berne law concerning apprenticeship contains provisions applying particularly to apprentices in hotels and similar establishments.

The Zurich ordinance of August 18, 1896, provides that girls under 20 years of age, not members of the family of their employer, and

[a] Betriebsstatistik für 1905, Heft 8, p. 33.
[b] Lucerne is about to enact such a law.

boys under 16 years of age must not be employed regularly to serve guests. All employees must be given at least 8 hours' uninterrupted rest at night between 8 p. m. and 8 a. m.; that is to say, they must not be employed after midnight, except upon certain public holidays and certain specified days of public jubilation, or upon the occasion of certain private celebrations sanctioned by the local police. Every employee must at least once a week be given 6 consecutive hours of unemployment between 8 a. m. and 8 p. m. Restaurants must be closed on legal holidays until 11 a. m., except for travelers.

Persons under 16 years of age may be employed in auxiliary services, such as washing dishes, setting up tenpins, etc.; this, however, must not be done to such an extent as to endanger their health, and must neither last more than 8 hours a day nor after 9 p. m. Every employee is entitled to 1 day's holiday every 3 weeks unless by mutual consent the employee is given two vacations per year of at least 4 days each. Violations of the law are punishable by a fine of from 10 to 300 francs ($1.93 to $57.90).

The hotel and restaurant law of Grisons, under date of October 14, 1900, provides that girls under 18 and boys under 16 years of age who do not belong to the family of the proprietor must not be regularly employed in places where drinks are served. Every employee must be permitted to sleep at least 7 hours out of every 24. The sleeping rooms must have at least one window that does not open upon another apartment. Each employee is furthermore entitled every week to at least 4 free hours, which must fall between 8 a. m. and 8 p. m., and of which one must be on Saturday morning. Under exceptional conditions the municipal authorities can suspend these rules for a period not exceeding 6 weeks. On Sundays and legal holidays hotels and restaurants must be closed until 11 a. m., except for travelers; the local authorities may determine, however, that this rule shall apply only to the time of the principal religious service. The penalty for violating this law varies from 2 to 200 francs (39 cents to $38.60).

The Aargau law for the protection of female laborers, in its two paragraphs concerning hotels and restaurants, provides that girls under 18 years of age, not members of the proprietor's family, must not be employed regularly to serve customers. All female employees must be given 8 hours for uninterrupted night rest; they shall have 1 Sunday off every month, and be allowed to attend church 1 Sunday per month; for the other Sundays upon which they are employed during the whole day they shall be given half a day off during the week.

In Appenzell Outer Rhodes the provisions of the law are precisely he same, save that female employees are entitled each week to at least hours rest between 8 a. m. and 8 p. m., and at least once a month is period must occur on Sunday, unless by common consent the

employee is granted twice a year a holiday of at least 5 days without a reduction of wages. The executive council may grant exemptions. In the winter months girls under 16 years of age may not work later than 8 p. m., nor during the remainder of the year later than 9 p. m. The same rule applies to boys and girls under 15 years of age in the Canton of St. Gall, in which the other provisions of the law of May 25, 1905, are substantially the same as those of the Appenzell law.

The legislation of the other Cantons[a] having laws upon this subject shows no divergences except in trifling matters of detail, so far as the purposes of the present study are concerned. Probably the best law is that of Basel Town. In this Canton the rooms occupied by employees are especially subject to inspection by the health officers; employees of both sexes under 18 years of age must have 9 hours' rest per day unless exceptions are granted in particular cases by the executive council; the weekly rest period during the day must last at least 6 hours, or, if given in two parts, it must last 4 hours on each of 2 days; every employee must have 24 hours off each month, or 6 days every half year; the proprietor must keep on file the birth certificates of every minor in his employ, or certified copies thereof, and be prepared at all times to show them to the inspector; these rules may be suspended upon written petition "for sufficient reasons" by the executive council.

6. Laws Concerning Conditions of Work in Occupations Dangerous to Health, Safety, or Morals.

Some of the Swiss Cantons have singled out sundry occupations—apart from the hotel and restaurant business—as particularly dangerous to the health, safety, or morals of those employed in them. Reference has already been made to the Berne regulation of 1865, forbidding the employment of children under 7 years of age in phosphorus match factories. The dangers of this occupation were so manifest that the Confederation undertook to regulate it in the manner already described. Reference has also been made to the federal rgulations concerning persons employed in attending to steam boilers, persons exposed to lead poisoning, and persons exposed to accidents, or apt to spread infectious and contagious diseases. The desirability of the establishment of uniform standards throughout the nation upon all these matters has been generally recognized.

Nearly all of the Cantons now have laws concerning peddling and wandering trades, expressly forbidding children of school age to accompany persons engaged in these occupations. Children under 15 years of age are not allowed to engage therein in Aargau. In

[a] Fribourg, September 28, 1888; Berne, April 19. 1894; Schaffhausen, May 20 1903; Thurgau, May 20, 1906.

Basel Land, Grisons, Neuchâtel, Schwyz, Ticino, and Vaud the age of admission is 16 years. In Appenzell Inner Rhodes, Basel Town, Berne, Fribourg, Glarus, Lucerne, Solothurn, Nidwalden, Uri, and Zurich it is 18 years; and in Appenzell Outer Rhodes, St. Gall, Schaffhausen, Thurgau, Obwalden, and Zug it is 20 years. Geneva and Valais have no laws on this subject.

The Italian Canton of Ticino, by the law of July 3, 1906, and the regulations of August 21, 1906, forbade work in bakeries and pastry cooks' establishments between 9 p. m. and 4 a. m., except on Saturdays and days preceding legal holidays, when work may be continued until 6 a. m., and except when permitted by the State Council in cases of actual necessity (as, for example, for urgent repairs, or when unusual quantities of bread are needed by reason of special civic or religious occasions or by requisition of the civil or military authorities). But women of all ages and males under 20 years of age are excluded from such exceptional night work.

Reference has already been made to the Berne law which prohibits the employment of females at underground work in mines. There are cantonal mining laws and regulations in Valais, Neuchâtel, Vaud, and Glarus, but they contain no provisions applying particularly to children.

7. Laws Regulating Sunday Work.

It is manifest that the cantonal laws regarding Sunday work or rest redound to the benefit of minors as well as adults. Inasmuch, however, as these laws establish no distinct rules for nonadult laborers, a discussion of them does not properly belong to the present study.

8. Laws Regulating School Attendance.

It is an almost uniform practice of the Swiss Cantons to require children to attend the public schools until the age of 14 years. In fact, some of them have practically raised this to 15 years, while others require children to continue attending school until the termination of the school year during which they reach the age of 14. In the latter case, a child whose birthday happens to fall on a date early in the school year is really required to attend school until he or she is nearly 15 years of age. The requirements in the various Cantons may be compared in the following table.

SWISS CANTONAL LAWS REGULATING SCHOOL ATTENDANCE.

Canton.	Age of admission to school (years).	Usual age of terminating all-day school (years).	Canton.	Age of admission to school (years).	Usual age of terminating all-day school (years).
Aargau	6	15	Schaffhausen	6	14 or 15
Appenzell Outer Rhodes.	6	14	Schwyz	7	14
Appenzell Inner Rhodes.	6	13	Solothurn	7	[b] 15
Basel Land	6	12 or 13	Ticino	6	14
Basel Town	6	14	Thurgau	6	15
Berne	6	15	Obwalden	7	13
Fribourg	7	[a] 16	Nidwalden	6½–7	13
Geneva	7	15	Uri	7	13
Glarus	6	13	Vaud	7	15 or 16
Grisons	7	14 or 15	Valais	7	15
Lucerne	7	13	Zug	7	14
Neuchâtel	7	13 or 14	Zurich	6	14
St. Gall	6	13			

[a] Girls 15. [b] Girls 14.

There are no exemptions from school attendance on the ground of poverty or the necessitous condition of parents. Nearly all of the Cantons make large provision through private and public agencies for the relief of poor children who might otherwise be kept out of school because of insufficient food or clothing.

It should be noted, however, that in some of the Cantons the law permits communes to shorten the period of instruction for the upper classes in order to facilitate their employment part of the time, particularly in agriculture. Thus Zurich, for example, permits the curtailment of the weekly instruction during the summer session for the seventh and eighth classes; that is to say, for pupils in their thirteenth and fourteenth years. For such pupils the hours of instruction may be reduced to 8 hours a week, and may be compressed into the forenoons of two days in the week. In Berne, which as a rule requires 9 years of school attendance and therefore does not dismiss pupils until their fifteenth year, the individual communes may reduce the school period to 8 years of 40 weeks each. In Lucerne localities in agricultural regions may reduce the last two school years, with the consent of the council of education, to 36 weeks instead of 40; and in sparsely populated regions, where pupils are necessarily scattered, the courses of instruction may be limited to the summer or the winter season, provided they last not less than 22 weeks. In Uri the law does not require that more than 60 hours of instruction be given annually to pupils in the seventh and eighth school years. The Canton of Zug, in which children enter school at the age of 7, the seventh school year need not consist of more than 21 hours per week, given during the winter. In Fribourg the school inspector may excuse children during the summer if they have reached the age of 13 years and have passed a satisfactory examination in the required subjects of the curriculum. In the countr

schools of the same Canton, pupils in the highest class are only required to attend school in the forenoon and for 3 hours a day. In Solothurn 12 hours per week in the summer and 30 in the winter are required of pupils in the three upper classes. In Schaffhausen the communes may decide, with the approval of the council of education, whether primary school pupils shall be required to attend school for 8 full school years or for 6 full school years and 3 partial school years; the latter alternative is chosen as a rule, and children in the seventh and eighth school years receive 7 hours per week in the summer and 33 in the winter, followed in the ninth school year by 12 hours per week during 13 weeks in winter. In the Canton of Appenzell Outer Rhodes attendance is required only forenoons or afternoons throughout the entire primary school period. In Vaud the school commissions are empowered in the case of pupils 12 years old, who have made sufficient progress and whose circumstances justify it, to make the following exceptions: (*a*) These pupils are excused from attending school in the afternoons between April 15 and June 1; (*b*) between June 1 and November 1 only 84 hours of instruction need be given. In Neuchâtel children over 12 years of age may be excused from attendance from the beginning of the school year until November 1, with a view to permitting their employment in agriculture, and pupils over 13 years of age may be excused entirely from further attendance if they can pass a satisfactory special examination entitling them to a certificate of primary studies. It thus appears to be a common arrangement for the children to attend school only during the winter months when most agricultural work ceases.

Enough has been said with regard to the school laws of the several Cantons to indicate that they do not in many of the Cantons by any means preclude the employment of children under 14 for several hours a day in gainful occupations. Hence the 14-year age limit established by the federal factory law in the case of factory laborers is of considerable practical importance in many of the Cantons as a restrictive measure.

A much more important restriction of child labor is in the laws by which many of the Cantons have made attendance for two or three years at continuation schools or continuation courses obligatory for young people over 14 years of age. A list of the Cantons possessing such schools has already been given; and in summarizing the laws of several Cantons concerning apprentices, the almost universal requirement has been noted that apprentices of both sexes shall be allowed time to attend the schools, and that all of this time, or a specified maximum portion thereof, shall be counted as part of the workday. The importance of this provision does not lie chiefly in the fact that it guarantees a certain amount of respite from the toil of the mill or

the shop, but that it means a more complete and well-rounded training for a career of usefulness.

Recent years have witnessed a remarkable development of schools for this purpose. In 1907 there were 2,456 "general obligatory continuation schools" (*allgemeine obligatorische Fortbildungsschulen*), with 37,729 pupils; 311 continuation trade schools, with 20,753 pupils; 83 commercial continuation schools, with 10,741 pupils; and 439 domestic continuation schools, with 10,905 pupils.(a)

The Confederation gives financial aid to the Cantons for the maintenance of schools, and the law of June 25, 1903, concerning subsidies for primary schools and obligatory continuation schools expressly provides that these federal subventions may be used, among other specified purposes, "for helping to feed and clothe poor school children," whenever the local governments make expenditures for this purpose. In the year 1905 nearly 8 per cent of the total amount of the federal school subsidies was applied to this use—163,720.52 francs ($31,598.06) out of a total of 2,084,167.80 francs ($402,244.39). Berne alone used 80,000 francs ($15,440) of its federal subsidy for this purpose.

A decree of the Federal Council permits the Cantons to expend for the same purpose a part of their share of the profits of the federal alcohol monoply, and under this arrangement twelve of the Cantons in 1906 spent 20,965 francs ($4,046.25) for needy school children.

To these sums should of course be added the appropriations of the Cantons, the communes, and of private organizations. No complete picture of this activity on behalf of needy school children has yet been presented, although interesting data are furnished by the Jahrbuch des Unterrichtswesens in der Schweiz.

About half of the Cantons provide all school children gratuitously with books and school materials; and even where this system is not firmly established, poor children are usually not asked to pay for their books or school equipment.

Grisons passed a cantonal decree September 27, 1904, concerning the use of public funds in behalf of needy school children. This decree permits the expenditure of such funds for the purchase of necessary clothing, and for providing pupils with midday meals or warm milk. The cantonal subsidy must not exceed 10 francs ($1.93) per child, and is granted only on condition that the communes or private charitable organizations which receive it shall furnish at least one-fourth as much additional money for the same purposes.

A Lucerne school ordinance under date of April 27, 1904, makes it the duty of every commune to provide children living at a distance with a "simple but sufficient midday meal served in the schoolhouse

(a) Jahrbuch des Unterrichtswesens in der Schweiz, 1907. Zürich, 1909.

or in a room near by; * * * in the winter warm foot gear must be provided, in order that damp shoes and stockings may be removed to dry during school hours." Parents are at liberty to pay or not to pay for this service. But " in no case shall it be regarded as charity; to make any record thereof in the accounts of expenditures for the poor is inadmissible, and will result in the cessation of contributions from the public treasury."

Several years ago Zurich began to provide the school children of needy parents with " midday soup " during the winter. About 15 per cent of the school children take advantage of this arrangement. Those who are able to do so pay the actual cost. In the morning each child may receive " a sufficient supply of milk and bread (averaging 100 grams of bread and 0.4 liter of milk) at a charge of 4 cents per pupil per day." The cost in 1907, after deducting contributions, was 9.27 francs ($1.79) for each child. The school-teachers inquire into the domestic circumstances of children who ask to benefit by this arrangement. In 1906 the private donations for the Canton of Zurich amounted to 8,500 francs ($1,640.50), the cantonal subvention to 5,800 francs ($1,119.40), and the total net cost was approximately 51,000 francs ($9,843) for providing midday soup for 3,517 children, and breakfast for 146 children during the three winter months. In the same year 5,670 francs ($1,094.31) were expended for shoes, clothes, and eyeglasses.

In 1907 an inquiry was made regarding the desirability of introducing in the Zurich public schools an arrangement to provide the children with milk during the morning recess. It was found that 7,400 children desired to take advantage of this arrangement, and 3,650 were prepared to pay. In the fall of the same year the city council authorized the erection of a dental clinic for school children, at a cost of 10,000 francs ($1,930), which will shortly be followed by the introduction of gratuitous medical treatment for all public school children in the city, at a cost of about 250,000 francs ($48,250).

In 1905 the Canton of Berne gave assistance in the form of food and clothes to 32,071 school children, at a cost of 209,615 francs ($40,455.70), or 6.54 francs ($1.26) per child; of this amount the Canton paid 129,615 francs ($25,015.70), and the Confederation 80,000 francs ($15,440). Similarly, the city of Berne in the school year 1903–4 expended 23,000 francs ($4,439), mainly for food and clothing; of this amount a portion was subscribed by private associations and individuals. Fourteen other communes in the Canton of Bern have a total fund of 35,100 francs ($6,774.30) for such purposes.

In the city of Lucerne the local government bears the cost of medical attendance for sick school children, and numerous private organizations furnish poor pupils with shoes and other wearing apparel.

The Cantons of Uri, Schwyz, Nidwalden, Solothurn, St. Gall, Vaud, Valais, and Geneva have similar arrangements, the cost of which is borne partly by the federal, cantonal, and local treasury, partly by private agencies. Obwalden has a fund of approximately 150,000 francs ($28,950), the income of which, supplemented by donations and public aid, is used for similar purposes, and amounted in 1905 to 11,404.09 francs ($2,200.99). The Canton of Basel Town spent approximately 25,000 francs ($4,825) in the same way. These 10 Cantons together had a budget of nearly 300,000 francs ($57,900), therefore, to feed and clothe necessitous school children. Pastor Wild estimates the total expenditure of all Cantons at 564,720 francs ($108,990.96) a year for this purpose,[a] and the number of school children concerned at 45,000 out of a total of about 500,000.

The distribution of such funds and the methods pursued to determine which children really need assistance are by no means uniform throughout the several Cantons, nor throughout the different communes in one and the same Canton. In fact, these problems are usually left to the determination of the local school authorities, and especially to the teachers themselves. It is felt that no general rules can safely be laid down, each individual case having to be considered upon its own merits. In some communes, however, it has been charged that the funds have been too lavishly distributed, and that they have sometimes been squandered for the purchase of unnecessary luxuries, such as fruit.

ENFORCEMENT OF CHILD-LABOR LAWS.

Occasional reference has already been made to the provisions of some of the Cantons for the enforcement of cantonal labor legislation. The experience of Switzerland, like that of all other countries possessing child-labor laws, has abundantly demonstrated the general principle that the mere inscription of a law regulating child labor upon the statute books is not necessarily equivalent to the enforcement of such a law.

The proper test to be applied to legislation of this character consists chiefly in a study of the care and vigor with which the law is applied and in a quantitative and qualitative examination of the actual results of its application. A study of the effects of child-labor laws upon actual conditions must necessarily consist of statistical information, supplemented by the results of such investigations as may have been made into the physical, intellectual, and moral consequences of child labor. A study of the enforcement of the law, on the other hand, should include an examination of the methods

[a] Wild: Bericht über die gewerbliche Kinderarbeit in der Schweiz, p. 17. Basel, 1908.

and machinery of its administration. It is the purpose of the present section of this study to furnish an account of the methods and machinery employed in Switzerland, both by the Federal Government and by the governments of the several Cantons. A later section will present a statistical account of the extent and character of child labor, as well as a discussion of the results of such investigations as have been made into the effects of child labor upon the children themselves.

The federal factory law of 1877 provides (arts. 17, 18, 19) for the enforcement of the law and for the punishment of violations thereof. Thus article 17 declares:

> The application of this law, which shall extend to factories already in existence as well as those to be established hereafter, as well as the enforcement of such ordinances and decrees as the Federal Council shall enact in accordance with the law, devolves upon the governments of the several Cantons, which shall designate the proper authorities for this purpose. The cantonal governments are required to transmit to the Federal Council lists of the factories within their respective territories and, so far as they are affected by the present law, to furnish the necessary statistical data concerning them, in conformity with rules to be prescribed by the Federal Council. The several governments shall at the close of each year submit a detailed report to the Federal Council concerning their activities with regard to the enforcement of the law, with regard to the consequences of such enforcement, and with regard to the operation of the law, etc. The general character and arrangement of such reports shall be determined by the Federal Council. The several governments shall furthermore at all times be prepared to furnish to the Federal Council, or to any other legal authority designated by the council, such information as may be sought in regard to the interpretation or application of the law.

The plan of intrusting the enforcement of the law to the cantonal authorities has been regarded by many critics as a mistake. If it is a mistake, it has been corrected at least in part by the establishment of general rules concerning the methods of enforcement. The Federal Council, the federal Department of Industry, and the federal factory inspectors have persistently and consistently endeavored to guarantee a uniform enforcement of the federal law, and with this object in view a series of decrees, ordinances, and circular letters of instruction have been issued.[a] There is nevertheless a considerable difference among the Cantons with regard to the enforcement of the law. Some of the Cantons have intrusted the local or district police officials with its application—officials who have as a rule neither the requisite training for work of this kind nor sufficient time after the performance of their other duties to give proper attention to the fulfillment of this additional task. This is said to be particularly the

[a] Dr. Julius Landmann: Die Arbeiterschutzgesetzgebung in der Schweiz. Basel, 1904.

case in small communities in which the police officials hesitate to provoke a conflict with influential employers of labor.

It must be borne in mind that each Canton is a separate district so far as the methods of enforcement and penalties for violations of the law are concerned. While the federal law fixes the minimum and maximum penalty, it does no more than this. Hence in some of the Cantons the fine for a particular offense is much less than in others. Some of the Cantons bring violations of the law immediately to the attention of the courts; others warn the offender and take no action if the warning is given due heed. In some Cantons every little infraction of the law is duly reported and acted upon; in others little or no attention is paid to such infractions unless they are repeated. In some Cantons all cases are tried before a regular district or cantonal tribunal; in others the administrative authorities take it upon themselves to determine the fines for most offenses. In the latter case the culprits are of course entitled to an appeal. Cantonal differences in the application of the law are particularly noticeable in respect to granting permission for working overtime, i. e., beyond the limits set up by the law. In some places permission is granted very sparingly, in others more generously. One of the chief functions of the federal inspectors is to work toward greater uniformity in this respect; all overtime permissions must be reported by the cantonal and local authorities to one of the federal inspectors, who examines them with regard to their conformity with the law and raises objections if he finds that they are granted too frequently or that they confer excessive privileges.

Naturally enough, the enforcement of the law is usually best cared for in the Cantons which have appointed special officials intrusted with this task. Such cantonal officials (called factory inspectors, factory commissioners, trade inspectors, or factory police) are now a part of the permanent administrative staff of Zurich, Basel Town, St. Gall, Solothurn, Neuchâtel, and Aargau. Aargau also has a "central office for the protection of female laborers." Valais has a cantonal "secretary for apprenticeship." The great council of Lucerne is at present considering a bill to create the offices of factory and trade inspectors. The authorities of Berne, Glarus, and Appenzell Outer Rhodes are empowered by law to appoint experts to visit the establishments that are subject to labor laws, and, if necessary, to name permanent inspectors for this purpose. But these officials too, it must be remembered, are cantonal officials and responsible only to the cantonal governments. The fact always remains that no matter how uniformly the federal laws may be carried out in all Cantons each Canton has its own criminal law and procedure, its own economic and social order, and frequently a labor legislation of its own.(a)

[a] See the preceding section of this study, p. 347 ff.

It must be admitted that the factory owners of Switzerland were given abundant time in which to prepare themselves for the enforcement of the law of 1877. The law had been under discussion for several years before its adoption. It did not go into effect until January 1, 1878; indeed, certain parts of it not until April 1, 1878. Even then, moreover, there seems to have been no disposition to introduce the new standards abruptly. Thus, for instance, not until September 19, 1882, did the Federal Council ask the cantonal governments to conform to the provision which required them to submit an annual report concerning the enforcement of the law. On that date a circular letter of the Federal Council expressed the opinion that "the time has come to receive the prescribed report from the cantonal governments." The governments of the Cantons were therefore requested to submit a report by the end of March, 1883, concerning the entire period between the date on which the law of 1877 went into force and the end of the year 1882. In conformity with this request, reports were duly received in 1883 and have since then been regularly published in alternate years. These reports of the cantonal authorities intrusted with the enforcement of the federal laws ([a]) alternate with the biennial reports of the federal factory and mine inspectors.([b]) These two series of reports, together with the annual report of the industrial division of the federal Department of Commerce, Industry, and Agriculture,([c]) constitute the official sources of information concerning the application of the federal labor laws. They should be supplemented, however, by the official commentary on the factory law of 1877, issued by the federal department of industry ([d]) from time to time as new editions may be required. This commentary has to do chiefly with the interpretation of the law and the decision of administrative questions that arise under it.

Article 18 of the law of 1877 reads as follows:

The Federal Council supervises the enforcement of this law. It shall designate permanent inspectors for this purpose and determine their rights and duties. The Federal Council, furthermore, whenever this is considered necessary, may provide for the special inspection of particular industries or factories. For this purpose it shall ask the Federal Assembly for the necessary appropriations of money.

In conformity with this article it was decreed on May 10, 1878, that three permanent factory inspectors should be appointed, and

[a] Berichte der Kantonsregierungen über die Ausführung des Bundesgesetzes betreffend die Arbeit in den Fabriken.

[b] Berichte der eidgenössischen Fabrik-und Bergwerkinspektoren.

[c] Berichte des eidgenössischen Handels-, Industrie-, und Landwirtschaftsdepartements über seine Geschäftsführung. II. Abteilung. Industrie.

[d] Das Bundesgesetz betreffend die Arbeit in den Fabriken vom 23 März 1877. Kommentiert. Herausgegeben vom schweizerischen Industriedepartemente.

that their term of service, like that of all federal officials, shall be three years. The cantonal governments and the proprietors of industrial establishments were publicly notified that these inspectors are empowered to enter all parts of factories subject to the law and to receive accurate information concerning all matters affected by it. The inspectors are bound to strict silence with regard to any trade secrets which may come to their knowledge in the performance of their duties. The Department of Industry, it was announced, "takes it for granted that the cantonal officials designated to secure the enforcement of the law shall be prepared in case of necessity to cooperate with the federal inspectors."

The country is divided into three circuits, and each inspector placed in charge of one of them. All three inspectors are under the direction of the federal Department of Industry.

At first each inspector, who is required to keep a list of the factories in his circuit subject to the law, was required to visit each establishment at least once in two years. But since 1891 the inspectors have pledged themselves to visit every establishment at least once a year, and, as a matter of fact, some establishments are visited two or more times in a year according to the necessities of each case. Should an inspector find that his own technical knowledge is insufficient, in particular cases he may obtain the assistance of his colleagues or, with the sanction of the department of industry, that of experts. He is not obliged to notify the factory owners in advance of his visit. He is empowered to interrogate every person employed in a factory subject to the law, or suspected to be subject to the law, including the head of the establishment or his representative. This may be done without witnesses, but as far as possible shall be done without disturbing business operations.

"Each inspector shall report to the Department of Industry and submit to this department such proposals of administrative and legislative measures as he may care to suggest, together with his opinion concerning the inclusion of establishments under the provisions of the law, the removal of others from its operation, the verification of lists of employees, and such other matters as may be assigned to him by the department. He shall strive not only to secure the benefits of the law for the laborers protected by it, but to cooperate tactfully with the employers in fulfilling the requirements imposed upon them by the law, and to win the confidence of both parties. He has no executive or discretionary power. If he discovers evils or violations of the law, he shall request their cessation, and in the event of a refusal on the part of the employer he shall report the facts, together with his recommendations, to the local authorities intrusted with the execution of the law. Should he consider that these authorities neglect to enforce the law properly, he shall report

to the federal Department of Industry. He is not permitted to participate in any industrial enterprise or to serve as an expert or witness before any tribunal. It is considered that whatever testimony he has to give may be found in his communications to the Government."

Employers are not obliged to place their establishments on the factory list upon their own initiative. It is the business of the federal, cantonal, and communal officials to find out what establishments are subject to the law and to enter them in the official list. Match factories, however, are an exception to this rule, inasmuch as the permission of the cantonal government must be obtained to open such an establishment. In a sense the same is true of new factories, because the complete building plans for such establishments must be approved by the cantonal government.

The exact scope of the law as regards the nature and size of the establishments to which it applies has been set forth in the second section of the present part of this report. It may be well to add that the workshops of the private and the state railroads; the military establishments of the Confederation and of the Cantons; and the manufacturing plants operated by the Confederation, the Cantons, and the communes are also subject to the law, and that its application is supposed to be uniform in regard to all these establishments. It may be pointed out, on the other hand, that certain establishments possessing the unmistakable characteristics of factories have been exempted from the operation of the law, such as hotel laundries, and finishing shops in embroidery making, because it is considered imperative to have women work at night in these occupations.

Each federal inspector has 2 assistants, so that the total number of federal inspectors may be said to be 9. There are no women federal inspectors, and only two Cantons (Basel and Zurich) have women inspectors.[a] Although inspectors are appointed for a period of 3 years, most of them have served for longer periods, the average being about 12 years; and the three federal inspectors now in office have served, respectively, 7, 17, and 19 years.

There are no established rules with regard to the manner of selecting the federal inspectors or their assistants. In selecting them, however, Inspector Wegmann declares that care is taken to secure representatives of diverse fields of technical knowledge, such as chemistry, hygiene, mechanics, and engineering.[b] Thus far no workmen have been appointed to the position, although there would be no obstacle in the way of such an appointment. Nor has any effort

[a] The Lucerne ordinance of January 16, 1909, provides for the appointment of an "inspectress."

[b] Dr. H. Wegmann: Die Durchführung der Arbeiterschutzgesetze in der Schweiz, p. 7. Bern, 1907.

been made to secure the systematic cooperation, in enforcing the laws, of labor organizations, although the Federal Council has sometimes requested the opinion of representatives of certain groups of laborers with regard to problems affecting these laborers. This took place, for instance, during the discussions which led in 1903 to forbidding employees in flour mills to lift and carry heavy sacks of flour. In 1891 both employers and laborers were heard upon the question of the necessity of certain kinds of overtime work in machine shops. Labor organizations, however, make frequent use of the right to secure the inscription of establishments on the factory list, and to file complaints of violations. Their complaints have often resulted in the abolition of evils and the punishment of offenses against the law.

A clue to the lenience with which the law of 1877 is enforced is furnished by the accompanying table concerning the number of cases punished and the penalties inflicted, particularly for violations of article 16, which regulates the employment of children and young persons:

PENALTIES FOR VIOLATIONS OF THE LAW OF 1877.

[The number of cases is not necessarily equivalent to the number of children employed contrary to law; there may be many children concerned in a single "case."]

Subject.	1898–99.		1900–1901.		1902–3.		1904–5.		1906–7.	
	Cases.	Total fines.	Cases.	Total fines.	Cases.	Total fines.	Cases.	Total fines.	Cases.	Total fines.
Arts. 2, 3: Protection of health and safety of employees	39	$181.01	38	$250.98	26	$113.87	49	$287.68	50	$435.82
Art. 4: Accidents	172	560.31	149	328.55	133	348.56	187	655.03	192	645.76
Arts. 6–10: Factory rules, discharge and payment of employees, etc	37	240.81	24	110.19	31	103.28	32	121.84	40	420.44
Arts. 11–14: Hours of work, night and Sunday work	124	710.38	81	476.58	129	715.95	183	1,113.16	245	1,473.24
Art. 15: Employment of females	11	65.62	11	45.22	4	22.91	10	59.93	11	62.26
Art. 16: Employment of minors	[a] 47	[a] 242.52	[b] 25	[b] 105.50	27	137.53	29	131.78	47	283.92
Arts. 15, 16: Employment of females and employment of minors	.....	.....	4	11.00	6	20.74	.....	.....	.....	.....
Art. 19	[c] 14	[c] 26.15	[c] 4	[c] 6.76	5	114.58	(d)	(d)	(d)	(d)
Total	[e] 444	[e] 2,026.80	[e] 336	[e] 1,334.78	361	1,577.42	[e] 490	[e] 2,369.42	[e] 585	[e] 3,321.44

[a] Not including 32 cases in the second circuit.
[b] Not including 38 cases in the second circuit.
[c] Not including the first and third circuits.
[d] Not reported.
[e] See notes to details.

The law makes it possible to impose a fine of not less than 5 francs (97 cents) and not more than 500 francs ($96.50). This applies also to violations of the liability laws of 1881 and 1887, of the Saturday law of 1905, and of the 1902 law concerning wages and fines. Viola-

tions of the law concerning the manufacture of matches are subject to a fine of 50 to 1,000 francs ($9.65 to $193). All of these laws leave it to the judges to fix the amount somewhere between the two extreme limits. The same is true with regard to the term of imprisonment for more serious violations of the factory law or the match law; only the maximum term (three months) is fixed. It is left entirely to the judge whether he will imprison the offender, and, if so, for how long a period not exceeding three months. For grave and repeated violations of the match law, the establishment of the offender may be closed by law. While the factory law makes no reference to such penalty, it would nevertheless be legally possible to take this step (under art. 3) against evils that threaten the health or life of the employees or of the neighboring population.

Whenever there is any doubt as to who is liable for a violation of the law, it is left to the judge to designate the responsible parties. Custom has developed the practice of punishing the employer (who is usually the factory owner), and, in cases of corporations, the responsible head of the establishment. ([a]) Not often is a superintendent or director punished, for it is assumed that the owners or the actual heads are to be held responsible not only for what they expressly order, but for the observance of the law in their factories. Laborers themselves can not be held responsible for infractions of the factory law nor of the regulations intended to prevent disease and accidents. For violations of the labor contract, however, the employer may hold his employee liable at civil law; and in order to maintain order in the factory the employer has certain powers in criminal law.

In his tours of inspection the official discovers many minor infractions of the law, for which he neither institutes proceedings nor makes a report to the cantonal governments. He finds, for instance, that a name is missing from the list of employees, or a child's age certificate can not to be produced, or the schedule of working hours has not been posted up. In such cases he simply requires the missing name to be entered on the list, has a certificate sent for, urges a more perfect compliance with the law in the future, and takes no further steps. In more important matters—when, for example, a child under age is for the first time found at work in an establishment—the cantonal government is notified and asked to report subsequently whether or not the injunction of the inspector to dismiss the child has been complied with; if this has been done, the incident is as a rule regarded as closed.

If he discovers a violation of the law for which he considers that a penalty is called for, he reports the case with complete details to

[a] In his report for 1906–7 Inspector Wegmann tells of a corporation accused of breaking the law. The attorney for the defense argued that a corporation being impersonal can not commit a crime and that the case must therefore be dismissed. The court recognized the objection, but on its own initiative modified the form of accusation, and condemned the manager of the enterprise.

the cantonal government and requests that the guilty employer be punished.

When complaints reach him he investigates the cases himself, or, according to the circumstances, asks the cantonal government to investigate and report. He often finds it necessary, upon the basis of this report, to file an accusation. When an accusation has been made it is the business of the cantonal government to pursue the matter further. At the conclusion of the trial the inspector may examine the judgment, and if punishment has been imposed in accordance with the law, that terminates the matter so far as the inspector is concerned. But if the defendant has been absolved and the inspector considers the judgment unwarranted, or based upon false assumptions or a mistaken interpretation of the law, he must, within five days, transmit the judgment, together with his reasons for referring it to a court of appeals, to the federal Department of Industry. If the department finds the objections well founded it petitions the Federal Council to transfer the case to the federal court. If this court invalidates the decision, the case is referred back to the proper cantonal court for a new decision.

The number of dismissed cases and repudiations of fines imposed by the administrative authorities is very small. The factory inspectors study the cases carefully before requesting a trial, feeling that a trial which results in the dismissal of an accused employer does more harm to the prestige of the law and of the officials who enforce it than an unpunished infraction.[a]

It is admitted on nearly all sides that the number of inspectors is too small, for while in many factories there is no disposition to violate or evade the law and the inspector's visit is almost a mere formality, yet there are good reasons for believing that in the absence of a healthy fear of the inspector's visits many other establishments would revert to the conditions which prevailed before the law went into effect.

The reports of the federal inspectors indicate a steady growth in the number of establishments and laborers subject to their supervision. In 1882 the number of establishments was 2,642, with a total labor force of 134,856 persons. In 1888, in which year a "factory census" was taken, there were 3,805 establishments, with 159,057 laborers, of whom 22,750 were aged between 14 and 18 years. In 1895, the date of the next factory census, the number of establishments was 4,933, and of laborers 200,199, of whom 28,612 were between 14 and 18 years old. In 1901, when another factory census was taken, there were (on June 5) 6,080 establishments, with 242,534 laborers, of whom 35,242 were between 14 and 18 years of age. In 1909 the number of establishments was 7,633, having a total of 310,345 laborers. These figures, however, apply only to establishments and persons subject to the federal factory law. The law concerning mines and quarries, enforced by an inspector of mines

[a] Dr. H. Wegmann: Die Durchführung der Arbeiterschutzgesetze in der Schweiz. Bern, 1908.

since 1896, applies to an annually decreasing number of enterprises; in 1907 there were only 72 mines and quarries, employing 1,266 laborers, while in 1899 there were 137 mines and quarries, with 1,877 laborers.(a)

The reports of the inspectors concerning the hygienic condition of the work places, accidents and sickness among employees, workingmen's compensation, factory rules, wages, hours of work, night and Sunday work, and overtime, furnish evidence which frequently has a definite and important bearing upon the condition of children and young persons. But the parts of these reports that especially concern us here are those relating to the enforcement of article 16.

This article of the law of 1877, which contains the provisions applying particularly to the labor of children and young persons, was not uniformly received by different groups of persons and in different parts of the country. It gave rise to nearly as much opposition as the clauses affecting adult male laborers. In the first report of the federal inspectors, that of 1878, it is stated that "article 16 was in some parts of the nation hailed as a great achievement and in others condemned as leading to the ruin of Swiss industry."(b) The early and vigorous opposition which this article encountered in many places boded ill for its observance, and not one of the Cantons is in a position to make the boast that during the thirty years' existence of the law no children under 14 years of age have ever been employed in its factories.

Both employees and employers have repeatedly petitioned that the age of admission be reduced to 13 years, a step which, according to the factory inspectors, would be of very little avail because many of the children employed illegally are under 13 years of age. Children of 5 are often found in the factories, particularly in the embroidery districts, where the inspectors are told that the children are merely "playing." Inspector Rauschenbach appropriately remarks that "it can not have been the intention of the legislator, in attempting to protect children under 14 years of age from the injurious effects of factory labor, to permit infants of tender years to be subjected to all the risks and influences which their bare presence in a factory involves."(c) Moreover, the hasty disappearance of children under 14 years of age when the inspector arrives on the scene suggests that their presence may not have been altogether harmless. All manner of pretexts are offered in such cases. It is urged, for instance, that the children are employed as "messengers;" the manager of one

[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren.

[b] Bericht über gemeinsame Inspektionsreisen vom Jahre 1878, p. 58.

[c] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1898–99, p. 230; also Berichte, etc., für 1900–1901, p. 219.

factory, in which 12 children were found under 14 years of age, frankly declared that the rule which permitted children under 14 to be employed as office messengers (offices not being regarded as factories) had been "purposely made to circumvent the law."(a)

Some employers went so far as to insist that the labor of the children at work in the factory is "holiday recreation" for them and not to be regarded as "regular work." (b)

The Federal Council in 1885 called the attention of the Cantons to these evils, and mildly requested that steps be taken to remove them, because of their effects upon the health and morals of the children.(c) Few Cantons paid any attention to the request, although some of them did provide that children under 14 years of age must not have access to the workrooms of the factories, and that their presence at other times than during rest periods in the work would be regarded as evidence that they were employed in the factories. Other Cantons simply notified the factory owners of the "request" of the Federal Council, which was usually regarded in such cases as nothing more than a "pious wish." (d) But little better were the provisions made by the executive councils of Lucerne and Solothurn, namely, that "factory owners are instructed not to permit children under 14 years of age to remain permanently in the factory workrooms."

Especially unfortunate in its effect upon the prestige of the law is the occasional discovery that the very judges who are called upon to punish violations, as well as cantonal councilors and other influential officials, must be accused of the illegal employment of children. "It is self-evident," says Inspector Schuler, in his report for 1900–1901, "that in such communities the police authorities are intimidated and a very unfortunate condition of affairs prevails."(e)

It may at all events be safely asserted that the number of illegally employed children is much larger than the inspectors' reports indicate, for the inspectors have frequently noted that upon their arrival in a factory town children under age are usually found only in the factory that is visited first. The warning quickly reaches the others, and the children are either sent home or hidden away in the private residence of the employer.

It is frequently urged, especially in the embroidery districts, that the children are needed because of the scarcity of labor. But in mentioning this very common argument Doctor Schuler(f) reports that

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a Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1896–97, p. 80.

b Idem, 1880, p. 19.

c Idem, 1884–85.

d Berichte der Kantonsregierungen. 1885–86, pp. 21, 41.

e Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1900–1901, p. 51.

f Idem, 1879, p. 15.

many embroidery manufacturers, adverse to article 16, admitted to him that native adults, and not imported laborers, have been employed to take the place of the children.

The opinon of employers is far from unanimous with regard to the profitableness of employing child labor. Some owners and many superintendents and directors of factories express themselves as entirely satisfied with the exclusion of children under 14. When the children's places are taken by adults, who exact higher wages, the latter do a proportionately larger amount of work. "Children," said one cigar manufacturer, "are of no advantage; they come and go; they miss lots of time at school or otherwise; they think mostly of the streets and of the open air. Hence they accomplish little, are unreliable, and must be more strictly supervised."(a)

Although the complaints of parents that the family income is curtailed by the prohibition of child labor are not entirely unfounded, it must nevertheless be borne in mind that the wages of children under 14 are almost insignificant,(b) and that they work not infrequently under conditions that violate every known rule of hygiene. It is strange that the parents themselves display so little knowledge of the perils of child exploitation and that labor organizations possessing full information relative to the abuses of child labor rarely report violations of article 16, although they are fairly alert in making known those infractions of the law that affect adult laborers.(c)

Not the least important function of the inspectors is to supervise the enforcement of article 2 of the law of 1877, which requires that the rooms in which the work is carried on shall be neither unsafe nor unhealthful. But this article, which is of particular importance where children are concerned, is not easy to enforce. The newly built larger factories are, as a rule, much more satisfactory from the standpoint of hygiene than the older and smaller work places. But complaints about the temperature of the workrooms are made almost constantly. "Complaints of cold rooms are most frequent in embroidery factories, in which we have found the temperature as low as 46° F. On the other hand, one may find insupportably high temperatures, as in spinning mills and cigar factories, in which the old prejudices with regard to the necessity of having the air hot and dry still subsist, so that at times one finds a temperature of 104° F."(d) Even more trouble is occasioned by the vitiated air and poor ventilation which the inspectors find in many establishments. Not only do the

[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1882–83, p. 103.

[b] Often they receive only 3 or 4 cents a day, according to Dr. F. Goldstein. Zeitschrift für schweizerische Statistik, 1904, p. 323.

[c] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1896–97, p. 80.

[d] Idem, 1898–99, p. 16.

employers seem to be lacking in intelligence and good will in this regard, but also the laborers themselves, particularly the female laborers. Curiously enough, the objection to proper ventilation is found even among the women employed in silk factories, who are accustomed to extreme cleanliness in other matters.(a) The air is probably worst of all in spinning mills, cigar factories, embroidery factories, silk factories, and tailoring shops; that is to say, in precisely the occupations in which juvenile and female workers are most numerous.

The most frequently violated clauses of the factory law are those concerning the maximum workday (arts. 11–14). All sorts of excuses are made by employers for violating these provisions. Some of them explain that the overtime work was performed voluntarily by the employees; others urge that the extra work was "only for export trade" or "done for private purposes." The following table indicates the importance of this group of offenses:

NUMBER AND PER CENT OF VIOLATIONS OF THE PROVISIONS OF THE LAW IN REGARD TO HOURS OF WORK, 1892–93 TO 1908–9.

Year.	Total violations of law.	Violations of law in regard to hours of work.	
		Number.	Per cent.
1892–93	303	110	36
1894–95	411	136	33
1896–97	452	155	34
1898–99	444	124	27
1900–1901	336	81	24
1902–3	361	129	33
1904–5	494	183	37
1906–7	585	245	42
1908–9	471	129	27

"Overtime work is very common, mostly in the embroidery industry and especially in hand embroidery establishmnts that are supposed to have morning and afternoon rest periods, but in which these periods are often suppressed."(b)

As regards overtime work for which permission is obtained, it may be noted that the number of permissions granted has remained proportionately about the same from year to year. In 1900 one permit was granted on an average for every 4 establishments. In the succeeding years, up to 1909, the proportion was 1 to 4.6, 1 to 4.7, 1 to 4.8, 1 to 4, 1 to 4.4, 1 to 3.5, 1 to 3.6, 1 to 5.2, 1 to 4.3 establishments, respectively. But in spite of the absolute and relative increase in the number of grants for overtime work the proportion of laborers affected by these grants has not increased correspondingly.

a Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1884–85, p. 8.

b Idem, 1898–99, p. 220.

In his report for 1908–9 Federal Inspector Wegmann complains particularly of the lack of uniformity among the several Cantons in the matter of granting permits for working overtime. "The cantonal authorities are in this regard restricted only by the provision of the law that such permits may be granted 'temporarily and by way of exception.' In applying this provision the differences are so great that the uniformity of enforcement mentioned in the Constitution does not amount to much. I know of cases in which the multiplicity of permits was so great as to make the legal limit the exception."(a)

Figures are not obtainable with regard to the number of children permitted to work overtime, but in some of the Cantons, such as St. Gall, not only are a large number of the grants made for 2 hours' overtime a day, but a large proportion of the workers employed overtime are women and children. Fortunately, some of the Cantons have instituted the practice of fixing a limit to the total number of hours of overtime allowed an establishment in a single year, and of requiring that a certain interval shall elapse between consecutive overtime grants. Thus, St. Gall has fixed 90 days as a maximum period for overtime grants, and requires that a grant valid for 2 weeks must be followed by an interval of 6 days in which the regular legal limit is observed. A grant valid for 3 weeks must be followed by at least 8 days, and a grant valid for 4 weeks by at least 14 days before another grant can be given. Better still is the Zurich plan of limiting the overtime work to 1 hour per day. Glarus issued an order, in 1906, not to allow overwork at all on Saturdays, and only in cases of extreme necessity on the days preceding other legal holidays.(b)

There is fortunately a disposition, in a few Cantons at least, to grant overtime permits less frequently. "Zurich withdrew a permit when it was discovered that the firm concerned had worked overtime the preceding week without permission. This Canton has introduced a new schedule of fees. According to this schedule not only a fee must be paid for preparing and stamping the permit, but a tax of 2 to 50 francs [39 cents to $9.65] must be paid, and this tax is fixed 'according to the total number of laborers concerned, the period for which overtime work is allowed, and the frequency with which the establishment requests such permits.' Printed regulations concerning overtime grants exclude the following persons entirely from overtime employment: In Glarus, women having the care of a household; in Zurich, Glarus, Zug, and St. Gall, laborers under 18 years of age. How well these provisions are carried out is not known to

[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1908–9, p. 61.

[b] Idem, 1906–7, p. 73.

me; but we have reason to believe that these prohibitions often are merely on paper and not carried out in practice."(a)

As for the night work of children, Inspector Rauschenbach reports that the right to permit children between 14 and 16 years of age to be employed at night by way of exception, when a permit has been obtained for this purpose from the authorities, is rarely exercised. Here and there, however, boys of this age are kept in the factory at night without permission.(b)

Work on Sundays and holidays and violations of the Saturday law still occupy a part of the inspectors' attention, but the greatest difficulties they have to encounter arise in connection with the requirement of an age certificate for all children under 18 years of age. Particularly among Italians this provision seems difficult to enforce. Many Italian children assert that they are unable to obtain such a certificate. Others possess certificates which merely give the year of their birth, but neither the month nor the day of the month. Still others forge or alter their certificates. Sometimes, even in the case of native children under 14, a slight change is made in the official certificate in order that they may become admissible to the factory. Doctor Schuler has suggested that this practice could be prevented by instructing the officials issuing certificates that certificates should be refused for persons not yet 14 years of age.

The attitude of the courts in enforcing the law merits some attention. It will be found that upon this subject the reports of the inspectors are anything but favorable, inasmuch as the courts are disposed to be inordinately lenient and to impose the smallest possible fines. "One gets the impression," said Doctor Schuler in his report for 1892–93, "that especially in the country districts infractions of the factory law are considered as of little consequence; that they are punished almost reluctantly; and that the maltreatment of an animal is a more serious offense than exploiting human beings or endangering their health. What shall we say when, for the repeated employment of too young children, a St. Gall tribunal imposed exactly the same fine as for harnessing a dog to a wagon?"(c)

The fines do not vary with the gravity of the offense, nor its duration, nor the number of employees concerned. Nor do the courts seem to pay any attention to the question whether only a single provision of the law or several paragraphs of it are violated. Nor do they care apparently whether an offense is the first one or not, although in the latter case the violation may be assumed to be intentional. A district court in St. Gall even went so far as to announce

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[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1908–9, p. 62.

[b] Idem, 1898–99, p. 231.

[c] Idem, 1892–93, p. 70.

the principle that the previous punishment of a defendant for violating another clause of the law was not an aggravating circumstance. Another court asserted that the simultaneous violation of several paragraphs was no reason for not imposing the minimum penalty.[a] There have been cases in which simultaneous violations of articles 4, 6, 8, 11, 13, and 14 were punished by a fine of only 100 francs ($19.30).[b] "No wonder[c] the inspectors repeatedly insist that such leniency of the judges looks singularly like an encouragement to break the law. Violations may be made very profitable in spite of the penalties imposed. Often this is precisely the way employers look at the matter." Doctor Schuler refers to[d] the representative of a very large firm as admitting that many laborers had been employed overtime without asking permission of the authorities, because the refusal to grant it would have meant the loss of thousands of francs. "On the one hand were thousands in profits, and on the other hand the court was satisfied with a fine of 25 francs [$4.83]."

The latest reports of the federal inspectors indicate no great improvement in this regard. Thus the penalties for violating article 16 (concerning the employment of children) show the following averages:

NUMBER OF VIOLATIONS OF PROVISIONS OF THE LAW CONCERNING EMPLOYMENT OF CHILDREN AND TOTAL AND AVERAGE AMOUNT OF FINES IMPOSED, 1892–93 TO 1908–9.

[Compiled from the reports of the federal inspectors.]

Years.	Cases.	Total fines.	Average fine.
1892–93	62	$226.97	$3.66
1894–95	34	133.40	3.92
1896–97	43	200.03	4.65
1898–99	47	242.52	5.16
1900–1	29	116.50	4.02
1902–3	33	158.27	4.80
1904–5	29	131.78	4.51
1906–7	47	283.92	6.04
1908–9	34	178.88	5.03

The great difference from Canton to Canton in the amount of the fine for violating article 16 is fairly indicated by the following data for the period 1906–7.

[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1898–99, p. 71.

[b] Idem, 1896–97, p. 266.

[c] Doctor Goldstein, in Zeitschrift für Schweizensche Statistik, 1904, p. 329.

[d] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1892–93, p. 72.

NUMBER OF VIOLATIONS OF PROVISIONS OF THE LAW CONCERNING EMPLOYMENT OF CHILDREN, AND TOTAL AND AVERAGE AMOUNT OF FINES IMPOSED, BY SPECIFIED CANTONS, 1906–7.

[Compiled from the reports of the federal inspectors.]

Canton.	Cases.	Total fines.	Average fine.
Zurich	3	$17.27	$5.76
Schwyz	4	7.04	1.76
St. Gall	8	90.39	11.30
Grisons	1	2.90	2.90
Ticino	8	85.30	10.66
Vaud	2	4.83	2.42
Neuchâtel	1	2.32	2.32
Berne	3	5.84	1.95
Appenzell Outer Rhodes	1	2.90	2.90
Aargau	5	31.18	6.24
Thurgau	11	33.97	3.09

If we consider not only the fines imposed for violating article 16, but those imposed for violations of any article of the law of 1877 and the Saturday law of 1905 the differences are even more striking. Inspector Rauschenbach, in his report for 1906–7, gives the following table concerning the maximum and minimum fines imposed during these two years by the Cantons in his circuit:

MAXIMUM AND MINIMUM FINES FOR VIOLATION OF THE FACTORY LAW, BY SPECIFIED CANTONS, 1906–7.

Canton.	Maximum fine.	Minimum fine.
Berne	$26.71	$1.16
Lucerne	5.79	1.16
Solothurn	81.06	3.86
Basel Town	32.81	.97
Basel Land	12.27	5.91
Schaffhausen	5.79	.97
Appenzell Outer Rhodes	23.55	2.90
Appenzell Inner Rhodes	2.51	1.93
Aargau	96.50	2.12
Thurgau	57.90	.97

Doctor Schuler reported in 1897 that in all the Cantons of his circuit it is customary to remit the fine for first offenses of a minor nature and to collect only the costs, regarding such cases as simply constituting a warning for the offender. In commenting upon this practice, a severe critic of the present law and its enforcement says ironically: "The poor devil who steals his neighbor's shoes is not 'warned' before the police grab him."(a)

Thus far we have been concerned mainly with the activities of the federal inspectors in supervising the enforcement of the federal laws. We must now turn to the enforcement of the law by the authorities particularly intrusted with its enforcement, namely, the cantonal officials. Each Canton, be it remembered, is intrusted not only with the application of such labor laws as the Canton may have enacted,

(a) Otto Lang: Das schweizerische Fabrikgesetz, p. 48. Zurich, 1899.

but with the application of the federal laws also, under the supervision of the federal inspectors, the federal Department of Industry, and the Federal Council. The Cantons have assigned the task either to existing officials or to others specially appointed for this purpose. These officials in each Canton must report to the Federal Council every two years. Many of the reports, however, are distinguished by a brevity which, though it may be the soul of wit, is by no means a source of wisdom for the investigator.

The federal inspectors, moreover, complain frequently and at times almost bitterly of the lack of cooperation on the part of many cantonal officials, and of what they manifestly regard as the culpable mildness of the courts in punishing violations of the labor laws. With regard to the few Cantons in which enforcement is properly cared for, Doctor Schuler has this to say:

> We have been forced to attend to many matters which, strictly speaking, should have been looked after by the cantonal authorities * * *. But the cantonal officials are undertaking to an increasing degree the performance of the tasks which according to the factory laws devolve upon them. Zurich and St. Gall have appointed district officers to secure the enforcement of these laws, and in both Cantons they have developed an intensive activity. * * * St. Gall has organized its factory police force definitely and elaborated a detailed programme of supervision. In the city the enforcement of the labor laws is intrusted to a police corps of 16 men and the country regions of the Canton are divided into 64 sections under the supervision of 72 officials. These officials are required to visit every six months establishments subject to the law and to report the results. Many of these reports are excellent and prepared with great knowledge, especially of hygienic matters. The same may be said of Zurich, where the supervision is directed by a central office—although, of course, with results that vary according to the merit of the several officials.[a]

In many of the Cantons, however, the minor officials in charge of the administration of the laws are really obstacles in the way of its enforcement, and—

> one often can not tell whether lack of ability or lack of intelligence on the part of superiors is responsible. * * * Thus the president of a commune in Glarus sanctioned the illegal employment of women at night. * * * On one occasion a factory owner discharged a number of women after insufficient notice, and subsequently finding it necessary to make up for the shortage of hands, lengthened the workday of the remaining hands far into the night hours, and was given permission to do this by the same official. * * * In the Canton of Schwyz the inspector discovered a forged age certificate. On the 6th of May the district authorities were notified to investigate the case; the investigation was begun on the 1st of August, naturally without any results after so long a delay. But even in the

[a] Berichte der eidgenössischen Fabrik-und Bergwerkinspektoren für 1898–99, p. 69.

large Cantons, officials may be found who are just as careless. * * * In Zurich one of this type was instructed to make an immediate investigation of an offense. After three weeks he delegated the task to a policeman; and on April 22 of the following year, after many inquires and threats, a report on the case was sent to the authorities. How little is done in Grisons by the local and police officials to enforce the law is proved by the following data: A tour of inspection made last summer in 32 establishments in this Canton revealed 9 cases in which there was no list of employees, 6 in which there was no list of accidents, 4 in which 14 accidents had not been reported, 10 in which the factory schedule was lacking, and 10 in which the employees had illegally worked overtime.(a)

How long the delays are in some places before steps are taken to punish a violation of the law is proved by the case of an embroidery manufacturer who was found employing his laborers overtime without permission in March and in August, and each time was simply admonished to stop it; and when, three months later, he broke the law a third time he was fined 15 francs [$2.90].(b)

"It is incontestable that the governments of several Cantons do not make due haste in examining proposals to put certain establishments in the list of those subject to the law," says the inspector of the second circuit, M. Campiche, in his report for 1898–99 (p. 84), giving several examples in support of this general accusation. M. Campiche, precisely like his colleagues, complains not only of the lack of diligence and energy on the part of many cantonal officials in bringing offenders against the law to trial, but of the small fines imposed by the courts upon the guilty parties.

It seems at times as though investigations are undertaken not so much for the purpose of getting at the real facts of the case as in order to exonerate an offender as completely as possible. * * * Some of the judgments passed upon factory owners are noteworthy because of the great leniency of the judge. Thus the proprietress of a dressmaking establishment who had her employees work at night after 8 o'clock during two months, without authorization, and who permitted 2 female employees last summer to work as late as 11, 12, and even 2 o'clock at night, was fined 10 francs [$1.93] plus the costs, a total of 13.20 francs [$2.55]. * * * A manufacturer of brushes was accused of employing children under 14, of working overtime without permission, of the employment of women after 8 p. m., and of not granting a woman recovering from her confinement the legal period for convalescence. He was found guilty of these offenses, excepting the first-named one, and fined 5 francs [97 cents] plus costs, amounting to 18.10 francs [$3.49]. When in the following year the same man was again accused of employing young children and found guilty, the fine was increased 1 franc [19.3 cents].(c)

M. Campiche adds: "Such a sentence requires no commentary."

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[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1898–99, p. 69

[b] Idem, p. 71.

[c] Idem, 1898–99, pp. 235, 236.

Cases of this sort are mentioned in nearly every report of the federal inspectors;(a) but it must be admitted that they are exceptional. It may be assumed that most of the cantonal authorities and the courts take their duties more seriously.

As a general rule, the laws are better enforced in the cities than in the country districts; they are of course better enforced where special officials are appointed for this purpose than where such officials are unknown. In the Canton of Zurich, for instance, the 400 establishments in the city of Zurich furnish two-thirds of the punished violations, whereas the 600 establishments in the country districts furnish the remaining third. In Inspector Campiche's circuit there were 142 punished violations in 1902 and 1903. But of this total the Cantons of Vaud and Berne furnished 59 and 27 cases, respectively, while Fribourg had only 2 and Valais only 3—not, as the inspector points out, because the laws are so much better observed in the latter Cantons than in the former, but probably because the supervision is more vigilant and the law taken more seriously in Vaud and Berne than in Fribourg and Valais.(b)

Of recent years, moreover, the inspectors have benefited by the greater and more intelligent cooperation of labor organizations.(c)

"In many localities the labor organizations," says Inspector Wegmann, "exercises a strict supervision. We learn this from their correspondence with us. I know of places in which there would be no local supervision at all if it were not carried on by the laborers."(d) But where the laborers do not feel that they have a strong organization behind them they are frequently afraid to testify publicly against an employer. Sometimes employees repudiate publicly the evidence they have previously given an inspector in private.(e)

It is impossible to ascertain the participation of the main groups of industries in violations of article 16 (relating to employment of children) of the law of 1877, except for the second federal circuit. In this circuit 32 children were illegally employed in 1898–99. Of these 6 were found working at tile kilns, 5 in tailoring and dressmaking, 5 in silk mills, 3 in printing offices, 2 in cabinetmaking, 2 in paper making, and 1 each in lead manufactures, dial making, glass works, tin-plate making, watchmaking, and making margarine. In the same circuit in 1900–1901, 38 children were illegally employed

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[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspectoren für 1898–99, p. 233; 1902–3, pp. 13, 164, 255; 1904–5, pp. 81, 84, 261, 265.

[b] Idem, 1902–3, p. 161; also 1904–5, p. 81; 1906–7, p. 71.

[c] Where fairly strong labor organizations exist, the law is enforced satisfactorily," says Prof. Georg Adler, Handwörterbuch der Volkswirtschaftslehre, Vol. I, p. 140.

[d] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1906–7, p. 74.

[e] Idem, 1898–99, p. 115.

in the following occupations: 5 at tile kilns, 4 in watch factories, 3 in tailoring and dressmaking, 2 in cigarette factories, 2 in stone works, and 1 each in silk mills, tinning, shirt making, hat making, making jewelry, cardboard making, and printing. In 1902–3 the same circuit contained 70 children working illegally—42 in watch and jewelry factories, 10 in food preparation, 8 in textile mills, 6 in cement works, 3 in paper mills, and 1 in a leather mill. No figures are given for the years since 1903.

With regard to the participation of the several Cantons and the fines paid for violations of article 16, only the data for two-thirds of the Cantons can be compared. This is done in the following table:

CASES IN VIOLATION OF THE PROVISIONS OF THE LAW CONCERNING THE EMPLOYMENT OF MINORS AND THE FINES IMPOSED THEREFOR IN THE FIRST AND THIRD CIRCUITS.

Cantons.	1898–99.		1900–1901.		1902–3.		1904–5.		1906–7.		Total.		Average fines.
	Cases.	Total fines.	Cases.	Total fines.	Cases.	Total fines.	Cases.	Total fines.	Cases.	Total fines.	Cases.	Total fines.	
Zurich	13	$64.37	3	$24 31	3	$8.95	2	$7.35	3	$17.27	24	$122.33	$5.10
Uri	2	14.28	1	5.21	.....	.....	.....	.....	.....	.....	3	19.49	6.50
Schwyz	.....	.....	.....	.....	.....	.....	2	7.72	4	7.04	6	14.76	2.46
Obwalden	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nidwalden	.....	.....	1	1.93	1	2.90	.....	.....	.....	.....	2	4.83	2.42
Glarus	3	9.65	1	3.86	.....	.....	1	3.86	.....	.....	5	17.37	3.47
Zug	.....	.....	1	2.61	.....	.....	.....	.....	.....	.....	1	2.61	2.61
St. Gall	18	119.27	4	25.59	2	37.90	.....	.....	8	90.39	32	273.15	8.54
Grisons	.....	.....	.....	.....	.....	.....	1	17.15	1	2.90	2	20.05	10.03
Berne (a)	.....	.....	2	2.41	3	8.30	3	63.05	3	5.84	11	79.60	7.24
Lucerne	1	1.16	.....	.....	.....	.....	.....	.....	.....	.....	1	1.16	1.16
Solothurn	.....	.....	3	17.95	.....	.....	.....	.....	.....	.....	3	17.95	5.98
Basel Town	1	1.93	1	.96	.....	.....	.....	.....	.....	.....	2	2.89	1.45
Basel Land	.....	.....	.....	.....	.....	b 2.89	.....	.....	.....	.....	.....	b 2.89	.....
Schaffhausen	.....	.....	2	1.93	.....	.....	.....	.....	.....	.....	2	1.93	.97
Appenzell Outer Rhodes	.....	.....	1	7.55	2	10.96	.....	.....	1	2.90	4	21.40	5.35
Appenzell Inner Rhodes	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Aargau	.....	.....	1	2.51	1	.....	1	3.86	5	31.18	8	37.55	4.69
Thurgau	9	31.85	4	8.68	15	65.62	.....	.....	11	33.97	39	140.12	3.59
Total	47	242.51	25	105.50	27	137.52	10	102.99	36	191.49	145	780.08	5.38

a Includes only that part of Berne which lies in the third federal circuit.
b This is according to the original report; no explanation is given for the absence of any figure in the preceding column showing number of cases.

In commenting upon the enforcement of article 16 the reports of the federal inspectors emphasize the following points: (1) The difficulty in securing reliable age certificates for children of Italian birth. (2) The substitution in some industries of machines to do the work previously performed by children. (3) The difficulties which arise from the release of children from school at the age of 13 years in some of the Cantons, and the consequent temptation to let them enter the factory before waiting until they are 14 years old. (4) The frequency of the plea, made by the employers of too young children, that the children are employed out of pity for a widowed mother or at the solicitation of an indigent father. (5) The unfortunate prac-

tice of some cantonal officials in charging a fee of 25 centimes to 1.25 francs (5 to 24 cents) for making out an age certificate for factory children. (6) The frequent presence of children under 14 years of age said to be "playing" in the factories or "visiting" their relatives.

The first and sixth of these points have already been referred to and a further discussion of them is unnecessary. The fifth point requires no detailed treatment, for it is evident that no obstacles, however small, should be placed in the way of compliance with the legal requirement that all persons under 18 years of age be equipped with an age certificate.

Concerning the second point—the substitution of machines for child laborers—frequent comment but little specific information is contained in the reports of the inspectors; nor does the introduction of machinery in factories invariably mean the supplanting of child labor. More often it means the precise contrary—that through it the productive process is so simplified that the more skilled labor of adults is no longer in demand, and relatively unskilled young people take their places.

With regard to the interaction of school laws and child labor, the inspectors testify as follows in recent reports:

One essential cause of these unfortunate infractions of the law (against the employment of children under 14) lies in the school laws of Geneva and Neuchâtel, which dismiss at the age of 13 years the children who have obtained a certificate of primary studies. A second cause lies in the apprenticeship laws of these two Cantons, which fix at 13 years the legal age of admission to apprenticeship. As long as these provisions are not modified we shall find in the factories young people who have not yet reached the age required by article 16 of the factory law. How could it be otherwise? What shall be done with these young people sent away from school at the age of 13 years?

It would be rational not to exempt children from further school attendance until they are fully 14 years old, since that is the age at which the door of the factories and shops subject to the law is open to them. The present system is very unfavorable in its effects upon good apprenticeship, since children 13 years old can enter only the small shops in which there are usually no competent workmen to teach them.[a]

We have 5 to 6 per cent more children of the youngest admissible age in the factories of the Cantons that allow children to leave the public school at 13 years of age, than in those which do not dismiss them until they are 14 years old.[b]

The extension of the school period to 8 years (in some Cantons) has proved the most effective remedy for the employment of too young children. Parents who send their children to the factory too soon

[a] Berichte der eidgenössischen Fabrik- und Bergwerkinispektoren für 1900–1901, p. 141.

[b] Idem, 1906–7, pp. 67, 143.

thus become liable to the fines imposed by both the school law and the factory law. The practice in many factories of substituting other children for repetition school pupils on the days when the latter are at school, a practice which has brought many children under the legal age into the factory, has also been done away with.(a)

The increasing introduction of obligatory continuation schools, moreover, and the general tendency to increase the number of hours of required attendance in them has made the profitableness of the labor of children between 14 and 16 years of age problematical for many factory owners, in view of the fact that the school hours plus the working hours of such children must not exceed 11 hours a day. Hence, as we are told in the report for 1906–7,(b) some factories refuse altogether to employ children under 16 years of age.

Before terminating this section it is necessary to refer again to the cantonal authorities charged with enforcing the labor laws. We have noted the indifference which many of them exhibit with regard to the execution of the federal laws and the punishment of the persons who violate them. It would be justifiable to hope that the cantonal authorities display more vigilance in applying their own labor laws, wherever such laws exist. Such a hope, however, is not entirely realized. Indeed, it is almost impossible to secure any information with regard to cantonal activity in enforcing the apprenticeship laws, the laws concerning female laborers, and the laws regarding hotel and restaurant employees. As a general principle it may safely be asserted that these laws are well enforced wherever there are distinct officials in charge of their enforcement, as in Basel, St. Gall, Neuchâtel, Zurich, Soleure, and Aargau. In these Cantons each establishment is visited at least once a year, and in two of them every six months. The cities, we have already said, are usually more vigilant than the country districts. The proportion of employers punished for violations of the cantonal laws varies from 1 per cent to 8 per cent in different Cantons. But in Glarus and Nidwalden no one seems to know even the number of establishments to which the cantonal labor laws apply.

At the close of 1906 the cantonal laws concerning female laborers were reported by all the cantonal governments as applying to 4,242 establishments and 14,047 persons. These figures include saleswomen and waitresses in some of the Cantons. Doctor Wegmann, federal inspector for the first circuit, estimates that if shops, stores, hotels, and restaurants are deducted there would remain 3,045 industrial concerns with 11,450 female industrial employees.(c)

(a) Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1900–1901, p. 51.

(b) Idem, 1906–7, p. 216.

(c) Dr. H. Wegmann: Die Durchführung der Arbeiterschutzgesetze in der Schweiz, p. 31. Bern, 1907.

The enforcement of the laws to protect female laborers is usually intrusted to the local police or the communal councilors, under the supervision of the cantonal Department of the Interior or Executive Council.

To enumerate the authorities in the several Cantons intrusted with the enforcement of the apprenticeship laws and other cantonal labor laws would not be instructive, but bewildering, unless one is thoroughly familiar with the complexities and complications of Swiss local administration.

Some reference has already been made, in summarizing the cantonal laws, to the penalties that may be imposed for their violation. These penalties vary as a rule from a minimum of 2 francs (39 cents) to a maximum of 200 francs ($38.60); although in some cases no minimum is fixed, in others the maximum may reach 1,000 francs ($193), and some Cantons threaten imprisonment up to a period of two months. The average fine actually imposed, however, is not so high as these provisions might lead one to believe. Fines of 2 and 3 francs (39 and 58 cents) are not uncommon, and those of over 100 francs ($19.30) are exceedingly rare. The heaviest penalties for breaches of the cantonal laws are inflicted by St. Gall, where they average 50 francs ($9.65) per infraction, including costs.

Unique penal provisions are contained in the Geneva law concerning minors and in the Neuchâtel law concerning female laborers. The former (art. 42) provides that "persons who interfere by acts, threats, or in any manner, with those who are appointed to supervise apprentices and nonadult laborers" are subject to the penalties indicated in article 182 of the Penal Code. The Neuchâtel law expressly stipulates that the penalty for violating the law "shall be imposed as many times as there are persons employed under conditions contrary to the law," provided the total amount of the fine does not exceed 500 francs ($96.50).

EXTENT, NATURE, AND CONSEQUENCES OF CHILD LABOR.

There has been no systematic and comprehensive statistical investigation of child labor in Switzerland. Partial investigations, however, have been made at different times, with interesting and valuable results.

The preceding sections of this study have been so largely concerned with the labor of young people and children in factories subject to the law of 1877 that the number, occupations, and general situation of these nonadult workers will be first considered, and subsequently those not affected by federal factory legislation will receive attention.

The federal inspectors report from year to year a steady increase in the number of persons under 18 years of age employed in the

factories under their supervision. But the increase is greater for females under 18 than for males under 18 years of age, and the several branches of industry do not participate equally in it.

In the period between 1888 and 1901 the number of laborers between 14 and 18 years of age at work in establishments subject to the law of 1877 increased from 22,750 to 35,272, or 55.04 per cent, in thirteen years; while the total number of employees rose from 157,359 to 242,534, or 54.12 per cent. It is thus evident that the increase in the number of factory workers between the ages of 14 and 18 years has almost exactly kept pace with the increase in the number of factory hands of all ages.

The data for 1901, taken from the Schweizerische Fabrikstatistik of June 5, 1901, are summarized in the following tables, with occasional data for the years 1888 and 1895:

NUMBER AND PER CENT OF FACTORY EMPLOYEES 14 TO 18 YEARS OF AGE BY GROUPS OF INDUSTRIES, JUNE 5, 1901.

Industries.	Total employees.		Employees 14 to 18 years of age.			
	Males.	Females.	Males.	Females.	Total.	Per cent of total employees. (a)
Textiles:						
Cotton	20,640	28,383	2,889	5,503	8,392	17.12
Silk	8,672	24,334	1,221	4,563	5,784	17.26
Wool	1,713	2,453	248	474	722	17.33
Linen	375	581	26	49	75	7.85
Other	1,792	7,750	168	1,533	1,701	17.83
Total	33,192	64,001	4,552	12,122	16,674	17.16
Leather	5,389	3,884	899	1,278	2,177	23.48
Foodstuffs	9,567	8,826	871	1,766	2,637	14.34
Chemical and physical instruments	5,966	1,050	265	245	510	7.27
Paper, etc	10,234	3,547	1,455	915	2,370	17.20
Wood	14,198	276	748	49	797	5.51
Metals	11,877	854	1,443	122	1,565	12.29
Machines	32,171	476	3,316	108	3,424	10.49
Watches, jewels	15,857	9,001	1,780	1,919	3,649	14.68
Earth and stone	11,752	416	1,390	79	1,469	12.07
Total	150,203	92,331	16,669	18,603	35,272	14.54

[a] Computed.

RELATIVE NUMBER OF PERSONS 14 TO 18 YEARS OF AGE IN FACTORIES IN THE PRINCIPAL INDUSTRIES IN 1901 AS COMPARED WITH 1895.

[Figures for 1895=100.]

Industry.	Males 14 to 18 years.	Females 14 to 18 years.	All laborers.
All textile industries	111.6	109.1	106.1
Paper, printing, etc	121.8	125.7	124.5
Watches, jewelry, etc	236.9	228.1	152.1
Wood, metals, machinery, earth, and stone	126.0	100.5	129.1
All industries	126.5	120.4	121.1

PER CENT OF EMPLOYEES 14 TO 18 YEARS OF AGE, 1888, 1895, AND 1901.

Industry.	1888.	1895.	1901.
All industries	14.3	14.2	14.5
Textile industries	16.0	16.5	17.2
Embroidery	15.3	14.8	20.4
Embroidery by shuttle looms	24.8	26.9	29.5
Foundries and machine shops	10.2	12.3	14.2
Shoes and boots	25.3	27.3	21.1
Tobacco manufactures	17.5	13.8	17.1
Watches and clocks	11.1	9.1	14.6
Printing trades	18.9	18.1	17.5
Bookbinding, etc	28.6	26.2	25.9

Since 1901 no data have been published for Switzerland, as a whole, showing the changes in the number of young persons employed in factories subject to the federal law. But the federal inspector of the second circuit, M. Campiche, has kept a record since 1901 of the employees under 18 years of age at work in the factories of his circuit. The other two federal inspectors give no such data, which is the more regrettable because the first and third circuits each have nearly twice as many laborers as the second circuit, and together contain nearly four-fifths of the laborers protected by the law of 1877.[a]

NUMBER AND PER CENT OF EMPLOYEES UNDER 18 YEARS OF AGE IN THE FACTORIES OF THE SECOND FEDERAL INSPECTION CIRCUIT.

Year.	Total factory employees in Switzerland.	Factory employees in the second inspection circuit.							
		Total.	Per cent of total in Switzerland.	Employees under 18 years.					
				Males.	Females.	Total.	Per cent of—		
							All males.	All females.	Total.
1901	242,584	53,530	22.1	3,466	3,306	6,772	8.85	21.29	12.63
1903	248,401	55,593	22.5	3,598	3,508	[a]7,106	9.22	20.63	12.69
1905	277,114	60,584	21.8	3,579	3,727	7,306	9.10	26.66	12.05
1907	307,128	65,167	21.2	3,775	4,067	7,842	8.18	27.14	12.03

[a] This total is given as 7,306 in the report for 1904–5 (p. 166).

If it be assumed that there has been the same proportionate increase in the number of employees under 18 years of age in the factories of the first and third circuits as in the second (an assumption that seems justified when we consider that the predominant industries of the first and third circuits are of the kind that usually exhibit a large and growing proportion of employees under 18 years of age), the total number of such laborers in all the factories subject to the law of 1877 would be 44,136 in 1907. Although it must be distinctly understood that this is merely an estimate, it may safely be

[a] In 1907 the first circuit contained 116,773 laborers subject to the law of 1877, the second contained 65,167, and the third 125,188.

regarded as an understatement rather than an overstatement of the actual facts.

In default of any record since 1901 concerning the total number of factory employees under 18 years of age, the inspectors' reports contain other interesting information with regard to this age group of employees. The following quotations from recent reports of the federal inspectors contribute to a more complete knowledge of the condition of young factory laborers.

Two years ago I called attention to the great demand for child labor. This demand has continued. The number of employees between 14 and 18 years of age rose from 12,291 in 1895 to 13,972 in 1901; the males increased from 5,582 to 6,314; the females from 6,709 to 7,658. Thus the total number of persons under 18 forms about 15 per cent of the total number of employees, the males under 18 forming 6.8 per cent and the females 8.2 per cent. This increase was most pronounced in embroidery factories (particularly those using shuttle looms), in which 31 per cent of the laborers are under 18 years of age.(a)

The factory laws make no distinction between the sexes or among different age groups so far as the daily duration of work is concerned. The maximum for all alike is 11 hours. The factory statistics of 1901 showed that only 41.7 per cent of all factory hands in Switzerland work the legal maximum of 65 hours per week (10 hours on Saturday). I undertook to find out how the different age groups and sexes are distributed according to the duration of their workday. A general summary of the results is given in the following table:

PER CENT OF TOTAL EMPLOYEES IN EACH GROUP IN THE FIRST FEDERAL INSPECTION CIRCUIT WORKING SPECIFIED HOURS PER WEEK.

[The percentages in this table are given as found in the inspector's report.]

Group.	Number employed June 5, 1901, first circuit.	Per cent of employees working weekly—					
		65 hours.	62½ hours.	60 hours.	57 hours.	54 hours.	Less than 54 hours.
All employees	93,262	50.0	8.9	35.0	3.4	2.3	0.3
Employees under 18 years	13,972	53.1	10.0	30.5	3.1	2.7	.4
Males over 18 years	46,745	38.6	6.3	48.6	3.7	2.5	.3
Females over 18 years	32,545	65.0	12.4	17.3	3.2	1.9	.2
Married women	11,570	71.5	11.6	13.7	1.9	1.1	.2

What a surprising result! While only 38.6 per cent of the adult males still work 65 hours a week, 53.1 per cent of the laborers under 18 must work 65 hours a week. * * * If we divide the laborers under 18 according to sex, we find that the girls are worse off than the boys, inasmuch as 59.6 per cent of the girls work 65 hours a week and only 45 per cent of the boys. The explanation is simple enough. More than half of all the females, and fully two-thirds of all children, are employed in the textile industry, in which long hours are the

(a) Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren, für 1900–1901, p. 50.

rule. In the metal and machine industries, having a shorter workday, very few women are employed. The picture is a very different one in different industries. * * * In the silk industry 47.3 per cent of the men and 75.7 per cent of the children work more than 60 hours a week. In the leather and paper industries, however, 20.9 per cent of the men and 9.5 per cent of the children work more than 60 hours per week. * * * The character of the predominant industries is also responsible for the varying conditions found in different Cantons, according to the following table:

PER CENT OF WOMAN AND CHILD EMPLOYEES IN THE FIRST FEDERAL INSPECTION CIRCUIT WORKING OVER AND WORKING UNDER 60 HOURS PER WEEK, BY CANTONS.

Canton.	Per cent working over 60 hours a week.		Per cent working 60 hours or less a week.	
	Children.	Women.	Children.	Women.
Zurich	55.6	76.9	44.4	23.1
Schwyz	56.9	67.6	43.1	32.4
Glarus	97.1	98.2	2.9	1.8
Zug	88.2	97.1	11.8	2.9
St. Gall	69.2	71.3	30.8	28.7

Although these figures are for 1901, they are certainly, in the main, valid to-day, and at all events they prove that women and children have benefited least by the tendency toward a decrease in the duration of the workday.(a)

The figures we have given lead to the following conclusions: (1) The proportion of employees under 18 years of age has remained almost stationary in this circuit during the past four years, oscillating between 12 per cent and 12.68 per cent. (2) During this period the number of boys under 18 years of age has changed from 8.2 per cent to 9.2 per cent of the male employees, and from 5.9 per cent to 6.4 per cent of the total number of employees. This tendency to increase is due largely to the further division of labor introduced in certain industries. (3) The total number of girls under 18 years of age has risen from 20 per cent to 26.6 per cent of all female employees, and equals 6 per cent of the total number of laborers. (4) The total number of female laborers over 18 years old, and of boys and girls under 18, varies from 35 per cent to 36 per cent of the total number of laborers in this circuit.(b)

The number of children in the factories has probably increased considerably. The increase is mainly to be found in embroidery factories, whereas few children are now found working at the usual hand machines. * * * In dividing factory workers according to age, the statistics put all workers under 18 years old in one group. It would be interesting to divide them further according to single years. That, however, would require a distinct enumeration at a particular date. It has not been possible to take such a count. So, in 1906, we inquired how many of the laborers employed in 1905 were born in 1891, how many born in 1891 had left the factory in 1905,

[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1902–3, p. 66 ff.

[b] Idem, 1904–5, p. 166.

and how many under 18 years of age were present at the end of 1905. The results of this inquiry are given in the following table:

EMPLOYEES UNDER 18 YEARS OF AGE IN THE FIRST FEDERAL INSPECTION CIRCUIT IN 1905 AND NUMBER BORN IN 1891 WHO BEGAN AND WHO LEFT WORK IN 1905, BY INDUSTRIES.

Industry.	Employees at end of year under 18 years of age.	Of those born in 1891.					
		Began work.	Left work.	Present at end of year.		New hands per 100 under 18 years.	Left per 100 entered.
				Number.	Per cent of those under 18 years.		
Cotton goods	3,422	763	88	675	19.0	22.3	11.5
Embroidery	2,412	487	75	412	17.0	20.1	15.4
Silk goods	2,641	481	58	423	16.0	18.6	12.0
Other textiles and clothing	957	178	38	140	14.6	18.6	21.3
Food and chemicals	520	91	18	73	14.0	17.5	19.7
Paper, etc	704	111	19	92	13.0	15.7	17.1
Wood manufactures	290	43	10	33	11.4	14.8	23.2
Metallurgy and machines	2,120	258	56	202	9.5	12.1	21.7
Watches and jewelry	27	4	.....	4	.....	14.9	.....
Metals and minerals	366	62	17	45	12.3	16.9	27.4
Total	13,459	2,478	379	2,099	15.6	18.4	15.3

I know that these figures are somewhat too low. * * * But the error does not materially alter the relation of the observed facts to each other, which lead to the following interesting conclusions: Of all young people under 18 years of age, one-sixth to one-seventh are under 15 years old. Their number is smallest in the metal and machine industry, and greatest in cotton spinning, weaving, and twining, in which industries they also remain longest with their first employer (at least for one year) and only 11.5 per cent leave the factory soon after entering it. This is largely because these are mostly children who work in the same factory as their parents and occupy a house belonging to the employer.[a]

This is substantially all that the federal inspectors have to say with regard to the number of persons under 18 years of age under their supervision, with regard to their distribution among the several industries and Cantons, and with regard to the duration of their workday. Concerning their wages and the frequency of accident and disease among them, little evidence is given, and that little consists of a few extracts from pay rolls, and a few isolated cases of more serious accidents which have occurred to young employees and to children under 14 years of age who were said to be " playing " in the factories.

After all, factory workers between the ages of 14 and 18 years constitute but a small part of the total population under 18 years of age, and not a large proportion of the minors employed in gainful occupations. Upon this point the trade statistics collected in 1905 and now in process of publication will soon give definite information. The recently published eighth fascicle of this Betriebszählung indi-

[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1906–7, p. 67 ff.

cates that out of a total population of nearly 3,500,000 the 1,851,599 persons engaged in gainful occupations were distributed as follows:

Production of food and raw materials	796. 525
Trade and industry	716, 986
Commerce	217, 908
Transportation	86, 798
Liberal professions	33, 382

The 277,114 employees subject to the factory law in 1905 belong almost entirely to group 2 in the above enumeration, which also includes 92,136 persons engaged in the principal domestic industries,[a] excluding all under 14 years of age. The term " domestic industry," moreover, as here employed, does not include, for example, tailors who make clothes " to order " in their own homes and deliver them to the consumer directly. It applies only to those cases in which " the work is done by arrangement with an intermediary factory owner or merchant or contractor, and the finished product is put on the market through a dealer." The largest number of such home workers over 14 years of age are found in embroidery making (35,087), weaving silk cloth (12,478), weaving silk ribbons (7,557), weaving straw (5,355), weaving cotton textiles (4,746), spinning silk (2,419), knitting (2,267), tailoring and dressmaking (1,872), and sewing linen (1,693).

In some of these industries, such as watchmaking and straw weaving, factory production is being increasingly substituted for domestic industry. But in several others, especially embroidery making, there has been a pronounced tendency toward the substitution of home manufacture for factory production.[b] The movement is doubtless due to a large number of causes which it would be difficult to enumerate completely. But among these causes mention should certainly be made of the cheap motive power obtainable throughout Switzerland in small quantities; of the practice of renting up-to-date machines to domestic workers; and of the disposition of producers to scatter the work among small groups of laborers working in their own homes, in order to avoid the regulations imposed by the factory laws.

Upon the last-named point Inspector Schuler, in his report for 1898–99 (p. 10), has this to say:

It is probably not superfluous to add to our account of the progress of factory production a few items concerning domestic labor, which

[a] Ergebnisse der eidgenössischen Betriebszählung vom 9 August, 1905. Heft 8, Band I, p. 146.

[b] " During the year 1909 a number of new embroidering shops were started with two looms. The machines are propelled by motor power, and the number of workers is usually four or five, rarely six. * * * These small establishments are started essentially in order to escape from the regulations of the factory laws." Idem, 1908–9, p. 206.

employs thousands of workers of both sexes in a large number of our industries. In spite of the tendency toward industrial concentration in giant enterprises, home production in recent years occupies a greater number of laborers than before. The number of those who work in their homes is found, upon careful inquiry, to be greater than is usually believed. The total is probably greatest in the silk industry. The reports of the Zurich Association of Silk Manufacturers estimate the number at 26,886. * * * Very large numbers also are employed in all branches of embroidery making and its many auxiliary occupations. For a single medium-sized embroidery concern using shuttle machines I noted 120 female employees who worked outside of the factory. A chain-stitch embroidery plant had a like proportion of women working in their homes. Home industry is of such importance in these branches that one firm built factories expressly for the purpose of training female domestic workers. In a small factory of knit goods I saw home work given to 150 women, while only 10 persons were employed in the factory; a larger establishment reported that it employed "dozens" of home workers. A single colored-cotton mill employed 80 to 150 persons at their homes, and one cotton-printing establishment gave all sorts of auxiliary work to 104 persons. * * * An umbrella factory had 30 and a chair factory 104 home workers.

Domestic industry is of great value to the employer, apart from economies in rent, tools, etc., particularly in those branches of industry that are subject to wide fluctuations. The more the factory laws keep him from taking full advantage of favorable market conditions the more he strives to increase the number of domestic workers at his command. To a certain extent, therefore, one must admit that the factory law has promoted domestic industries and that the protection of the factory laborer has been purchased at the price of an increased, often altogether excessive, exploitation of the domestic worker.

At the end of 1903 Inspector Wegmann reported that—

The movement from the factory to home industries continues. * * * Many employers help along the movement by renting rooms with single machines to the weavers. The embroidery factories, too, like to have a number of home workers in their employ in order to fill urgent orders quickly. ([a])

And in his report for 1904 and 1905 (p. 200) Inspector Rauschenbach says that—

The older and better [embroidery] workers leave the factory and buy a machine in order to work for themselves, unhampered by laws, for as many hours as they please. But this practice depresses wages, and the laborers who engage in it are like the man in a tree sawing off the very branch on which he sits. This, together with the employment of school children for long periods of daily toil, is one of the chief evils inherent in domestic production in the embroidery district.

It is evident, then, that the employment of children in domestic industries is important from many points of view, and that no inves-

[a] Berichte der eidgenössischen Fabrik- und Bergwerkinspektoren für 1902–3, p. 9.

tigation of child labor can be regarded as complete that does not consider this phase of the subject. Fully as important, however, is the subject of child labor in commerce and in agriculture. Until recently it seems to have been taken for granted pretty generally that there is no " child labor problem " in agriculture. That this opinion has been dominant in Switzerland is suggested by the universal exclusion of agriculture from all labor legislation.

With regard to the extent, nature, and consequences of child labor in domestic industries, in commerce, and in agriculture there is even less statistical information than with regard to child labor in factories. The occasional investigations that have been made are fragmentary and usually only semiofficial in character.

Recently, moreover, attention in Switzerland has been mainly directed to the labor of children under 14 years of age; that is to say, those who are still required to attend school. There are probably three reasons for this. In the first place, the labor of such children is a matter of more serious concern than the gainful employment of those between 14 and 18 years of age, because it is apt to frustrate the accomplishment of the very purposes for which public schools and obligatory school attendance have been instituted, and because a child under 14 years of age admittedly needs abundant sleep and recreation, and such work as it is put to should be determined by other standards than economic gain. In the second place, in Switzerland it has been felt generally that children over 14 years of age are fairly well protected by federal and cantonal laws. In the third place, finally, the large force of public-school teachers constitutes a most valuable agency through which to carry on an investigation into the life and habits of the children intrusted to their care.

The most recent and least fragmentary Swiss investigation of labor among school children under 14 years of age—that of the Swiss Society for Public Welfare (*Schweizerische gemeinnützige Gesellschaft*)—was apparently inspired by these three considerations.

This society at its annual meeting for 1900 discussed the question of child labor, and a committee of the society was instructed to provide for a systematic investigation of the labor of school children throughout the whole country. In the next year the departments of education of the several Cantons were asked whether they would be willing to cooperate in such an investigation by having the schoolteachers answer a list of questions which had been prepared under the direction of the federal factory inspector, Doctor Schuler. To this inquiry some of the Cantons replied affirmatively, others negatively (with or without giving the reasons for their refusal), and still others (seven in number) did not answer at all. The committee then determined to carry on the investigation for those Cantons which had promised to cooperate, hoping subsequently to secure the assistance of at least some of the others. The Canton of Appenzell

Outer Rhodes, carried out the investigation in the manner suggested, but would not transmit the results. The results for this Canton, however, were summarized and published in 1905 by Pastor Zinsli.(a)

Answers were received by the society from 12 Cantons and half Cantons, and the results published in 1906 by Justice E. Schwyzer, in the journal of the society.(b)

It was discovered that the questions had been too numerous and in some cases too difficult to answer; but upon most matters the answers were carefully made and furnished a fair basis for valid conclusions. In the following pages are reproduced the main results of the investigation as reported by Justice Schwyzer; and in addition, wherever possible, the results of the Appenzell Outer Rhodes, investigation.

SCHOOL CHILDREN UNDER 14 YEARS OF AGE, IN CERTAIN LOCALITIES, AT WORK, 1904.

Canton.	Pupils.									
	Boys.	Girls.	Total.	Engaged in—					Total employed.	
				Agriculture.		Home industry and crafts.		Other occupations.		
				Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Berne	49,019	48,574	97,593	53,791	55	2,494	2	2,221	2	58,506	60
Lucerne	7,952	7,531	15,483	5,732	37	636	4	854	6	7,222	47
Glarus	1,980	1,962	3,942	583	15	138	4	268	7	989	25
Appenzell Inner Rhodes	985	1,137	2,122	633	30	855	40	88	4	1,576	74
Fribourg	10,391	8,700	19,091	11,610	61	2,125	11	432	2	14,167	74
Solothurn	7,970	7,171	15,141	6,092	40	455	3	1,530	10	8,077	53
Basel Town	7,370	7,732	15,102	233	2	458	3	1,239	8	1,930	13
Basel Land	6,312	6,069	12,381	4,594	37	2,465	20	975	8	8,034	65
Aargau	16,490	16,196	32,686	17,537	53	5,472	17	2,674	8	25,683	78
Thurgau	8,969	8,336	17,305	7,463	43	2,030	12	1,299	8	10,792	62
Vaud	15,102	14,393	29,495	5,876	20	385	1	1,252	4	7,513	26
Neuchatel	9,637	9,573	19,210	2,982	15	250	1	1,362	7	4,594	23
Total	142,177	137,374	279,551	117,126	42	17,763	6	14,194	5	149,083	53
Appenzell Outer Rhodes.	4,144	4,366	8,510	1,564	18	4,199	50	1,684	13	5,820	68

NOTE.—On the basis of these results and such partial data as are available for the other 12 Cantons A. Wild, in his report on child labor for the Swiss Association for Labor Legislation, estimates that 266,443 of the public-school children of Switzerland are employed in gainful occupations; of this total, 36,707 are in home industries and handworking trades, and 204,308 in agriculture.

The total of those at work (149,083) was distributed among various gainful occupations, as follows:

In agriculture		117,126
In home industries and crafts:		
Straw industry	5,487	
Embroidery	3,222	
Lace goods and trimmings	2,422	
Watches, clocks, and music boxes	893	
Tobacco industry	513	
Not specified	3,144	
Handicrafts	2,080	
		17,763

[a] Zeitschrift für schweizerische Statistik, 1905, p. 164.

[b] Schweizerische Zeitschrift für Gemeinnützigkeit, 1906, p. 3 ff.

In other occupations:		
Delivering goods, etc	6,153	
Nurse girls	2,830	
Setting up tenpins	2,134	
In taverns and hotels	700	
Not specified	2,377	
		14,194
Total		149,083
Per cent		53

The amount of daily or weekly work performed by these children was not given in the case of those engaged in agriculture; for those in other occupations concerning whom this information was obtained the results were as follows:

Of those whose daily work was in large part regular—

1,983 children work daily 4 hours.
1,098 children work daily 5 hours.
824 children work daily 6 hours.
1,093 children work daily more than 6 hours.

Of those not reporting regular daily hours of 4 or more, the weekly hours were as follows:

1,685 children work 6 hours a week.
1,009 children work 9 hours a week.
876 children work 12 hours a week.
361 children work 15 hours a week.
530 children work more than 15 hours a week.

The children who worked on Sundays numbered 2,790.

Many of the reports received did not indicate the number of hours of work. Those daily workers who worked less than 4 hours daily were not considered, nor were those working less than 6 hours a week. But the figures show that approximately 5,000 children work 4 or more hours a day, and approximately 4,500 work 6 or more hours a week, outside of school hours.

The question whether these children were employed by their parents and relatives, or by other persons, was not answered in a sufficient number of cases to justify tabulation; but this was felt to be a matter of secondary consequence as long as the labor performed by school children either produces additional income for the family or saves the wages which would otherwise have to be paid to additional employees.

The question whether children were gainfully employed at very early hours in the morning or late at night was answered negatively by 2,825 teachers with regard to the pupils in their charge; by 1,912 affirmatively, but without giving precise hours; and by 575 affirmatively, and indicating the hours. These 575 answers show that of the children under 14 years of age enrolled in their schools—

109 children begin work at 4 a. m.
576 children begin work at 5 a. m.
237 children begin work at 6 a. m.

77 children work until 8 p. m.
410 children work until 9 p. m.
206 children work until 10 p. m.
121 children work until 11 p. m.
35 children work until past 11 p. m.

A total of 17,000 children are given as working either early or late hours—12,000 early in the morning, and 5,000 late at night. Early work is most common in agriculture and night work most common in home industries.

Concerning the effect of gainful employment upon the children thus engaged, the opinions of the teachers who answered this question varied considerably. All such employment was considered injurious by 2,237 teachers; 75 noted no disadvantages; 117 held that such employment is desirable, provided it does not overtax the strength of the children.

A number of teachers go into this question in some detail. Several speak of the beneficial effects of agriculture on the physical condition and mental development of the children. But Justice Schwyzer comments thus upon this problem:

It may safely be admitted that the work of the children in the open air is good for many of them, if the hours are not excessive and they are not required to get up too early. But what are the actual facts in this regard? Many teachers report that some of the children must rise at 3 and 4 o'clock in the morning; that their daily work begins in the winter at 5; and that they must walk through the snow to distant workshops. Many of them work in the winter until half past 9 at night. For a large number, the time allowed for sleep is only 6 hours. A large majority of the teachers therefore condemn the employment of children in agriculture.

Some of them express their condemnation vigorously: "There are parents who still try to exploit their children at the cost of the school during school hours." "In many cases it would be better if the parents came to school instead of the children and occasionally received a good dose of the old-fashioned sort of discipline." "Parents exploit their children on the farms too ruthlessly; either they can not find laborers or do not care to employ them, and then the children are forced to do the heavy work of farm hands." "What can a teacher do with physically exhausted children? A tired body contains a weary soul." "The children employed as wage-earners by farmers are exploited relentlessly; they must work 12 to 15 hours." "Who would think of harnessing an ox before it can draw a cart?"

The general testimony of teachers with regard to the effects of agricultural labor upon children was that it stunted their growth and frequently caused thick necks, round shoulders, and curvature of the spine; and that these children constitute the largest proportion of those subsequently found physically unfit for military service. Intel-

lectually they are reported to be lazy, without mental alertness; they take no interest in their lessons, perform their home school tasks either badly or not at all, and constitute the chief problem for their teachers and an obstacle to the progress of their schoolmates. Morally they are not much better off, for close contact with farm hands and servants is too often demoralizing.

Teachers complain particularly of shepherds and cowherds who are too frequently absent and who have sometimes to be excused for several months, during which time, of course, they forget everything they have learned at school.

Another category mentioned consists of the so-called "Frankreichläufer"—children hired out for the entire summer to peasants in France, and who not only attend no school during this period, but also fall hopelessly behind in their education and constitute the most unruly sort of pupils. So-called "Verdingkindern" form a class said to be no better off. These are usually orphans or the children of irresponsible parents adopted by strangers and too often regarded by their foster parents as merely so much labor power. They, it is said, often have to work from 4 a. m. until 10 p. m., and the school is for them simply a place to rest. Usually they are compelled to sleep in the same rooms and even in the same beds with the older farm hands, under conditions which contribute nothing either to physical health or to moral purity.

The children employed in handicrafts are exploited least of all, for they usually work as helpers with their own parents and are rarely required to work very early or very late.

Matters are different in home industries, the effects of which are reported by most teachers as injurious. Not at all rare are the cases in which children of tender years work until midnight and must get up early in the morning, in defiance of all the laws of health. Many of these children are reported as pale, emaciated, and tuberculous. They suffer frequently from diseases of the eyes. Some teachers report that 40 per cent of them are required to perform labor beyond their strength, and that it is hopeless to undertake to give them a decent primary education. It is said to be a common practice to give them strong coffee and alcoholic drinks to keep them awake during the night hours. As a consequence of this custom some teachers declare that 70 per cent of the children in their schools are abnormal. The money which they earn, moreover, is often spent foolishly for sweets and trumpery or squandered by their parents at the taverns.

A few of the teachers' utterances are given by way of example: "May we be protected from home industry that spoils both body and mind." "Girls who work in home industries are kept from learning to keep house and are incapable of becoming good housewives."

"These children often fall asleep at school, and I haven't the heart to wake them." "A good girl pupil in the fifth year of school fell asleep during the first hour, between 8 and 9 o'clock. Not to humiliate her, I asked her if she was ill. Whereupon her sister answered: 'We worked this morning until 5 o'clock, and we often work until 11 and 12 at night.' Two other sisters with their mother made paper bags and earned 600 francs a year. Between noon and 1 o'clock they finished 500 of them. They were tired and incapable of attention when they came to school." "When half the children between 11 and 12 years of age are at work before and after breakfast at half past 5 in the morning and it takes half an hour to walk to school, where they remain 3 or 4 hours, how can they develop properly?"

The boys and girls who work in bowling alleys setting up tenpins are reported by teachers as being the poorest pupils. This sort of work, which keeps them up until late at night, constitutes a veritable school of alcoholism and of coarse and immoral habits of speech and conduct.

Justice Schwyzer concludes his report thus:

If no sacrifice seems too great for schoolhouses, school apparatus, books, and teachers' salaries, we have a right to demand that parents shall send their children to school in such a condition that they may profit by it, and not make it a place of repose for tired young laborers incapable of making any progress themselves and an obstacle in the way of progress for their schoolmates. More than half of these pupils are employed outside of school. A large number are forced in their earliest youth to take part in the struggle for life. The beautiful days of childhood are for them an illusion. They are children only during school hours; at other times they are laborers, lacking even that measure of protection which the laws give to adult workers.

More or less complete studies of child labor have been made in some of the Cantons not embraced in the above investigation, notably by the Cantons of St. Gall (in 1875, 1881, and 1895) (a) and Appenzell Outer Rhodes (for which some of the figures have been added to the table, page 404). Conditions in these two cantons are of especial interest because they both belong to the embroidery and silk-weaving region, and together with Glarus are the three most highly industrialized Cantons in Switzerland, although agriculture and commerce are also fairly well represented.

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a In December, 1909, the results of an investigation concerning the extent of home industries in St. Gall were published, and indicated that 22,000 persons in this Canton were thus employed. For 90 per cent of this number home industries were the chief occupation and source of income. Hours of labor are shown to be longest in embroidery making, in which the workers often stay at the machines 15 or more hours a day. The wages are sometimes as low as 5 centimes (1 cent) an hour, although some laborers get 35 centimes (7 cents). In this single occupation 603 school children were employed, 6 of them being less than 7 years of age.

From Pastor Zinsli's report of the results of the Appenzell Outer Rhodes investigation the additional data contained in the following paragraphs are taken.[a]

Of the 8,510 school children of this Canton included in the investigation, 5,820 were at work—2,650 boys and 3,170 girls; that is to say, 68.4 per cent of all children—63.9 per cent of the boys and 72.8 per cent of the girls. The proportion falls to 34.2 per cent for girls in the lowest class at school, and rises to 97.6 per cent for those in the seventh class (mostly between 12 and 13 years old). The boys are at work mainly in agriculture, the girls mainly in domestic industries. In agriculture there were 1,564 children—1,018 boys and 546 girls. In domestic industries, which absorbed 72.1 per cent of all those who worked, 1,710 were boys and 2,489 girls.

Of the boys in the lowest class at school (aged 6 to 7 years), 25.4 per cent were engaged in domestic industries, and of the girls in the seventh class, 77.4 per cent. The principal occupations are those connected with embroidery making and silk weaving, which together employed 3,123 children—1,287 boys and 1,836 girls—or 36.4 per cent of all school children and 74.3 per cent of those in domestic industries. There are school children at work in shops and stores, in taverns and restaurants, and in mechanical trades. Others work as day laborers, hucksters, and peddlers.

As for the hours of work, it is remarked that domestic industry usually involves regular work from day to day, while the other occupations are more sporadic and variable. The number of those employed every day regularly rises from 101 among boys in the first class (or 43.9 per cent of all working boys in the first class) to 432 among the girls of the eighth class (or 74.5 per cent of the working girls in this class). The total number employed day in and day out is 3,554—1,481 boys and 2,073 girls—or 35.7 per cent of the boys and 47.4 per cent of the girls.

This regular daily work amounts to—

1 hour for 211 children, or 5.9 per cent of those who work daily.
2 hours for 367 children, or 10.3 per cent of those who work daily.
3 hours for 504 children, or 14.2 per cent of those who work daily.
4 hours for 396 children, or 11.1 per cent of those who work daily.
5 hours for 425 children, or 11.9 per cent of those who work daily.
6 hours for 526 children, or 14.9 per cent of those who work daily.
More than 6 hours for 1,125 children, or 31.6 per cent of those who work daily.

Among those working more than 6 hours a day, 583 pupils in "practice schools" (up to 15 years of age) are included, and these usually have school only twice a week for half a day. But this total

[a] See also Zinsli: Kinderarbeit und Kinderschutz in der Schweiz. Bern, 1908, p. 17 ff.

of 1,125 also includes over 400 children under 12 years of age. Moreover, the average is more than 7 hours' work a day for the working children who attend "practice schools." Of these children it was found that 43 work 10 to 11 hours a day; 37 work 8 to 11 hours on days when there is no school; 7 work 11 to 12 hours a day; 110 work as a rule 10 to 13 hours a day; 2 boys work 12 to 14 hours daily, or 72 to 84 hours weekly, apart from the 6 to 8 hours a week at school; and 42 children work between 14 and 15 hours a day. On Sundays 209 children are employed, i. e., 2.4 per cent of the total number counted.

The hours of employment per week, including school hours, for those regularly at work are given in the following table:

HOURS PER WEEK, INCLUDING SCHOOL HOURS, OF PUPILS EMPLOYED REGULARLY AT GAINFUL OCCUPATIONS IN THE CANTON OF APPENZELL OUTER RHODES.

Hours per week.	Boys.	Girls.	Total.	Per cent of all employed.	Remarks.
90 and over	205	344	549	15.4	Exclusively "practice school" pupils.
80 to 90	2	10	12	.....	From the sixth class up.
70 to 80	4	5	9	.....	From the fourth class up.
66 to 69	4	9	13	.....	From the sixth class up.
63	61	67	128	3.6	From the third class up.
60	124	134	258	7.2	From the second class up (1 girl).
57	104	132	236	6.6	From the first class up (1 girl).
54	76	169	245	6.9	From the second class up.
51	112	141	253	7.1	From the first class up.
48	76	131	207	5.8	In all classes.
45	86	124	210	5.9	Do.
42	98	130	228	6.4	Do.
39	99	170	269	7.6	Do.
36	102	123	225	6.3	Do.
33	83	107	190	5.3	Do.
30	75	76	151	4.2	Do.
27	62	85	147	4.1	Do.
24	36	36	72	.....	Do.
21	33	38	71	.....	Do.
18	15	21	36	.....	Do.
12 to 15	6	2	8	.....	Do.
Not reported	18	19	37	.....	Do.

NOTE.—Children in the first class are usually 6 to 7 years old, those in the second class 7 to 8 years old, and so on upward. Practice school pupils average 14 years of age.

Under the designation "not specified occupations" there are 1,684 children. Among the occupations of these children are: Delivering newspapers, cigars, bread, eggs, etc.; helping in restaurants (7 children thus engaged were under 9 years old) and setting up tenpins; helping in bakeries, harness shops, carpenter shops, dye works, barber shops, laundries, bookbinderies, paint shops, bleacheries, dairies, etc.; huckstering and peddling, in spite of the cantonal law which forbids school children to engage in this occupation. Most of these occupations are not at all harmful in themselves, but the injury consists in the long hours of work, in too few hours for sleep, and in subjecting defenseless children to the arbitrary control of an employer.

Fifty-four children work in the morning before school for at least 1 hour, some of them for 2 hours. The children who work until 8 p. m. are said to be "numerous." Children 8 years old employed

as "threaders" usually have the following schedule: Work from 6 to 8 a. m.; school; then work again from 1 to 8 p. m. Or, work from 6 to 12 in the morning; school in the afternoon; and then work from 5 to 8 p. m. In some cases their work begins at 4 a. m. and ends at 10 p. m., giving them 12 to 15 hours of work per day. On the basis of the Appenzell Outer Rhodes data Pastor Zinsli concludes that "in most cases the amount of work is excessive; one is entitled to speak of frequent overburdening and occasionally of the ruthless and irresponsible exploitation of children's strength."

When the Swiss Society for Public Welfare undertook its investigation in 1904, the Canton of Zurich was one of those that refused to participate. The authorities of the Canton gave elaborate reasons for this refusal, which Dr. Julius Deutsch, in his prize essay on child labor, criticises as extremely specious.(a) It is unfortunate that this important industrial Canton was not included in the society's investigation. In default thereof we must fall back upon the results of a study made in December, 1894, in the "supplementary schools" of the city of Zurich.(b)

The pupils in these schools were between 12 and 15 years of age. Out of a total of 1,325 children 1,286 were at work; 723 worked more than 10 hours a day, and 662 were regular wage-workers. In their homes 436 were employed, 223 were learning a trade, and 587 were engaged in unskilled auxiliary labor.

When the Canton of St. Gall was preparing to pass a law concerning female laborers, Federal Inspector Schuler wrote:

> I need not tell you how girls and women are overworked. Seamstresses' apprentices not yet 14 years old, sometimes poorly fed, deprived during the whole week of fresh air, must work during half the night or the whole night. Embroidery finishers and patchers and employees in small tailoring shops often stay at work until 1 and 2 o'clock in the morning, day after day, for several weeks. These abuses receive hardly any attention, for the work is carried on noiselessly and inconspicuously in small rooms, and often does not cease even on Sundays. * * * Moreover, among these unobserved establishments there are some that employ enough laborers to be subject to the factory law.

In 1904 Doctor Schuler(c) reported that 15,681 children were engaged in the domestic industries of about half of the Cantons; but inasmuch as Zurich, Appenzell Outer Rhodes, and St. Gall were not included in this number, Pastor Zinsli estimates the total for Switzerland between 25,000 and 30,000 in 1907.

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a Dr. Julius Deutsch: "Die Kinderarbeit und ihre Bekämpfung," Preisgekrönt von der Universität Zürich. Zürich, 1907, p. 88 ff.

b See Eugen Schwyzer: Die jugendlichen Arbeitskräfte im Handwerk und Gewerbe, in der Hausindustrie, und in den Fabriken. Zürich, 1900.

c In "Die schweizerische Hausindustrie," Zeitschrift für schweizerische Statistik, 1904.

It is impossible to draw any general conclusions with regard to the wages received by these children, the data are so meager and unsatsifactory. The children who work at home work longer, as a rule, than the young people between 14 and 18 years of age who are employed in the factories; but it is not probable that they receive as high wages. Some clue to the wages of young factory hands is given by the statistics of pensions paid these workers in case of accidents, payments being based on the wages of the employee. Dr. F. Goldstein, in an article already quoted, obtained the following results, based on the reports from the first federal circuit concerning textile workers: 995 cases of accidents to men indicated an average wage of 3.04 francs (59 cents) a day; 456 cases of adult women averaged a daily wage of 1.91 francs (37 cents); 219 cases of boys showed an average daily wage of 1.56 francs (30 cents); and 185 cases of girls an average wage of 1.46 francs (28 cents). If we assume that the laborer works 300 days a year, the annual wage of adult males would be 912 francs ($176.01); that of adult females, 573 francs ($110.59); that of boys under 18 years of age, 468 francs ($90.32); and that of girls under 18 years of age, 438 francs ($84.53).

Especially in domestic industries the wages vary greatly, according to the age of the child and the nature of the occupation. Some receive 30 centimes (6 cents) a day, and others get as much as 1.50 francs (29 cents). Those who work with their parents usually receive no wages, and some of the others are paid partly in board and lodging. According to Doctor Schuler, winders (usually children or old people) can earn 50 to 60 centimes (10 to 12 cents) a day. Raw-silk and floss-silk spinners get 15 centimes (3 cents) a kilogram (2.2 pounds), and an average day's work is 5 kilograms (11 pounds). As helpers in Jacquard weaving, children get 50 to 60 centimes (10 to 12 cents) a day, and in cigar making 30 centimes (6 cents) a day.

Greater details are given for Appenzell Outer Rhodes by Pastor Zinsli. Here children received for weaving 10 to 30 centimes (2 to 6 cents) an hour, 80 centimes to 1.50 francs (15 to 29 cents) a day, or 9 francs ($1.74) a week. For threading they were paid 5 to 30 centimes (1 to 6 cents) an hour, 1 to 1.50 francs (19 to 29 cents) a day; for cutting out embroidery, 5 to 25 centimes (1 to 5 cents), for other processes connected with weaving and embroidering from 30 to 50 centimes (6 to 10 cents) an hour. In shops and stores 1.20 francs to 1.90 francs (23 to 37 cents) per workday of 11 hours is paid; for setting up tenpins, 30 centimes (6 cents) an hour. Lithographers' helpers get 16 centimes (3 cents) an hour.

With regard to the physical effects of child labor there is no lack of testimony from school-teachers. This testimony, however, can not be regarded as of great value, because few of the teachers are medically trained or capable of scientific judgment in such matters. The

statements of specialists in industrial hygiene have more value, and their testimony is to the effect that "child labor, aside from the specific harm of factory labor, is detrimental to the child's organism and frequently leads to arrested growth, deformities of the chest, scoliosis, short-sightedness, etc."(a) "Even when their physical strength is not apparently damaged, labor, particularly industrial labor, usually injures physical development and at times results in moral harm, the detrimental effects being the greater the younger a child is when it begins to work."(b)

"The thirteenth and fourteenth years by no means terminate physical development, but are the beginning of a very difficult and very susceptible period during which children who work should, in the interest of their health, be very sparing of their energies."(b)

An investigation made in St. Gall in 1895 by Pastor Frey(c) showed that 33.1 per cent of the children were reported as physically normal and 39.5 per cent as physical weaklings. Concerning the others nothing was reported. Sixty-three of the reports complained of the effects of overwork, of the dullness, weakness, and fatigue of the children, and twenty-six spoke of malnutrition. Of the children, 44.3 per cent were reported as mentally abnormal; 33 per cent mentally normal, and nothing was said about 22.7 per cent.

The examination in Appenzell Outer Rhodes of recruits for military service led Doctor Wiesmann in 1903(d) to investigate why this Canton had to reject twice as many young men as the average for Switzerland as a whole, on account of low stature, narrow chests, weakness, anæmia, and arrested growth. "We have to do with a complex phenomenon, and in spite of one's self one exclaims that this is a race of degenerates." Doctor Wiesmann reached the conclusion that the premature and excessive labor of immature boys, the irregular division of time between work and rest, and the early developed habits of drinking and smoking, were among the potent factors underlying these results.

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[a] Article by Professor Roth, in Weyl's Handbuch der Hygiene, Vol. VIII, p. 39.

[b] Doctor Neumann, in Weyl's Handbuch der Hygiene, Vol. VII, p. 644 ff.

[c] J. Frey: "Die Ueberbürdung von Kindern durch Stickerarbeit und ihre Folgen für Schule und Haus." St. Gall, 1897.—(Jahresbericht. der gemeinnützigen Gesellschaft).

[d] Zeitschrift für schweizerische Statistik, 1904. Of 7,760 men examined only 3,604 were fit for military service.

DECISIONS OF COURTS AFFECTING LABOR.

[Except in cases of special interest, the decisions here presented are restricted to those rendered by the federal courts and the higher courts of the States and Territories. Only material portions of such decisions are reproduced, introductory and explanatory matter being given in the words of the editor.]

DECISIONS UNDER STATUTE LAW.

COMBINATIONS IN RESTRAINT OF TRADE—BOYCOTT—ANTITRUST LAW—CONSTITUTIONALITY—*Grenada Lumber Company v. Mississippi, Supreme Court of the United States, 30 Supreme Court Reporter, page 535.*—Section 5002 of the Mississippi Code prohibits among other things trusts and combinations in restraint of trade whose purpose is to limit, increase, or reduce the price of a commodity. In the present case the supreme court of the State had affirmed a decree of the chancery court of Hinds County, Miss., dissolving a voluntary association of retail lumber dealers as a combination in restraint of trade in violation of the above section. This association was an organization of 77 retail dealers in lumber, sash, doors, etc., doing business in the States of Mississippi and Louisiana. They were competitive in a measure among themselves, but had agreed not to purchase any material or supplies from manufacturers and wholesale dealers who sold directly to consumers or with commission merchants, agents, and brokers who sell to consumers but do not carry stocks; they also agreed not to deal with any manufacturer who sold to such commission merchants, agents, or brokers. This combination was held by the supreme court to come under the condemnation of the statute in question, whereupon an appeal was taken to the Supreme Court of the United States on the claim that the statute was in violation of the fourteenth amendment to the Constitution of the United States. The appeal resulted in the affirmation of the decree, the constitutionality of the statute being upheld.

While the case in question does not involve associations of laborers, nor of employers, the principle governing voluntary associations is touched upon in the opinion of the court, and for this reason it is in part reproduced here. Judge Lurton, speaking for the court, after making a statement of the facts, set forth the rule of the supreme court of Mississippi in construing such a combination as a restraint of trade within the meaning of the law, which construction the Supreme Court of the United States necessarily adopted, leaving

only the question for consideration as to whether or not the statute itself is constitutional. Judge Lurton then said:

That any one of the persons engaged in the retail lumber business might have made a fixed rule of conduct not to buy his stock from a producer or wholesaler who should sell to consumers in competition with himself is plain. No law which would infringe his freedom of contract in that particular would stand. But when the plaintiffs in error combine and agree that no one of them will trade with any producer or wholesaler who shall sell to a consumer within the trade range of any of them, quite another case is presented. An act harmless when done by one may become a public wrong when done by many, acting in concert, for it then takes on the form of a conspiracy, and may be prohibited or punished, if the result be hurtful to the public, or to the individual against whom the concerted action is directed. (Callan *v.* Wilson, 127 U. S. 555, 556, 32 L. ed. 228, 8 Sup. Ct. Rep. 1301.)

But the plaintiffs in error say that the action which they have taken is purely defensive, and that they can not maintain themselves as independent dealers, supplying the consumer, if the producers or wholesalers from whom they buy may not be prevented from competing with them for the direct trade of the consumer.

For the purpose of suppressing this competition, they have not stopped with an individual obligation to refrain from dealing with one who sells within his own circle, and thereby deprives him of a possible customer, but have agreed not to deal with anyone who makes sales to consumers, which sales might have been made by any one of the seventy-seven independent members of the association. Thus they have stripped themselves of all freedom of contract in order to compel those against whom they have combined to elect between their combined trade and that of consumers. That such an agreement is one in restraint of trade is undeniable, whatever the motive or necessity which has induced the compact. Whether it would be an illegal restraint at common law is not now for our determination. It is an illegal combination and conspiracy under the Mississippi statute. That is enough if the statute does not infringe the fourteenth amendment.

The argument that the situation is one which justified the defensive measures taken by the plaintiffs in error is one which we need neither refute nor concede. Neither are we required to consider any mere question of the expediency of such a law. It is a regulation of commerce purely intrastate,—a subject as entirely under the control of the State as is the delegated control over interstate commerce exercised by the United States. The power exercised is the police power reserved to the States. The limitation upon its exercise, contained in the Federal Constitution, is found in the fourteenth amendment, whereby no State may pass any law by which a citizen is deprived of life, liberty, or property without due process of law. A like limitation upon the legislative power will be found in the constitution of each State. That legislation might be so arbitrary or so irrational in depriving a citizen of freedom of contract as to come under the condemnation of the amendment may be conceded.

In dealing with certain Kansas legislation in regulation of state commerce, which was claimed to be so extreme as to be an unwar-

ranted infringement of liberty of contract, this court, in Smiley *v.* Kansas, 196 U. S. 447, 457, 49 L. ed. 546, 551, 25 Sup. Ct. Rep. 289, 291, said:

"Undoubtedly there is a certain freedom of contract which can not be destroyed by legislative enactment. In pursuance of that freedom, parties may seek to further their business interests, and it may not be always easy to draw the line between those contracts which are beyond the reach of the police power, and those which are subject to prohibition or restraint. But a secret arrangement, by which, under penalties, an apparently existing competition among all the dealers in a community in one of the necessaries of life is substantially destroyed, without any merging of interests through partnership or incorporation, is one to which the police power extends. That is as far as we need to go in sustaining the judgment in this case."

We confine ourselves to so much of the act assailed as was construed and applied in the present case. If there should arise a case in which this legislation is sought to be applied where any interference with freedom of contract would be beyond legislative restraint, it will be time enough for interference by the courts.

The excessive penalties provided by the Mississippi statutes have been urged as making the act unconstitutional under Ex parte Young, 209 U. S. 123, 28 Sup. Ct. Rep. 441. No penalties were demanded in the present case, the State contenting itself with a bill in equity to dissolve the association. The penalty provisions are plainly separable from the section under which such a combination is declared illegal. The penalty section not being invoked, we are not called upon to give any opinion in respect to it.

It is enough to say that the act, as construed and applied to the facts of this case by the supreme court of Mississippi, exhibits no such restraint upon liberty of contract as to violate the Federal Constitution. The decree must therefore be affirmed.

EMPLOYERS' LIABILITY—FELLOW-SERVANTS—COURSE OF EMPLOYMENT—LIABILITY OF FOREMEN—*Moyse v. Northern Pacific Railway Company, Supreme Court of Montana, 108 Pacific Reporter, page 1062.*—E. E. Moyse was a conductor in the employment of the railroad company named and had secured judgment against the company and two of its employees, yard foremen in the yard in which Moyse was injured. From this judgment an appeal was taken, with the result that as to one of the foremen the action was dismissed and as to the company and the other foreman the judgment was affirmed.

Moyse had brought his train to the freight yard at Butte, Mont., and having registered his arrival on the evening of August 16, 1906, was notified that he would not be required to go on duty again until the morning of the 18th. He, with the brakemen of his train, spent the day in the city of Butte, returning at night to the freight yard to sleep in the caboose, as was the fixed custom of the employees of the company. The caboose was placed on a spur track ending at an

excavation, with no protection to prevent its running into the same. There was a slope toward the excavation, but with the brakes set, barring accidents, it was considered reasonably safe to occupy the caboose for sleeping purposes. After the men had retired the yard crew ran other cars upon the spur on which the caboose stood and left them standing, apparently held securely by their own brakes. During their brief absence these cars and the caboose disappeared, having been released in some manner and running together into the excavation. Whalen, who was the head foreman of the yard and a joint defendant with the company, had gone off duty some time before the accident occurred, and had left Doyle, next in rank, in charge of the work.

Numerous contentions were made by the company, among others that Moyse was not actually an employee of the company at the time of the accident so as to be within the protection of the law fixing the relation of master and servant; also that he was guilty of contributory negligence, and that he assumed the risk of such injuries as he sustained. The two foremen interposed the same defenses in separate answers. The opinion of the court was delivered by Judge Brantly and was based principally on the ground that the relation of employer and employee continued and that the master therefore owed to him the duty of providing a safe place. The opinion is in part as follows:

The complaint is framed upon the theory that the defendant company is liable to the plaintiff, as one of its employees, for injuries received while engaged in the discharge of his duties, through the negligence of other employees, and that the other defendants are liable because they were personally guilty of the acts of negligence which caused the injury. It declares upon the statute which abolishes the fellow-servant rule. (Rev. Codes, sec. 5251.) The acts charged as negligence are the handling of the cars by the yard crew in making up the train in such manner as to permit them to escape and collide with the caboose, driving it into the excavation, and the omission by defendants to provide some device, at the brink of the excavation, to prevent the caboose from being precipitated therein, if from any cause it escaped.

The first contention made by the counsel is that the evidence is insufficient to justify the verdict, for that it appears that at the time the plaintiff was injured he was not engaged actively in the discharge of duties for which he was employed by the company, but was a mere licensee upon its property, to whom it and its employees owed no duty other than to refrain from doing him a willful or wanton injury; and hence that no liability can be predicated upon the statute. In support of this contention counsel argue that, while one is in the employ of another under a contract, he is, in a popular sense, an employee during the entire period covered by the contract; yet the rights and duties incident to the relation of master and servant, in a legal sense, do not subsist, except during the time which, under his contract, he must actively devote to the duties of his em-

ployment. To make the statement in another way: Unless the servant is at a particular time under the control of the master, giving his time and attention to the particular duties he is employed to do, he is pro hac vice a stranger, to whom the master, as such, owes no duty whatever, except such as he must observe toward any other stranger under the social compact.

While the statute has to do exclusively with those persons who sustain toward each other the relation of master and servant, it does not undertake to define who those persons are, but merely imposes certain rights and liabilities upon them, leaving it to the courts to determine when persons have assumed the relation.

The facts and circumstances which appear from the statement of the evidence before us furnish support for the inference that, during the entire time when the plaintiff was away from his home terminal, he was, except when notified that his services were not wanted, subject to be called on duty. He was required to be within call, and, as he understood the rules, was subject to discipline if he was not. It is also a fair inference that though he was not under his contract required to occupy the caboose at night, he was nevertheless expected to do so, and not only this, but that he had a right to do so, because it was under all the circumstances a substantial privilege accorded to him under the contract, which the company was not at liberty to withdraw at will. If these inferences are permissible, and we think they are, then the conclusion seems inevitable that he was in the caboose in the course of his employment, and that the members of the yard crew were his fellow-servants, for whose negligence the company is liable under the statute.

The conclusion we have reached, that the plaintiff was in the caboose for the purpose of being within call by the defendant company to go on duty, and was therefore in the discharge of his duties, involves the conclusion, also, that he was not there as a mere licensee, and that the rule of liability declared by the statute applies to the case made by the evidence. It is not at all conclusive that the pay of the plaintiff ceased when he registered in on his arrival at Butte. In the light of the evidence, under the contract of employment it was within the contemplation of both parties that he should hold himself subject to the order of the company after his pay had ceased; and it seems clear that a contract including a stipulation of this kind, express or implied, is not open to any legal objection.

Under the circumstances disclosed, the obligation was upon the company to use ordinary care to provide a reasonably safe place for the use of plaintiff, and to maintain it in that condition.

The evidence tends to show that but for the escape of the loaded cars, which the ordinary precaution of securely setting the brakes would have prevented, the accident would not have occurred. For this lapse of duty the defendant company is liable, as is also the defendant Doyle; for, for the time being, he stood in the place of the company, and it was his personal duty to see that the proper precautions were observed. But we are of the opinion that a separate motion for nonsuit, made on behalf of Whalen, should have been sustained. It is true that he was foreman of the yards and had general direction of the operations there, as the immediate superior of Doyle. Yet he was off duty at his home at the time of the accident. He was not, under the evidence, responsible for the unguarded condition of

the excavation. It was a primary duty of the company to take precaution with reference to it; and under the rule he was not required to do anything further than to direct the movement of cars and observe the precautions attending the performance of that duty. And since he was not actively on duty in this regard at the time of the accident, he can not be held either for personal neglect of duty, nor as an intermediate agent of the company.

It is said that the plaintiff knew and understood the danger of the situation, and therefore, by going to sleep in the caboose, he assumed the risk. There is no merit in this contention. That the place was not safe is apparent. He assumed the risk of all dangers ordinarily incident to the handling of cars under the circumstances as he saw them. Among these was a likelihood of injury due to the bumping of cars against the caboose during the making up of a train; but he had no cause to think when he went into the caboose that the yard crew would omit to observe ordinary precautions to secure the cars by means of the brakes, and thus add to the perils which he did assume. He was entitled to assume, looking to all the conditions as they actually were, that the place was reasonably safe. It was not apparent to him, nor was he bound to know, that the yard crew were going to be so negligent in the course of their employment that he would certainly be injured if he remained in the caboose. The true test to be applied is not whether the injured servant exercised reasonable care to discover the dangers, but whether the danger was known or plainly observable. (Choctaw *v.* McDade, 191 U. S. 64, 24 Sup. Ct. 24, 48 L. Ed. 96; McCabe *v.* Montana Central Ry. Co., 30 Mont. 323, 76 Pac. 701; Anderson *v.* Northern Pacific Ry. Co., 34 Mont. 181, 85 Pac. 884.) The evidence fairly presented a case for the jury on this point.

The judgment and order are affirmed as to the defendants railway company and Doyle; as to the defendant Whalen they are reversed, and the cause is remanded, with directions to the district court to dismiss the action as to him.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—ACCEPTANCE OF RELIEF BENEFITS—CONSTITUTIONALITY OF STATUTE—*McNamara v. Washington Terminal Company, Court of Appeals of the District of Columbia, 38 Washington Law Reporter, page 343.*—Edward McNamara was a fireman employed by the above-named company, and as a result of an accident due to its alleged negligence suffered the loss of his right arm, together with other injuries. He was a member of the relief department of the Baltimore and Ohio Railroad Company and paid monthly the sum of $2 as a contribution to the relief fund, from which he was to receive certain benefits in case accident or sickness disabled him for service. Death benefits were also provided for. It was agreed in the application that the acceptance of benefits from the relief department, whether for injury or death, should operate as a release of all claims against the company or any company over whose property the Baltimore and Ohio Railway has

the right of running or operating its engines or cars or sending its employees in the performance of their duties.

The company was obligated to contribute certain sums to the various departments of the relief association and to guarantee the payment of the disability allowances that were provided for. The company offered in defense the above agreement and contracts, the plaintiff having accepted certain benefits in accordance therewith.

The federal employers' liability act of June 11, 1906 (34 Stat., 232), defines the liability of common carriers in the District of Columbia, and this law is constitutional within that jurisdiction. (El Paso & Northeastern Railway Company *v.* Gutierrez, 30 Sup. Ct., 21. See Bulletin No. 86, p. 316.) The third section of this act provides that no contract of employment, insurance, relief benefit, or indemnity for injury or death, or acceptance of payments thereunder, shall be a bar to an action for damages for personal injuries or death; any amount contributed by the employer to any fund or benefit arrangement may be considered, however, in such judgment as may be rendered against the company. The defendant company in this case contended that this provision was unconstitutional and that the contract contained in the relief benefit arrangement was effective as a bar against any proceeding at law by an employee who had received benefits according to the agreement. This view was accepted by the supreme court of the District of Columbia in one of its branches. (See, per contra, Potter *v.* Baltimore & Ohio R. Co., 37 Washington Law Reporter, 466; Bulletin No. 86, p. 310.) The case was taken to the court of appeals of the District of Columbia, where the judgment of the supreme court was reversed and the case remanded for a new trial. Justice Robb, who delivered the opinion of the court, having stated the facts in the case, then took up the question of the constitutionality of the third section, relating to contracts of insurance, etc. On this point he said, in part:

In entering upon a discussion of this point it must be borne in mind that this section was enacted for the supposed purpose of effectuating the provisions of section 1 [defining the liability of common carriers], which have been declared to be constitutional. It must also be borne in mind that the class of employees protected by this act are engaged in a quasi public duty involving extraordinary risks to themselves. The real question, therefore, is not so much whether this section interferes with the right of contract between the carrier and the employee as it is whether such interference is reasonable and necessary to give proper force and effect to the general provisions of the act. Congress having authority to enact section 1 clearly has authority to make the provisions of that section effective by preventing evasions of it. It may be assumed at the outset, as contended by counsel, that contracts like the one under examination, in the absence of statute, are not against public policy; but this concession, in our opinion, falls far short of an admission that Congress was without

justification in assuming that such contracts would have a direct tendency to avoid the main provisions of the act, and unless we are satisfied beyond question that this legislation is in excess of legislative power, it is our duty to sustain it. In other words, having in mind the end which Congress, by this act, sought to accomplish, can we say that the provisions of section 3 have no real and necessary relation to the accomplishment of that end, but, on the contrary, are an arbitrary and needless interference with the right of contract? Unless we are forced to so conclude, then it was competent for Congress to declare the public policy prohibiting defenses based upon such contracts.

In order to become an employee of the defendant railroad company the plaintiff was compelled to enter into this contract. He was also compelled under this contract, during the term of his employment, to contribute $24 per year out of his modest wages toward the relief fund, so called, which sum was to be held in trust for him and his associates for the purposes hereinbefore stated. In other words, it was a condition precedent to his employment that he take out insurance with the company. To be sure, the record shows that the company contributed something toward this relief benefit, if necessary, and guaranteed the payment of benefits, but it was in the interests of the company to do this and it is apparent that the employees pay for practically all they receive under this relief feature. It is true that under this feature the employee might receive benefits for sickness or injury in cases in which the defendant company would be free from responsiblity, but in this case the plaintiff alleges that the defendant company was responsible for his injuries, and the contract of employment requires the employee in all cases to forego his right of action as a condition precedent to the payment of benefits for which he has paid and to which he should be entitled irrespective of his claim for damages based upon the negligence of his employer. Was it not competent for Congress to say that the carrier may not, after determining the amount probably necessary to pay, in accordance with a certain schedule, all damages occasioned by its negligence, compel its employees to make up a fund sufficient for that purpose and then withhold benefits under such fund until the employee releases the carrier from further responsibility? Congress has said, through the medium of section 3, that in such a situation the carrier and the employee do not stand upon an equal footing, and that the acceptance by the employee, under such conditions, of the amount really due him, from the relief fund is not absolutely free from restraint and the undue influence of the employer.

Being in necessitous circumstances the employee is compelled to refuse the money to which he is justly entitled or accept it and waive the right the statute gives him.

Common experience teaches that employees, under such conditions, would be peculiarly liable to the undue influence of the agents of the carrier. Legal evidence of such undue influence was often difficult to obtain. Knowing the situation, knowing the leverage of the carrier, and that the parties would not be on a level, was it not competent for Congress to declare it to be public policy that all releases from liability thus obtained should not avail the carrier? Wherein lies the injustice of the provision? If the carrier has contributed to this relief fund its liability is reduced to that extent. If it honestly

desires to effect a settlement with the employee, irrespective of this contract of employment and upon a new consideration, it may do so, and such a settlement, if free from duress, will be sustained. What it here seeks to do, however, is to be relieved of liability without the payment of a new consideration.

Having in mind not only the purpose of the act of 1906, "but the means of its administration—the ways it may be defeated" and that "legislation, to be practical and efficient, must regard this special purpose as well as the ultimate purpose" (District of Columbia *v.* Brook, 214 U. S., 138), we conclude that there was justification for the enactment of section 3, and that the responsibility therefore should be permitted to rest where it properly belongs—with Congress. (Atkin *v.* Kansas, 191 U. S., 207.) After all, the right of contract is hedged about with many restrictions and must always yield to the common good.

It follows that the judgment must be reversed with costs, and it is so ordered. Cause remanded for further proceedings.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—FEDERAL STATUTE—CONSTRUCTION—*Tsmura v. Great Northern Railway Company, Supreme Court of Washington, 108 Pacific Reporter, page 774.*—Jyntaro Tsmuro and others were engaged in loading rails on a flat car in the course of the change of new rails for old on a part of the track of the company named. By the alleged negligence of his fellow-workmen, Tsmura was injured, and recovered damages in the superior court of Spokane County. The judgment was based on the federal statute of February 22, 1908 (35 Stat., 65), and was on appeal reversed, on grounds that appear in the following extract from the opinion of the court, as delivered by Judge Crow:

Assuming that the second act approved April 22, 1908, is constitutional, do its provisions apply to the facts of this case? The evidence shows that the respondent with a number of his fellow servants was engaged in loading rails on a flat car; that it was the duty of all these servants to throw the rail on the car at a given signal; that respondent's fellow-servants negligently attempted to throw it before the signal was given, thereby causing his injuries; and that, before loading the rails, respondent and his fellow-workmen had been engaged in changing old rails for new rails on appellant's main line. There is no evidence of negligence on the part of the appellant or any of its servants, other than respondent's fellow-servants engaged in the same work with him. It is not shown whether the rails were old or new, where they came from, where they were to be taken, or where the car was to go when loaded. The respondent's theory seems to be that, because the appellant was authorized to, and did at times, engage in interstate commerce, and because the respondent was employed in loading a flat car with rails which had been used or were to be used in the repair of its roadbed in the State of Montana, he was necessarily engaged in interstate commerce within the meaning of the act. We can not assume that every employee of appellant, by reason of his employment, is so engaged.

Appellant may have thousands of employees whose duties do not partake of that character. If the act in question is constitutional, it is so because it applies only to servants engaged in interstate commerce. If it is broad enough to include this case in its provisions, it is in our opinion open to the same objections which rendered the earlier act unconstitutional. If respondent is to avail himself of its benefits, the burden devolves upon him to show that the duties which he was performing while an employee of the appellant were of a character that directly pertained to and were a part of interstate commerce. No such showing was made, and appellant's motion for a directed verdict should have been sustained.

The judgment is reversed, and the cause remanded, with instructions to dismiss the action.

HOURS OF LABOR OF EMPLOYEES ON RAILROADS—COMMERCE—REGULATION BY STATE LAW—FEDERAL REGULATION—*People v. Erie Railroad Company, Court of Appeals of New York, 91 Northeastern Reporter, page 849.*—The point involved in this case was the validity of section 8 of chapter 31 of the consolidated laws of New York, which limits to eight per day the hours of labor of certain employees on railways. This includes telegraph or telephone operators spacing trains under a block system on railroads. An act of Congress of March 4, 1907 (34 Stat., 1415), limits the hours of labor of such employees to nine per day, and the company contended that the federal law was controlling and excluded all state legislation on the subject. This view of the matter was accepted by the appellate division of the supreme court, whereupon the State appealed. The appeal resulted in the reversal of this judgment, and the judgment of the trial court, which was in favor of the validity of the state law, was affirmed.

Judge Hiscock delivered the opinion of the court, and having stated the facts, said:

Of course, it is apparent that, if the federal statute saying that a signal-tower operator may not work more than nine hours prevents a State from saying under controlling conditions that he may not work in excess of a lesser number of hours, state legislation of an analogous character on other subjects which readily suggest themselves, such as the proper weight of rails, the safe speed of trains, the necessary proportion of cars to be equipped with air brakes, may be prevented by federal legislation simply prescribing the minimum rule of precaution, and the protection by the State of the safety of its citizens at least rendered more complicated and difficult; for, unless there shall be in the future such a separation of interstate and local traffic as has not yet occurred, and which might be made extremely burdensome to the railroads, it will seldom happen that agencies employed in moving the former will not also be moving the latter, and therefore, if the State is prevented by a federal statute like that before us from adopting additional, but not conflicting, requirements which it deems necessary, it will be unable to insure the safety of local passengers and traffic. And it is obvious that a factor of safety like that in the pres-

ent federal statute adapted as we must assume to average conditions prevailing throughout the country often will be quite insufficient under the special conditions prevailing in a given State.

Passing these general considerations, when we seek for authorities on the question whether the federal statute is exclusive and preventive of the state statute, no decision by the Supreme Court of the United States is found rendered upon facts so similar to those here presented as to make it clearly and manifestly controlling.

The Judge then reviewed cases in which state laws relating to the inspection of live stock for interstate shipment were upheld, although there were no federal laws on the subject; also the law requiring locomotive engineers to be examined before receiving appointment for service within the State. Continuing, Judge Hiscock said:

It would seem to me that, within the authority of these cases and of what was said in deciding them as above quoted, it may be held that, where Congress has prescribed a general minimum limit of safety applicable to average conditions throughout the country in the movement of interstate traffic, a state statute does not trespass upon forbidden territory and become obnoxious because, in response to special conditions prevailing within its limits, it has raised such a limit of safety. There is no conflict; the State has simply supplemented the action of the federal authorities. It is the same as if Congress had enacted that the classes of employees named might be employed for nine hours or less, and the State had then fixed the lesser number, which was left open by the federal statute. The form of the latter fixing the outside limit, but not expressly legalizing employment up to that limit, fairly seems to have invited and to have left the subject open for supplemental state legislation if necessary. Such is the view which this court has taken on another occasion in the decision of a question quite identical with that here presented.

The case of Fitch *v.* Livingston, 4 Sandf. (N. Y.) 492, was brought on a bond given for the purpose of discharging a vessel which had been attached as the result of a collision occurring in the Hudson River. The question involved in the action pertained to the negligent management of the vessel for which the bond had been given, and this alleged negligence consisted in noncompliance with the statute of the State requiring such a boat in the nighttime to carry and show two lights, one at the bow and the other at the stern. The offending vessel was engaged in interstate business, and the court said: "The great point of the defense is that the propeller was not bound to carry more than one light, because she was a vessel owned in another State, navigating a river subject to the jurisdiction of Congress, under a national enrollment and license. The act of Congress of July 7, 1838, * * * makes it the duty of the master and owner of every steamboat running between sunset and sunrise to carry one or more signal lights." And the court discussed at considerable length and with much care the question whether a federal statute requiring a boat to show at least one light barred the state statute requiring it to show two lights, and it was held "that the addition of a further qualification is not in direct collision with a law prescribing the first qualification. The act of Congress does not provide that it shall be sufficient for a steamboat navigating at night to be equipped with one light

only, or that, if so equipped, she shall be at liberty to navigate all waters, whether inland or on the coast. * * * The act of Congress of 1838 requires certain safeguards to be observed by steamboats, one of which is that they shall show at night at least one light. A State, finding those safeguards insufficient within its waters, adds others which are necessary to preserve life and property. There is no direct conflict." The judgment in this case, although not reported, was subsequently affirmed by this court without opinion (January 14, 1853). Furthermore, when a libel springing out of this same collision came before the circuit court of the United States for consideration (*The Santa Claus*, 21 Fed. Cas. 406, No. 12326), the court took into consideration the fact that the vessel engaged in interstate travel did not show two lights notwithstanding that the federal statute only required one. While this view was predicated on common-law principles instead of on the state statute referred to, it would seem indirectly to be authority for the proposition that the state statute in accordance with the rules of safety and necessity requiring two lights would have been held valid notwithstanding the federal statute.

We do not, of course, overlook the fact that the court of last resort in four of our sister States upon the precise question here involved has adopted a different conclusion than the one we are reaching (State *v.* Chicago, etc., Ry. Co., 136 Wis. 407, 117 N. W. 686, [Bulletin No. 80, p. 146]; State *v.* Mo. Pac. Ry. Co., 212 Mo. 658, 111 S. W. 500, [Bulletin No. 80, p. 144]; State *v.* Texas, etc., Ry. Co. [Tex. Civ. App.] 124 S. W. 984; State *v.* No. Pac. Ry. Co., 36 Mont. 582, 93 Pac. 945, [Bulletin No. 77, p. 382]), but necessarily, in the absence of what we regard as adverse controlling authority of the Supreme Court of the United States, we follow the views of our own court as above cited.

HOURS OF LABOR OF EMPLOYEES ON RAILROADS—FEDERAL STATUTE—PERIODS OF SERVICE AND REST—CONSTRUCTION OF STATUTE—*Atchison, Topeka and Santa Fe Railway Company v. United States, United States Circuit Court of Appeals, Seventh Circuit, 177 Federal Reporter, page 114.*—The company named was convicted of a violation of the act of Congress of March 4, 1907 (34 Stat., 1415), which limits the hours of labor of employees engaged in the movement of trains engaged in interstate commerce. Certain operators and train dispatchers were on duty from 6.30 a. m. to 12 m. and from 3 p. m. to 6.30 p. m., others working a like number of hours during the night. It was held in the court below that this violated the provision of the law limiting to nine hours per day the hours of service of such employees, on the view that continuous service was intended. This view the court of appeals rejected, as appears from the following extract from the opinion, which was delivered by Judge Grosscup:

The statute was passed with custom as a background. According to custom, nine hours' work unquestionably means nine hours' actual employment, whether broken by an intermission for lunch or on account of some other occasion. According to custom, too, especially in

railroading in the new Western States, the actual service of employees is divided, necessarily divided, throughout the day, to correspond with the arrival and departure of trains. Certainly, Congress did not intend to override these existing customs; making it necessary either that the railroad company should not give intermissions, or that the employee should be paid notwithstanding the intermissions; and making it necessary at many stations (presumably well known to Congress) that the railroad company should either employ a different telegraph operator for every train that came and went (trains on western roads being often more than nine hours apart), irrespective of the fact that the actual service for each train was a very short period of time. The contention of the Government gives to this word "period," all things considered, a highly strained meaning. Disregarding a meaning so strained, and reading the word in connection with the context, and in the light of ordinary custom, we are clear that the acts proven do not constitute an offense within the meaning of the law. And, if it be objected that under this construction of the law, it would be possible for the railroad company to require its operators to give their service for short periods at short intervals, say every alternate hour, or an hour in every two hours and a half, thus so spreading his actual service over the twenty-four hours that no opportunity would be given for real recuperation, the answer is that no instance of such practice has been brought to our attention, and no such instance is likely, which accounts for the fact that no provision in the act is made for such instances. When such practice actually occurs, Congress will doubtless provide a cure. A further answer is that despatchers, being "employees," come under the protection of the main part of the section which gives to all employees "at least eight consecutive hours off duty" in each day, counting from some point in the next day.

The judgment of the district court is reversed and the cause remanded, with instructions to grant a new trial.

HOURS OF LABOR OF EMPLOYEES ON RAILROADS—VIOLATION BY EMPLOYEES AS AFFECTING CLAIMS FOR DAMAGES—STATE AND FEDERAL REGULATION—*Lloyd v. North Carolina Railroad Company, Supreme Court of North Carolina, 66 Southeastern Reporter, page 604.*—W. F. Lloyd, a fireman in the employment of the company above named, sued to recover damages for injuries received by him in the course of his employment. It appears that Lloyd had been employed continuously for a period of twenty-three hours, without opportunity for sleep or proper nourishment, and that he was directed by his superior to leave the engine and go to a designated place for food. The train was not stopped for either leaving or returning to it, and in the effort to regain his place Lloyd fell, as a result, it was alleged, of his exhausted condition, and suffered such injuries as to necessitate the amputation of a leg, besides other injuries. The presence of a pile of rock for ballast near the track was held also to contribute to the danger and to be negligence on the part of the company. The

action was based principally, however, on a statute of the State which prohibits the employment of trainmen for more than sixteen hours out of twenty-four; the statute also makes it an offense punishable by fine or imprisonment for trainmen to work more than the prescribed number of hours.

Judgment had been rendered in Lloyd's favor in the superior court of Orange County, from which the company appealed, securing a reversal of the judgment of the lower court, on grounds that appear in the following extracts of the opinion as delivered by Judge Hoke, Judge Clark dissenting. The question of negligence in placing the pile of ballast near the track was decided adversely to the plaintiff, but this was of secondary importance, since the statute named was the chief factor in the case. There was also some consideration of the relation to the state law and the federal statute on the same subject, enacted the same day, but not operative until one year thereafter.

Judge Hoke first referred to the state law of March 4, 1907, prohibiting employment for more than sixteen hours and penalizing service in excess of that time, and, continuing, said:

Under and by virtue of this statute, which was then in force, we are of opinion that, on the facts as now stated in the complaint, no recovery can be had.

It is very generally held, universally so far as we are aware, that an action never lies when a plaintiff must base his claim, in whole or in part, on a violation by himself of the criminal or penal laws of the State. In 1 Waite's Actions and Defenses, page 43, the principle is broadly stated as follows: "No principle of law is better settled than that which declares that an action can not be maintained upon any ground or cause which its law declares to be illegal," citing Davidson *v.* Lanier, 4 Wall., 447; 18 L. Ed., 377 [etc.]. Nor is the principle, in its application to this case, impaired or in any way affected by reason of the allegation that the plaintiff was acting under the orders of defendant, for an agent can not justify illegal conduct by showing that he was acting under orders of his principal. True, there is a class of cases which hold that a plaintiff will not always be considered in pari delicto, and barred of recovery on that account, when a statute in its prohibitive feature operates only on one of the parties and is evidently enacted for the protection of the other. As stated by Clark in his work on Contracts, page 336: "Parties are not to be regarded as being in pari delicto where the agreement is merely malum prohibitum and the law which makes it illegal was intended for the protection of the party seeking relief." While the well-being of the railroad employees was no doubt one of the motives which induced this legislation, the statute was also enacted for the benefit and protection of the public, and the principle just referred to, stated as one of the exceptions to the general rule, has no application to the case presented here, when the claimant must allege his own violation of the criminal law as the basis for his claim.

It was further suggested that Congress had enacted a statute (act Mar. 4, 1907, c. 2939, 34 Stat. 1415 [U. S. Comp. St. Supp. 1909, p. 1170]) prohibiting railroads from requiring or permitting train crews on trains engaged in interstate commerce to work more than sixteen consecutive hours, etc., the statute having been enacted March 4, 1907, to become operative March 4, 1908, and that the enactment of such a law would render the state legislation in question of none effect; but that view does not obtain with us. If it be conceded that the act of Congress in its present form is a valid law, we have held that such legislation does not impair or affect state legislation unless the federal law is in operation, and is prohibitive in its terms, or in some way affects the very question which the state legislation undertakes to regulate and control. (Reid & Beam *v.* Railroad, 150 N. C., 753, 64 S. E., 874.) And further, under the doctrine announced and upheld in Smith *v.* Alabama (124 U. S. 465, 8 Sup. Ct., 564, 31 L. Ed., 508), it would seem that the state legislation on this subject would be upheld, notwithstanding the existence of the federal statute referred to, this being a matter which both sovereignties may supervise at one and the same time, at least when there is no necessary conflict between them.

We are of opinion, as stated, that no valid cause of action is stated in the complaint, and the same must be dismissed.

HOURS OF LABOR OF WOMEN—POLICE POWER—CONSTITUTIONALITY OF STATUTE—*W. C. Ritchie & Company v. Wayman, Supreme Court of Illinois, 91 Northeastern Reporter, page 695.*—John E. Wayman, state's attorney for Cook County, Ill., and Edward T. Davies, chief state factory inspector, undertook to enforce against W. C. Ritchie & Co. a law of the State of Illinois (Laws of 1909, p. 212) restricting the hours of labor of female employees to ten in any one day. The company procured an injunction against the enforcement of this law on the ground that it was unconstitutional. On the appeal to the supreme court of the State the constitutionality of the law was upheld and the decree reversed. W. C. Ritchie & Co. are manufacturers of paper boxes and employ considerable numbers of women, whom they employed more than ten hours per day, particularly during the rush season. There was, therefore, no discussion as to facts, the case turning entirely on the question of the constitutionality of the statute in question.

The opinion of the court was delivered by Judge Hand, Judge Vickers dissenting. The grounds on which the validity of the statute was upheld are set forth in the following quotations of the opinion as delivered by Judge Hand:

It was conceded, upon the oral argument by appellants, that if the statute now under consideration had been passed with a view to limit the employment of men in mechanical establishments, factories or laundries to ten hours during any one day it would be an arbitrary interference with the right of men to contract for their labor, and

unconstitutional and void. If, therefore, such an enactment would be void as to men, does it necessarily follow that such enactment must be held invalid when by its express language the enactment is limited to women, as is the statute now under consideration? This court has recently held that the disposition of property may be limited or regulated when the public interest requires that its disposition should be limited or regulated. If, therefore, the public interest requires that the time which women shall be permitted to work in any mechanical establishment or factory or laundry should be limited to ten hours in any one day, we are unable to see why this statute is not constitutional.

It is known to all men (and what we know as men we can not profess to be ignorant of as judges) that woman's physical structure and the performance of maternal functions place her at a great disadvantage in the battle of life; that while a man can work for more than ten hours a day without injury to himself, a woman, especially when the burdens of motherhood are upon her, can not; that while a man can work standing upon his feet for more than ten hours a day, day after day, without injury to himself, a woman can not, and that to require a woman to stand upon her feet for more than ten hours in any one day and perform severe manual labor while thus standing, day after day, has the effect to impair her health, and that as weakly and sickly women can not be the mothers of vigorous children, it is of the greatest importance to the public that the State take such measures as may be necessary to protect its women from the consequences induced by long, continuous manual labor in those occupations which tend to break them down physically. It would therefore seem obvious that legislation which limits the number of hours which women shall be permitted to work to ten hours in a single day in such employments as are carried on in mechanical establishments, factories, and laundries would tend to preserve the health of women and insure the production of vigorous offspring by them, and would directly conduce to the health, morals, and general welfare of the public, and that such legislation would fall clearly within the police power of the State. Legislation limiting the number of hours which women shall work in establishments similar to those enumerated in the statute now under consideration to a period of not more than ten hours in any one day has been sustained in Muller *v.* Oregon, 208 U. S. 412, 28 Sup. Ct. 324, [Bulletin No. 75, p. 631], State *v.* Muller, 48 Or. 252, 85 Pac. 855, [Bulletin No. 67, p. 877], Wenham *v.* State, 65 Neb. 394, 91 N. W. 421, [Bulletin No. 44, p. 171], Commonwealth *v.* Hamilton Man'f. Co., 120 Mass. 383, and Washington *v.* Buchanan, 29 Wash. 602, 70 Pac. 52, [Bulletin No. 44, p. 172].

We are of the opinion the statute limiting the time to ten hours in any one day in which a female shall work in any mechanical establishment or factory or laundry is a legitimate exercise of the police power of the State.

It is next contended that the act in question is special legislation, in this: First, that it singles out the business of those persons who are conducting mechanical establishments or factories or laundries, and prohibits the employment of females in those establishments for a longer time than ten hours in any one day, while other establishments engaged in susbtantially the same business are permitted to employ

females any number of hours in one day; second, that it has the effect to divide men and women into classes; and, third, that after women have been set aside as a class, to then divide women into two classes—that is, that women who work in mechanical establishments or factories or laundries are only permitted to work ten hours in any one day, and that women who are not employed in mechanical establishments, factories, or laundries are permitted to work any number of hours in any one day—is special and class legislation, and unconstitutional and void.

The business places which are enumerated by the statute—that is, mechanical establishments, factories, and laundries—form a class by themselves, and differ from mercantile establishments, hotels, restaurants, etc., in this: That the product of those establishments enumerated in the statute is largely produced by machinery, or the employees of such establishments work with machinery, or the pace at which the employees work in such establishments is set by other employees who work with machinery. It would seem, therefore, that the legislature has not arbitrarily carved out a class of establishments in which women whose time of employment is limited to ten hours a day are to work, but that the line of demarcation between the establishments to which the ten-hour limit applies, and those to which it does not apply, is clearly defined.

We do not think the statute objectionable on the ground that it amounts to special legislation.

The appellees have raised other objections to the constitutionality of the act of 1909 limiting the number of hours which women shall have the right to work in mechanical establishments or factories or laundries to ten hours in any one day. While these objections have not been overlooked, we deem them of too slight importance to justify their discussion in this opinion.

We are of the opinion the act of 1909 is constitutional in all of its particulars and as an entirety.

SAFETY APPLIANCES ON RAILWAYS—COMMERCE—STATE REGULATION—*Detroit, Toledo & Ironton Railway Company v. State, Supreme Court of Ohio, 91 Northeastern Reporter, page 869.*—The company named was convicted of a violation of a law of the State which requires railroad cars operated between points within the State to be equipped with couplers, coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars. (Act of March 19, 1906, 98 O. L., p. 76.) The company appealed on the ground that the law in question was invalid in view of the fact that it amounted to an interference with interstate commerce and that the subject-matter was exclusively within the powers of the Federal Congress. This contention the supreme court rejected, and affirmed the judgment of the court below on grounds that appear in the following extracts from the opinion of the court, which was delivered by Judge Summers:

The regulation of commerce among the States is within the exclusive jurisdiction of Congress, but it is well settled that a state statute,

enacted in the exercise of its police power, not regulating or directly affecting interstate commerce or in conflict with federal regulations, but merely regulative of the instrumentalities of commerce, is not void; and when such state regulations do conflict with federal regulations they are not void on the ground that the State has exercised a power exclusively in Congress, but because the Constitution and the laws of the United States made in pursuance thereof are the supreme law of the land.

In Missouri Pacific Railway Company *v.* Larabee Flour Mills Company, 211 U. S. 612, 29 Sup. Ct. 214, in which a peremptory writ of mandamus was allowed by the supreme court of Kansas, commanding one railroad company to transfer cars to and from a mill on another railroad, and which was affirmed, it is said by Mr. Justice Brewer:

"The roads are, therefore, engaged in both interstate commerce and that within the State. In the former they are subject to the regulation of Congress; in the latter to that of the State, and to enforce the proper relation between Congress and the State the full control of each over the commerce subject to its dominion must be preserved." Again he says: "Running through the entire argument of counsel for the Missouri Pacific is the thought that the control of Congress over interstate commerce and a delegation of that control to a commission necessarily withdraws from the State all power in respect to regulations of a local character. This proposition can not be sustained."

It follows that the questions propounded by counsel should receive a negative answer, and the judgment is affirmed.

SUNDAY LABOR—CONTRACTS TO BE PERFORMED ON SUNDAY—RECOVERY OF COMPENSATION—*Knight. v. Press Company, Limited, Supreme Court of Pennsylvania, 75 Atlantic Reporter, page 1083.*—John S. Knight sued the Press Company in the court of common pleas of Philadelphia County to recover compensation for services rendered in the distribution of papers on Sundays and verdict was brought in in his favor, but notwithstanding the verdict judgment was given for the defendant company, whereupon Knight appealed. The judgment of the lower court was affirmed, the supreme court adopting the opinion as therein handed down by Judge Ferguson. The opinion is in part as follows:

The service for which the plaintiff claims compensation was rendered by him on Sundays. He was employed by the defendant and working during the week, and the present suit is for compensation for the Sundays during which he worked and for which he says he was not paid. There is a presumption that one who is paid by the week and receipts for his weekly wage is paid for all the services which he may render in the week, but the plaintiff testified to a special contract for compensation for his work on Sundays covering the period employed. The consideration rendered by him and for which he contends the defendant promised to pay him was rendered on Sunday.

It was not a contract which was executory, having its incipiency on Sunday and its conclusion on a secular day, but was to be performed on Sunday, and, presumably, to be paid for each Sunday as the work was done. In Weeks *v.* Lippencott, 42 Pa. 474, Mr. Justice Woodward, delivering the opinion of the court, said: "Contracts which offend against the common law and public policy are void."

By act April 22, 1794 (3 Smith's Laws, p. 177), section 1, worldly employment on the Lord's Day, commonly called "Sunday," is prohibited, and it has been held that selling newspapers on Sunday by a carrier is a performance of worldly employment within the meaning of the said act. (See Com. *v.* Matthews, 152 Pa. 166, 25 Atl. 548.) And in that case it was held that such employment did not come within the exceptions of the act of 1794, in that it was not a work of charity or necessity.

It is the plaintiff's contention that he was employed to distribute newspapers on Sunday. The work, therefore, for which he alleges he was employed being a service held to be one prohibited by the act of 1794, it was an illegal contract and unenforceable, and judgment must, therefore, be entered for the defendant.

DECISIONS UNDER COMMON LAW.

CONTRACT OF EMPLOYMENT—CONSIDERATION—RELEASE OF CLAIM FOR DAMAGES—BREACH OF CONTRACT—*Illinois Central Railroad Company v. Fairchild, Appellate Court of Indiana, 91 Northeastern Reporter, page 836.*—Chester Fairchild had been employed by the company named as yard brakeman, and while so employed received injuries resulting in the loss of his leg. It was in evidence that the company agreed to pay Fairchild the sum of $250 and to reemploy him during the period of his natural life at such labor as he would be able to perform and pay him a reasonable and fair compensation therefor. Fairchild was employed at Evansville, Ind., and went to Chicago to see the general claim agent of the company who proposed settlement in accordance with the above terms. To this Fairchild agreed and returned home understanding that the release, the voucher for payment, and a letter to the local superintendent securing him employment would be at once forthcoming. The voucher and release were received in a few days, but the matter of employment was not promptly attended to, whereupon Fairchild wrote asking that the matter be looked after at once. He had not executed the release and the claim agent wrote in reply urging him to execute the release and stating that he had nothing to do with the matter of employment, adding: "However, you could not expect to be placed at work until you had executed a release. This release is embraced in the voucher and I do not see any purpose in holding it. After you have advised me that you have executed the release and cashed the voucher, I will take the matter up with Mr. Sheuing and see whether it is consistent for him to do anything for you." Fairchild hesitated to sign the release and was taken, at the order of the superintendent, into the freight

office and shown the job that would be given him the next day, March 1. No employment was actually given until August, when, after a short time, Fairchild was transferred to Mattoon, Ill., and given a job that he was not able, on account of his crippled condition, to perform, and he was presently discharged and no subsequent employment given. On a suit to recover damages for the failure to comply with its contract a judgment was rendered against the company in his behalf, whereupon the company appealed. The judgment of the lower court was on appeal affirmed. While the evidence was conflicting, it was presented by Judge Roby, who spoke for the court, in the above form. The concluding paragraph of the opinion is as follows:

Appellant's principal contention is that the contract is claimed to have been made with the claim agent, and that the letter of the claim agent denying his authority or intention of making such a contract conclusively shows that the essential meeting of minds never took place, and that therefore no contract was ever made. This is too narrow a view. The claim was that the contract was made by the appellant corporation, and the evidence clearly shows that, through the representations and promises of employment by appellant's agents acting within the scope of their respective duties, appellee was induced to execute the release in question. Indeed, the letter of the claim agent relied upon does not bear the construction placed upon it by counsel. The denial referred to is instantly qualified by, "However, you can not expect to be placed at work until you have executed a release." The implication that the execution of the release would procure the employment is irresistible, and, when taken with the subsequent statements and actions of those who did have authority "to furnish positions to employees," the letter comes very far from sustaining the contention. It is suggested that what was said and done with regard to employment was said and done as a matter of humanity to a faithful and unfortunate employee. The suggestion does not accord with what was done in that regard after the release had been procured.

That the consideration for the release included the promise of employment being proven, the principle expressed by the maxim, "He who derives the advantage ought to sustain the burden," applies, and appellant, while it holds and asserts the release, can not refuse to pay the price for which it was given.

CONTRACT OF EMPLOYMENT—REDUCTION OF RANK OF EMPLOYEE—VIOLATION OF CONTRACT—DUTY TO SEEK OTHER EMPLOYMENT—*Cooper v. Stronge & Warner Company, Supreme Court of Minnesota, 126 Northwestern Reporter, page 541.*—Maude E. Cooper was employed by the company named as manager of a millinery department in a store, at a salary of $25 per week for a fixed period. Before the termination of this period she was superseded as manager and asked to continue at the same pay, but to act as saleswoman.

This she refused to do, but offered to accept a position as manager in some other store. The employer failed to furnish another position, and Miss Cooper thereupon sued to recover on her contract. From a judgment in her favor the company appealed, the appeal resulting in the judgment of the court below being affirmed, as appears from the following quotation from the opinion, as delivered by Judge O'Brien:

The contentions of the respective parties as to the terms of the contract were fully submitted to the jury; but the instructions were to the effect that, if the contract of hiring was that plaintiff was to be employed as manager, she was not required to accept employment as saleswoman. Defendant claims this as error, arguing that there is practically no difference in such employments, inasmuch as the manager of the department acts also as a saleswoman, her duties as manager being merely additional responsibilities, and that relieving the plaintiff of them involved no degradation or loss of caste, and imposed upon her no duties which were dissimilar to some of those formerly performed by her.

The authorities seem to support the conclusions upon this subject given in Wood's Master & Servant, section 127. The servant, discharged in violation of the contract of hiring, prima facie is entitled to recover the agreed wages for the full term, subject to his duty to be reasonably diligent in seeking other employment of a similar kind, and, if obtained, the compensation received therefor is to be deducted from the aggregate agreed amount. "By other employment is meant employment of a character such as that in which he was employed, or not of a more menial kind."

Under the evidence in this case, we consider it a very close question whether the positions of manager and saleswoman in one of defendant's departments are so dissimilar that an employee, when tendered the same salary, is not required to accept either (Squire *v.* Wright, 1 Mo. App. 172), but have concluded that, if the master deliberately enters into a contract providing for the employment of another as manager, the employee has a right to insist upon retaining that grade, in the absence of any showing which would justify the master in reducing the rank of the servant. The grade of the employment may have been the inducing cause for this contract. When the change was proposed, the season for obtaining positions of that character had advanced, and while, perhaps, a very slight cause might have been sufficient to have justified defendant's action, we think, in the absence of a showing of some cause, the defendant must be held to have broken the contract.

CONTRACT OF EMPLOYMENT—TERM—RENEWAL—BREACH—ASSIGNMENT OF CLAIMS—*Allen v. Chicago Pneumatic Tool Company, Supreme Judicial Court of Massachusetts, 91 Northeastern Reporter, page 887.*—In this case James S. Allen, jr., sued the company named under an assignment by one Hammack to recover salary and commissions due said Hammack as an employee of the company. From a judgment in Allen's favor the company appealed, the appeal result-

ing in the affirmation of the judgment of the court below. The facts appear in the opinion of the court as delivered by Judge Hammond, which is as follows:

The main questions are: First, what was the nature of the contract under which Hammack, the plaintiff's assignor, was at work at the time he received notice of his dismissal? and, second, what is the nature of the assignment?

1. The only written contract was that of February 15, 1906. By this contract the defendant agreed to employ Hammack, the plaintiff's assignor, for a period of one year from its date, and to pay him as salary $2,100 "per year," payable in equal monthly installments at the end of each month, and also to pay him a certain commission upon certain sales, "this commission to be paid quarterly, payable on the 20th day of the month succeeding the end of each quarter." It is further provided that, if this commission does not amount "to a net total of fourteen hundred dollars ($1,400) for the year," then the defendant is "to make good such deficiency" to Hammack, "payable in cash at the end of the year." The last paragraph is in the following language: "It is further agreed that in the event that either or both parties do not desire to renew this agreement at the time of its expiration that notice be given in writing of intention not to renew at least thirty (30) days prior to the expiration of this agreement." In short, this was a contract for one year from its date, at a yearly salary of $2,100, with an additional compensation of at least $1,400 as commissions for the year, with a provision that if either or both parties did not desire to renew it notice should be given thirty days prior to its expiration.

Hammack worked under the contract for the year. No notice of a desire not to renew was given by either party, and Hammack, after the expiration of the year, continued his work as before until October 30, 1907, when he was notified by the defendant that on account of financial conditions and the great decrease in business there would be a "discontinuance" of employment as to him on the next day. Thereupon letters passed between him and the defendant as to this matter; the former insisting that his contract was in force until February 15, 1908, and the latter that the contract had terminated February 15, 1907. From the fact that no notice was given before the expiration of the first year the trial court had the right to infer that there was a disposition to renew the contract, and from the additional fact that Hammack without any other express arrangement, either written or oral, continued to work as before, with the full knowledge and approbation of the defendant, the court could properly infer that it was the understanding of the parties that the contract was renewed. If renewed, then the new contract, like the old, was a contract of hiring for a year, with compensation for the year, to be paid quarterly as before, with the same right in either party to give notice within thirty days of its expiration that there was no further desire for renewal. Any other contract would not have been a "renewal" of the original contract. The evidence amply justified a finding that at the time the plaintiff was dismissed he was working under a contract for the year beginning February 15, 1907. (Dunton *v.* Derby Desk Co., 186 Mass. 35, 71 N. E. 91, and cases cited; Maynard *v.* Royal Worcester Corset Co., 200 Mass. 1, 85 N. E. 877.) In this last case

there is a quite full discussion of the law bearing upon this subject, and we need only to refer to it for a statement of the underlying principles.

2. What is the nature of the assignment from Hammack to the plaintiff? It is dated January 4, 1908, which was some weeks before the expiration of the second year. At that time there was due Hammack all arrears of salary and of commissions up to that time, and the second contract was still binding upon the defendant. Upon the breach of the contract by the defendant there were before Hammack at least two courses. He either could regard the contract as broken and at once sue for damages for the breach, or he could hold himself out as ready to work under it, wait until the expiration of the year, and then sue for compensation as fixed by the contract less reasonable deduction of what he could have earned. There was evidence that he intended to take the latter course, for he notified the defendant that he held himself subject to their working orders up to February 15, 1908. And although he testified that he endeavored to seek other employment, yet the trial judge could well find upon the evidence that he intended to hold the defendant as liable for the compensation by the terms of the contract, and not merely to sue thereon in damages for the breach.

Under these circumstances the assignment was made. It covers "all claim which I now have or may hereafter have against * * * [the defendant] * * * due me for services and commission as salesman, * * * whether such claim for services and commissions have accrued, or may hereafter accrue under the written agreement made by me with said company dated February 15, 1906, or under any oral renewal thereof." It does not purport to be an assignment for damages for breach of the contract. In a word it was simply an assignment of all sums then due under both contracts with whatever afterwards should become due for services and commissions (which were in the nature of future earnings) under the renewal contract which was then existing. Such an assignment is valid according to its terms. (Citizens' Loan Association *v.* Boston & Maine R. R., 196 Mass. 528, 82 N. E. 696, 14 L. R. A. (N. S.) 1025, 124 Am. St. Rep. 584, in cases cited.) It is to be noted also that the declaration in this case proceeds upon this theory as to the nature of the assignment. It makes no claim except under the terms of the contract. The assignment of the sums due for services and commissions must be held to include also interest accrued or to accrue. It follows that the rulings requested were all properly refused.

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State.	Name of bureau.	Title of chief officer.	Location of bureau.
UNITED STATES.			
United States	United States Bureau of Labor	Commissioner	Washington, D. C.
California	Bureau of Labor Statistics	Commissioner	San Francisco.
Colorado	Bureau of Labor Statistics	Deputy Commissioner	Denver.
Connecticut	Bureau of Labor Statistics	Commissioner	Hartford.
Idaho	Bureau of Immigration, Labor, and Statistics.	Commissioner	Boise.
Illinois	Bureau of Labor Statistics	Secretary	Springfield.
Indiana	Bureau of Statistics	Chief	Indianapolis.
Iowa	Bureau of Labor Statistics	Commissioner	Des Moines.
Kansas	Bureau of Labor and Industry	Commissioner	Topeka.
Kentucky	Department of Agriculture, Labor, and Statistics.	Commissioner	Frankfort.
Louisiana	Bureau of Statistics of Labor	Commissioner	Baton Rouge.
Maine	Bureau of Industrial and Labor Statistics.	Commissioner	Augusta
Maryland	Bureau of Industrial Statistics	Chief	Baltimore.
Massachusetts	Bureau of Statistics	Director	Boston.
Michigan	Bureau of Labor and Industrial Statistics.	Commissioner	Lansing.
Minnesota	Bureau of Labor	Commissioner	St. Paul.
Missouri	Bureau of Labor Statistics and Inspection.	Commissioner	Jefferson City.
Montana	Bureau of Agriculture, Labor, and Industry.	Commissioner	Helena.
Nebraska	Bureau of Labor and Industrial Statistics.	Deputy Commissioner	Lincoln.
New Hampshire	Bureau of Labor	Commissioner	Concord.
New Jersey	Bureau of Statistics of Labor and Industries.	Chief	Trenton.
New York	Department of Labor	Commissioner	Albany.
North Carolina	Bureau of Labor and Printing	Commissioner	Raleigh.
North Dakota	Department of Agriculture and Labor	Commissioner	Bismarck.
Ohio	Bureau of Labor Statistics	Commissioner	Columbus.
Oklahoma	Department of Labor	Commissioner	Guthrie.
Oregon	Bureau of Labor Statistics and Inspection of Factories and Workshops.	Commissioner	Salem.
Pennsylvania	Bureau of Industrial Statistics	Chief	Harrisburg.
Philippine Islands	Bureau of Labor	Director	Manila.
Rhode Island	Bureau of Industrial Statistics	Commissioner	Providence.
South Carolina	Department of Agriculture, Commerce, and Industries.	Commissioner	Columbia.
Texas	Bureau of Labor Statistics	Commissioner	Austin.
Virginia	Bureau of Labor and Industrial Statistics.	Commissioner	Richmond.
Washington	Bureau of Labor	Commissioner	Olympia.
West Virginia	Bureau of Labor	Commissioner	Wheeling.
Wisconsin	Bureau of Labor and Industrial Statistics.	Commissioner	Madison.
FOREIGN COUNTRIES.			
Argentina	Departamento Nacional del Trabajo.	Presidente	Buenos Aires.
Austria	K. K. Arbeitsstatistisches Amt im Handelsministerium.	Vorstand	Wien.
Belgium	Office du Travail (Ministère de l'Industrie et du Travail).	Directeur General	Bruxelles.
Canada	Department of Labor	Minister of Labor	Ottawa.
Canada: Ontario	Bureau of Labor (Department of Public Works).	Secretary	Toronto.
Chile	Oficina de Estadística del Trabajo	Jefe	Santiago.
Finland	Industristyrelsen (a)		Helsingfors.
France	Office du Travail (Ministère du Travail et de la Prévoyance Sociale).	Directeur	Paris.
Germany	Abteilung für Arbeiterstatistik, Kaiserliches Statistisches Amt.	Präsident	Berlin.
Great Britain and Ireland.	Labor Department (Board of Trade).	Commissioner of Labor.	London.

[a] Issues a bulletin of labor.

Directory of bureaus of labor in the United States and in foreign countries—Concluded.

State.	Name of bureau.	Title of chief officer.	Location of bureau.
FOREIGN COUNTRIES—concl'd.			
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Netherlands	Centraal Bureau voor de Statistiek. (a)	Directeur	's Gravenhage.
New South Wales.	State Labor Bureau	Director of Labor	Sydney.
New Zealand	Department of Labor	Minister of Labor	Wellington.
Spain	Instituto de Reformas Sociales	Secretario General	Madrid.
Sweden	Afdelning för Arbetsstatistik (Kgl. Kommerskollegii).	Direktör	Stockholm.
Switzerland	Secrétariat Ouvrier Suisse (semiofficial).	Secrétaire	Zürich.
Uruguay	Oficina del Trabajo (Ministerio de Industrias, Trabajo é Instrucción Pública).		Montevideo.
International	International Labor Office	Director	Basle, Switzerland.

[a] Issues a bulletin of labor.

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