

## CHAPTER VI.—THE BEGINNINGS OF CHILD-LABOR LEGISLATION IN CERTAIN STATES.

In the first 75 pages of this report some account is given of the employment of children in the Colonies, the changing attitude of public opinion toward child labor during the nineteenth century, and following this a historical sketch of children in the cotton industry. The remainder of the volume is devoted to a study of child-labor legislation in the North prior to 1860, and in four States of the South since the manufacture of cotton became an important industry there.

### CHILD LABOR IN THE COLONIES.

Child labor, sanctioned and sometimes expressly ordered by law, existed in all the Colonies throughout the seventeenth and eighteenth centuries. Three causes are assigned for this state of affairs: The traditional English attitude toward child labor, which the first generation of colonists naturally brought over with them; the crying need for workers in the new country; and a profound belief in the virtue of industry. The English attitude was due to a fear of the burden of pauperism; as early as 1547 laws were enacted providing for the compulsory apprenticing or binding out of children from 5 to 14 years old whose parents were vagrants, on the ground that children "brought up in idleness might be so rooted in it that hardly they may be brought after to good thrift and labor." While the colonists were naturally influenced by this view the problem of pauperism during the early days was not sufficiently grave to make this reason a weighty one. Nevertheless it found expression in the poor laws of many of the Colonies and apparently was held throughout the seventeenth century. New York, Massachusetts, Connecticut, Pennsylvania, Maryland, Virginia, and North Carolina specifically ordered the binding out of poor children, either by their parents or by the overseers of the poor, and in other colonies records are found showing that this was a regular custom.

### NEED FOR LABORERS.

The need for laborers in a new country where everything was to be done made children so desirable as workers that efforts were made to import them.

Sir Edwin Sandys proposed to the Virginia Company in 1619 for the "ease and comodiousness" of the tenants, that "100 young per-

sons be sent to their Apprentices." The previous year 100 had been sent by the city of London. He prayed the lord mayor of London to send 100 more from the "superfluous multitude." "Our desire is that we may have them of 12 years old and upward, with allowance of Three pound a pees for their apparell, as was formerly granted. They shall be apprentizes; the boyes till they come to 21 years of age, the girles till like age or till they be married." \* \* \* A letter from England stated that 1,400 or 1,500 children went to Virginia in 1627.<sup>1</sup>

The common council of New England in 1622 thought it "convenient to admit young youth \* \* \* to be placed out and bound apprentices," but stipulated that the children were not to be less than 14 years of age. There is little evidence as to the sending over of children under these terms. In 1660, however, John Hull writes in his diary about his return from London with several children to be bound out as apprentices in the Massachusetts Colony.

#### LEGISLATION ENFORCING CHILD LABOR.

At a very early date in colonial history the need for workers led to child-labor legislation meant to insure that children as well as adults should contribute to the general welfare. The Court of Massachusetts Bay in 1641 ordered that all heads of families should see that their children and servants should be industriously employed "for the working out of hemp and flax, and other needful things for cloathing," and followed this a few years later by an elaborate plan for making sure that the injunction was obeyed. But this was not to be at the expense of the children's education. In 1642 "chosen men" were empowered to take account of the calling and employment of the children, "especially of their ability to read and understand the principles of religion and the capital laws of their country." In 1647 it was ordered in Massachusetts that schoolmasters should be appointed in every town to teach the children. Similar legislation both as to employment and education was adopted in most of the New England colonies.

In Virginia no provision was made for employment of children of the well-to-do, but in 1646 the county commissioners were ordered to select two children from each county, at least 7 or 8 years old, and send them to Jamestown to be employed in the public flax houses to be built there. Later the commissioners were empowered to build houses in each county "for the educating and instructing poor children in the knowledge of spinning, weaving, and other useful occupations and trades."

The scanty material of the eighteenth century shows the same insistence on the employment of children as the preceding century,

<sup>1</sup> Vol. VI, *The Beginnings of Child-Labor Legislation in Certain States*, ch. 1, p. 11.

with less emphasis, perhaps, on the moral advantages of labor. The textile industries began to open up more avenues of employment for children during this century. In Pennsylvania in 1730 the governor recommended that silk culture be taken up, as it was a "work of which the poorest and feeblest are capable, and children who can be of little other service may here find an employment suitable to their years." In New England the manufacture of linen received a good deal of attention on the double ground that the Colonies would thus be rendered more self-dependent and that the spinning could be done by women and children. Especially was it advantageous because of its employment of children, "thousands at an age when they are scarce capable of doing any other business; and by thus inuring children to an habit of industry we may reasonably hope that this, like other habits, will take a fast hold and render them useful members of society when they grow up."

In 1775 the United Company of Philadelphia for Promoting Manufactures urged a somewhat similar plea, pointing out that manufactures would not draw the country away from agriculture, because if properly conducted "two-thirds of the labor of them will be carried on by those members of society who can not be employed in agriculture, namely, by women and children." In the same year a plan for a similar society was approved in New York City, and in Virginia there was talk of reviving the early laws for employing children.

### **PUBLIC OPINION CONCERNING CHILD LABOR IN THE NINETEENTH CENTURY.**

At the beginning of the last century there was a firmly-rooted opinion that the employment of children was economically necessary and morally desirable. Up to that period the factory system had not been established, and though children might be employed at an early age they worked for the most part under conditions which did not seem to harm them morally or physically. Moreover, provision was made for their education as carefully as for their employment. Child labor in such circumstances was a very different matter from what it became under the factory system, and time had to show the evils of the employment of children under modern conditions before a sentiment could be roused against it.

Public opinion was so far from condemning child labor that in the early days of the tariff controversy one of the strong arguments of the protectionists was the desirability of developing manufactures because they gave work to hitherto idle members of society. Alexander Hamilton pointed out that they rendered women and children "more useful and the latter more early useful than they would otherwise be." One early petition to Congress recites that "more than eight-tenths of the persons employed in the manufactories of the

United States are women and children, by which the latter are earlier trained to industrious habits than they would otherwise be." Another points out that "five or six adults with the aid of children" could manage a cotton factory of 2,000 spindles.

Again and again the fact is harped upon that in the factories "women and children and the infirm" would be able to maintain themselves. And the only answer the free traders found to this chorus of laudation was to deny that manufacture had any monopoly of virtue in this respect, since children could be and were "employed at a very early age in the lighter branches of agriculture."

The earliest attack upon child labor under the factory system was based upon its interference with education. In 1818 the governor of Rhode Island called upon the legislature to provide a plan of education for the factory children. Six years later a resolution was brought in dealing with the same subject, but no action was taken. In 1825 Massachusetts took up the matter and an investigation was ordered into the condition in this respect of children employed by "incorporated manufacturing companies." The report made as a result of this investigation noted that children were employed generally 12 or 13 hours each day, leaving "little opportunity for daily instruction," but nevertheless no action was recommended.

From this time onward the long hours of work required of factory children and the consequent difficulty, if not impossibility, of their securing even the rudiments of education began to figure prominently in public discussions. Little was said about the effect of early work upon health, but the desirability of shortening hours of work was dwelt upon at length. Organized labor took up the cause with enthusiasm. At this time one of the chief aims of the labor party was to secure a reduction of the inordinately long hours of work which then prevailed, and they were quick to see the value for this purpose of espousing the children's cause. Through the thirties and forties in conventions, in speeches, and in published appeals they demanded education as the right of every child and shorter hours as a prerequisite to securing it. Toward the end of the period a recognition begins to appear of the fact that child labor tends to underbid adult labor and to reduce the standard of living, but up to 1860 the child-labor legislation advocated and indorsed by the labor party dealt almost wholly with restricting hours, and in only a very few cases had to do with age limitation.

To expect that the labor party would have seen all the evils of child labor and would have proposed that it be forbidden by law would be demanding much, especially as public opinion at large did not concern itself with the matter. The country was too largely agricultural for the factory child to be of frequent enough occurrence to gain attention. Moreover, the remains of the old Puritan ideal of the virtue of employment, combined with the earlier age at which

children developed in those days, continued to blind the public to the harm of their employment, provided they were not worked too long. Lastly, the dominant attitude, emphasizing the production of wealth as an element of national power and disregarding the human side of the big mechanism, retarded growth in this line.<sup>1</sup>

After the Civil War the attitude of the labor party changed in this respect. In 1876 the Workingmen's Party, at a union congress in Philadelphia, proposed laws against the employment of children under 14 years of age, and about the same time the platform of the Knights of Labor contained a plank for the prohibition by law of their employment under 15 years of age in workshops, mines, and factories. Since then the public attitude has changed rapidly. There is a pretty general theoretic agreement that the employment of young children is in itself undesirable, and there are few manufacturing States in which there is not at least a nominal prohibition of employment below some fixed age. Hours of labor for children have been very generally limited by law, night work is forbidden in a number of States, and, in a few, proof of physical fitness and of a certain minimum of education is required before a young person may begin work.

### CHILDREN IN THE COTTON INDUSTRY.

The extent to which children have been employed in the manufacture of cotton at different times and in different localities is shown by the following table:

AVERAGE NUMBER OF MEN, WOMEN, AND CHILDREN, AND PERCENTAGE OF CHILDREN OF THE TOTAL NUMBER OF WAGE EARNERS, IN COTTON INDUSTRY, 1870 TO 1905.

[Figures from 1870 to 1890 include cotton small wares, which are not included in 1900 and 1905. Figures for 1870 include salaried officials and clerks, who are not included at any of the later dates. Figures for 1905 are taken from special reports of Census Office, Manufactures, 1905, Pt. III, pp. 43, 44, 48, 49; for 1900, from the Twelfth Census, 1900, Vol. IX, Manufactures, Pt. III, p. 61; for 1890, *idem*, p. 54; for 1880, from the Tenth Census, Vol. II, Statistics of Manufactures, Cotton, p. 15; and for 1870, from the Twelfth Census, 1900, Vol. IX, Pt. III, p. 54. Until 1900 the classification of operatives was "Males above 16 years," "Females above 15 years," and "Children." In the Twelfth Census, 1900, however, no attention was paid to that classification, as the same figures are used under the new classification, "Males 16 and over," "Females 16 and over," and "Children under 16," just as if the previous classification coincided with that of 1900.]

State.	1870	1880	1890	1900	1905
<b>Men 16 and over:</b>					
New England.....	30,203	45,521	63,749	78,217	76,483
Middle States.....	8,466	8,919	11,580	14,473	13,852
Southern States.....	3,640	4,633	12,517	40,528	54,577
Western States.....	481	612	991	1,136	739
United States.....	42,790	59,685	88,837	134,354	145,718
<b>Massachusetts.....</b>	<b>13,694</b>	<b>22,180</b>	<b>33,101</b>	<b>45,105</b>	<b>43,393</b>
Rhode Island.....	5,583	8,045	10,507	10,330	10,593
Pennsylvania.....	3,859	3,339	4,991	6,737	6,056
North Carolina.....	258	764	2,788	12,780	15,909
South Carolina.....	289	661	2,849	13,418	18,279
Georgia.....	1,147	1,853	3,849	7,309	10,851
Alabama.....	303	384	735	3,152	5,009

<sup>1</sup> Vol. VI, The Beginnings of Child-Labor Legislation in Certain States, ch. 2, p. 39.

## 232 BULLETIN OF THE BUREAU OF LABOR STATISTICS.

AVERAGE NUMBER OF MEN, WOMEN, AND CHILDREN, AND PERCENTAGE OF CHILDREN OF THE TOTAL NUMBER OF WAGE EARNERS, IN COTTON INDUSTRY, 1870 TO 1895—Concluded.

State.	1870	1880	1890	1900	1905
<b>Women 16 years and over:</b>					
New England.....	50,805	62,554	73,445	73,258	70,113
Middle States.....	14,126	13,185	16,240	16,056	15,116
Southern States.....	4,190	7,587	15,083	32,528	37,885
Western States.....	516	1,213	1,839	1,867	1,467
United States.....	69,637	84,539	106,607	123,709	124,711
Massachusetts.....	24,065	31,496	38,352	41,057	39,054
Rhode Island.....	8,028	9,199	10,887	9,240	9,377
Pennsylvania.....	6,097	4,454	6,258	7,119	6,516
North Carolina.....	916	1,727	3,656	10,364	12,235
South Carolina.....	508	772	3,070	8,673	10,157
Georgia.....	1,080	2,951	4,005	6,495	7,873
Alabama.....	445	631	852	2,743	3,377
<b>Children under 16 years:</b>					
New England.....	13,767	17,704	10,165	10,819	9,385
Middle States.....	6,382	6,014	4,021	4,314	2,765
Southern States.....	2,343	4,097	8,815	24,438	27,538
Western States.....	450	505	431	295	290
United States.....	22,942	28,320	23,432	39,866	40,029
Massachusetts.....	5,753	7,570	4,091	5,923	5,586
Rhode Island.....	3,134	3,930	3,182	2,253	1,947
Pennsylvania.....	2,774	2,086	1,417	1,711	1,187
North Carolina.....	279	741	2,071	7,129	8,212
South Carolina.....	326	585	2,152	8,110	8,835
Georgia.....	619	1,411	2,460	4,479	5,406
Alabama.....	284	433	501	2,437	3,094
<b>Total:</b>					
New England.....	94,775	125,779	147,359	162,294	155,981
Middle States.....	28,974	28,118	31,841	34,843	31,871
Southern States.....	10,173	16,317	36,415	97,494	120,110
Western States.....	1,447	2,330	3,261	3,298	2,496
United States.....	135,369	172,544	218,876	297,929	310,458
Massachusetts.....	43,512	61,246	75,544	92,085	88,033
Rhode Island.....	16,745	21,174	24,576	21,823	21,917
Pennsylvania.....	12,730	9,879	12,666	15,567	13,789
North Carolina.....	1,453	3,232	8,515	30,273	36,356
South Carolina.....	1,123	2,018	8,071	30,201	37,271
Georgia.....	2,846	6,215	10,314	18,283	24,130
Alabama.....	1,032	1,448	2,088	8,332	11,480
<b>Percentage of children of total number of wage earners:</b>					
New England.....	14.5	14.1	6.9	6.7	6.0
Middle States.....	22.0	21.4	12.6	12.4	8.7
Southern States.....	23.0	25.1	24.2	25.0	22.9
Western States.....	31.1	21.7	13.2	8.9	11.6
United States.....	16.9	16.4	10.7	13.4	12.9
Massachusetts.....	13.2	12.4	5.4	6.4	6.3
Rhode Island.....	18.7	18.6	12.9	10.8	8.9
Pennsylvania.....	21.8	21.1	11.2	11.0	8.6
North Carolina.....	19.2	22.9	24.3	23.5	22.6
South Carolina.....	29.0	29.0	26.7	26.9	23.7
Georgia.....	21.7	22.7	23.9	24.5	22.4
Alabama.....	27.5	29.9	24.0	29.2	27.0

It is clear, from a cursory glance at the table, that New England and the Southern States are the important centers of the industry, and that the Western and Middle States are practically so unimportant that for present purposes they may be ignored. In New England, while the total number of operatives has increased since 1880 by over 30,000, the number of children has fallen off about

8,000. Although the industry is growing, it is a declining industry for children. In the South, on the other hand, the actual number of children has increased over sixfold in the quarter century, and relative to the total number of wage earners has lost very little, still remaining nearly one-fourth of the total labor force, 22.9 per cent. Conspicuous is the sharp fall in the number of children employed in New England and the Middle States between 1880 and 1890, when labor legislation became effective in those localities. In the South up to 1900, in the absence of child-labor legislation or legal regulation, there was still one child under 16 years of age in every group of four persons employed. It is evident that the constant tendency of improved machinery in the cotton industry to become heavier and heavier has not caused the employment of children to decline.

There are other differences between the two sections. In New England the industry is old, having been started about 1790; in the South, although there were a few sporadic mills, cotton manufacturing hardly began to play any part in the economic development of the section until reconstruction was already an accomplished fact. Even now the industry is still in its infancy. Again, in New England the labor force consists preponderatingly of foreigners, while the South employs the native white population, much resembling the time, years ago, when the farmers' daughters held sway in the mills of New England. Massachusetts and Rhode Island, the centers of cotton manufacturing in New England, furthermore, are highly industrialized, between 46 and 50 per cent of the employed population being engaged in manufacturing, while the South is still predominantly agricultural and rural. In North and South Carolina and Georgia from 60 to 69 per cent of the working population are engaged in agricultural pursuits and only 9 to 12 per cent in manufacturing.<sup>1</sup> The consequence is that conditions are more or less static in one locality, whereas in the other industrial fermentation is bringing about a change.

These differences make a study of the history of the industry in the two sections particularly worth while. Especially from the point of view of the employment of children it is interesting to see if there is any parallel between the early unregulated industry of New England and the unregulated industry of the South.

While spinning and weaving were done mainly at home, children and women were looked upon as the natural workers in these lines, and when in the end of the eighteenth and beginning of the nineteenth century the progress of invention took these industries from the home to the factory, women and children followed them thither. The employment of young children was then common in both the

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<sup>1</sup> Twelfth Census, 1900, Vol. II, Pt. II, p. cxxv.

North and South,<sup>1</sup> but in the latter section so few people of any age were employed in manufacturing that the question of child labor was not important.

In New England children as young as 7 years are known to have been employed in the mills, and advertisements for families with children are common. In these 9 or 10 years is often mentioned as an age for beginners, but there is considerable evidence that children were employed at earlier ages. Two different systems were in use. In one the manufacturer strove to employ families with a large number of children, all of whom were employed as early as possible. This system prevailed very generally in Rhode Island, in Fall River, Mass., and probably in Pennsylvania and New Jersey. Under the other system the manufacturer with a view to securing good moral conditions for his employees established boarding houses under the charge of reputable women and gave the preference to employees who would live in these. Naturally this tended to reduce the number of children employed. Massachusetts and New Hampshire very generally adopted this system.<sup>2</sup>

No really satisfactory data can be secured as to the number of children employed in cotton mills in the early days of the industry. Relatively they were numerous. In 1831 a committee of the Friends of American Industry collected statistics from 795 mills in 12 States. The total number of children under 12 employed in the industry, according to these figures, was 4,691, and the proportion they formed of the total employees ranged from 1.1 per cent in New Hampshire to 40 per cent in Rhode Island. In individual factories the proportion was much higher. Virginia, Maryland, Maine, Massachusetts, Pennsylvania, and Delaware appear in these tables as having no cotton-mill employees under 12 years old; there is evidence that for at least several of these States this showing is incorrect. Practically nothing can be said more definite than that children were very generally employed and that they formed an important part of the working force.

The nature of a child's work in a cotton mill is such that it must necessarily work as long as the adults, and throughout the first half of the last century hours were very long. Working days of from

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<sup>1</sup> The Baltimore Gazette of Jan. 4, 1808, announces the establishment of a cotton manufactory in which "a number of boys and girls from 8 to 12 years of age are wanted." In South Carolina the founder of one of the oldest mills in the State urged the employment of Negroes in the mills on the ground that as there was no necessity for educating them the manufacturer could have "their uninterrupted services from the age of 8 years." In 1819 one manufacturer declared that the children in his factory were "chiefly taken from the poor masters of the country towns and from the almshouse in Baltimore."

<sup>2</sup> In the early days there was a difference in the machinery used in the two sections: "In Rhode Island the mule was used for spinning the weft, which meant a male spinner and two assistants, children; whereas in Massachusetts, at Waltham and Lowell, the filling frame, which had been invented by Moody, did not imply the employment of children. Not until after 1830 was mule spinning introduced into Massachusetts."



12 to 14 hours were common. Various attempts to secure a shorter day by legislation were made, but the laws passed were usually ineffective and there was little real limitation of the hours of children's labor until after the Civil War.

Statistics are lacking for any general statements as to children's earnings, but scattered statements are found indicating that they were low. Not infrequently parents contracted for their children's work, making agreements usually for a year, but sometimes for longer periods. In the early part of the century the parent might ignore the child's educational needs altogether. "Some of the parents," reported the selectmen of Northborough in 1825, "contracted with the overseers of the factory to have their children attend school, and some did not." Later, compulsory school laws were passed and though parents might still keep their children at work all year they did not openly contract to do so. The wages earned by the children were paid to the parents.

Objection to the employment of children in the mills brought out replies of much the same character as those heard to-day in Southern States. Widows with children<sup>1</sup> figured as largely in discussions of child labor as they do to-day. "Employers represented that children were unprofitable to them and that they were employed only because parents importuned. \* \* \* A New England manufacturer, for instance, told Horace Mann in 1848 that children under 15 years—they were about 13 per cent of all the operatives—were employed simply from motives of charity." The well-known argument that it is much better for children to be at work acquiring habits of industry than to be running wild on the streets does full duty, and the uplifting effect of cotton-mill life is dwelt on with as much enthusiasm as some writers of the last decade have displayed. For instance, the following sentence, written in 1836, has a decidedly modern ring:

Hundreds of families \* \* \* originally from places where the general poverty had precluded schools and public worship, brought up illiterate and without religious instruction, and disorderly and vicious in consequence of their lack of regular employment, have been transplanted to these new creations of skill and enterprise and by the ameliorating effects of study, industry, and instruction have been reclaimed, civilized, and Christianized.<sup>2</sup>

## CHILD-LABOR LEGISLATION IN THE NORTH BEFORE 1860.

### PREVIOUS TO 1830.

Early child-labor legislation suffered from two grave defects. In the first place, owing to the prevailing belief in the virtue of industry

<sup>1</sup> In 1855 the report of the Graniteville Manufacturing Co., South Carolina, characterizes the mill as "truly the home of the poor widow and helpless children, or for a family brought to ruin by a drunken, worthless father."

<sup>2</sup> Vol. VI, *The Beginnings of Child-Labor Legislation in Certain States*, ch. 3, p. 70.

and the dangers of legal interference with personal rights, such legislation was usually of a timid and tentative character. And, in the second place, the public was entirely unsuspicious of the fact which years of experience have made evident, that a child-labor law, above all others, is not self-enforcing, and that it is of very little value unless provision is made for vigorous and thorough enforcement. Therefore the few laws which were passed concerning the work of minors were too apt to remain dead letters, and on the whole the children probably gained more through the laws regulating employment in general than through those passed expressly for their benefit.

The first three decades of the century passed without any effective legislation of any kind concerning child labor. In Connecticut a law was passed in 1813 declaring that proprietors of manufacturing establishments should cause the children employed by them to be taught "reading, writing, and the first four rules of arithmetic. Due attention should be paid to their morals, and they were required to attend public worship regularly." The law was passed at the instance of a manufacturer who seems himself to have taken almost a paternal care of the children he employed, but outside of his factory there is no evidence that the law ever had the slightest weight.

In Rhode Island in 1818 the governor reminded the legislature of their duty in providing a plan of education for the factory children, but nothing came of his reminder. In 1824 a resolution was presented providing for the education of factory children and setting forth that "there were no schools in most of the factories for the 25,000 children from 7 to 14 years, and the evening and Sunday schools were of little use, because of the long hours the factory children had to work." But this resolution likewise fell through, and more than a decade elapsed before anything was done which affected the employment of children. In Massachusetts in 1825 a joint committee of house and senate was ordered to inquire into the expediency of providing by law for the education of children employed in factories. After an investigation—the first of the long series of investigations into child-labor conditions undertaken by legislative behest—the committee reported that they were not "aware that any interposition by the legislature at present is necessary in this regard," in spite of the fact that they found hours of labor were generally 12 or 13 a day, which left little opportunity for education.

Pennsylvania showed an early interest in the educational side of the question. In 1822 a report on education read in the senate showed that the number of poor children educated in the Philadelphia district had dropped from 5,369 in 1820 to 2,969 in 1821. This decline was attributed to the increase in factories. The report called attention to the gravity of the situation and invited for it "the early and serious attention of the legislature," but no action was taken. In

1824 and again in 1827 a bill was introduced to provide for the education of minors employed in manufacturing establishments, but neither was carried through.

It appears, therefore, that up to 1830 three States—Massachusetts, Rhode Island, and Pennsylvania—had considered legislative regulation of the employment of children in textile factories, for the purpose of securing some educational opportunities for them, but in not a single one had any effective action been taken.

#### FROM 1830 TO 1860, BY DECADES.

##### FROM 1830 TO 1840.

Massachusetts took the lead in this period with a law, passed in 1836, providing that no child under 15 might be employed in any manufacturing establishment unless it had attended school at least three months of the year. The penalty for violation was \$50, to be recovered by indictment for the use of the common schools in the town where the offending factory was situated. In 1838 an act was passed freeing the employer from liability if he kept a certificate of school attendance for each child under 15 years of age, signed and sworn to by the instructor of the school. The secretary of the board of education reported that the law of 1836 was very generally obeyed, although in some places it had been "uniformly and systematically disregarded." He stated that in one manufacturing town alone 400 children went to school who had never gone before.

In Rhode Island there was considerable agitation during this decade for a 10-hour day, by which, of course, children would have benefited. In 1838 a bill was introduced providing that children under 12 might not be employed unless they had attended school for three months during the preceding year, but it failed to pass. In 1837 Vermont passed a curiously vague and sweeping bill empowering selectmen and overseers of the poor to "examine into the treatment and condition of any minor employed in any manufacturing establishment in their respective towns," giving them large discretionary powers of action if anything objectionable was discovered. There is no evidence that there was any need for this law or that it was ever called into play to any noticeable extent. In New York the desirability of taking some step in regard to the education of factory children was discussed at various times during this decade, both in the assembly and in reports of the superintendent of public schools, but no law was passed.

The agitation in Pennsylvania during this decade was of particular interest because, although no legislation was passed, the feasibility of limiting the age at which children might be employed was brought forward, apparently for the first time. In 1833 a

motion was introduced in the house calling for a report on the question "how far the employment of children under 14 years of age in the manufacturing establishments of this State is detrimental to health," and also suggesting the limitation of hours for such children. The motion was adopted but no report appears to have been made. Nevertheless, the idea that the labor of young children might be intrinsically objectionable—"detrimental to health"—appeared to make an impression. Later in the same year the cotton operatives at Manayunk issued an address appealing for better conditions, claiming that through poverty they were obliged to place their children in factories at an early age with disastrous consequences, though the consequences enumerated spring in the main from lack of educational opportunities. In 1837 the citizens of Pittsburgh held a meeting on the subject of children employed in factories and prepared a memorial to the legislature. Commenting on this the National Laborer exclaims: "It is time that infants, yea *infants*, should be released from that toil and oppression to which the poverty of their parents forces them to yield." In 1838 a select committee, appointed the year before, reported an act concerning the employment of children in factories, which, along with provisions as to hours and schooling, prohibited the employment of children under 10. The committee also dwelt at length in their report on the abuses occurring under the present system. The report closes with a singularly modern note. It is better, they consider—

That counties should become, in some cases, chargeable with indigent parents than that the health, morals, and future prospects of their offspring should be sacrificed or even jeopardized for the precarious maintenance that is earned by their toil.<sup>1</sup>

The bill failed to pass, and a somewhat similar bill reported in the senate the next year never even reached consideration.

During this decade, to summarize, Massachusetts had provided by law for three months' school attendance of all factory children under 15, Vermont had passed a vague law, in New York legislative action in regard to education had been discussed, and in Pennsylvania the proposition to limit the age of beginning work had been brought forward, though not adopted.

#### FROM 1840 TO 1850.

The earliest agitation against child labor was directed against the deprivation of educational opportunities it involved. During the thirties interest in education had somewhat diminished, while as the labor movement grew in strength increasing emphasis was laid on the importance of shorter hours for all workers, children and adults

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<sup>1</sup> Vol. VI, The Beginnings of Child-Labor Legislation in Certain States, ch. 4, p. 121.

alike. Accordingly child-labor legislation during this decade moved along two main lines, provision of educational opportunities and restriction of hours. The idea brought forward in Pennsylvania during the preceding decade of an age limitation for beginning work also made some headway.

In Massachusetts an act was passed in 1842 forbidding the employment of children under 12 in manufacturing establishments for more than 10 hours a day. In 1849 an educational law was passed which did nothing more than interpret and define the law of 1836.

In Rhode Island the agitation of the thirties resulted in a bill, passed in 1840, providing three months' schooling for children under 12 years in the year before employment. This act was inadvertently repealed in 1845.

In 1842 Connecticut passed a law forbidding the employment of children under 15 unless they attended school three months each year, and also forbidding the employment of children under 14 for more than 10 hours a day in cotton or woolen mills.

Up to this decade New Hampshire had not shown any particular interest in the regulation of child labor, but about 1845 the labor movement became active in this State and petitions for an improvement of conditions began to pour in upon the legislature. In 1846 a law was passed providing that children 12 to 15 must attend school three months out of 12, and children under 12 must attend six months. Certificates of attendance were required and the school committee was to inform of all violations; in 1848 this was weakened by an amendment making the school attendance compulsory only for the year preceding employment. In 1847 a law was passed forbidding the employment of children under 15 for more than 10 hours a day without the written consent of the parents, a provision which rendered the law practically worthless.

Maine proceeded along somewhat the same lines. In 1847 school attendance was required of all children employed in cotton or woolen mills, three months a year for those between 12 and 15, and four months for all under 12. The next year, 1848, a law was passed forbidding the employment of children under 16 by any manufacturing or other corporation for more than 10 hours a day. This provision roused such opposition that in 1849 both house and senate passed a bill to repeal it, which the governor refused to sign. His message, giving his reasons for refusing, replies to the same arguments in favor of unrestricted child labor which are brought forward to-day, and in some respects the governor's attitude was in advance of that which has yet been reached in many communities:

Evidently those in favor of repealing the act of 1848 had contended that the mills could not run on a 10-hour basis, and that many children under 16 would therefore be deprived of the privilege of

affording relief to widowed mothers, etc. The governor met this objection by showing that the State would then permit the mother to be relieved at the incalculable cost of entailing upon thousands of offspring mental and bodily imbecility, poverty, and wretchedness.<sup>1</sup>

New York and New Jersey both made sundry efforts during this decade to secure limitation of hours and an age limit for the employment of children, but neither accomplished anything. Pennsylvania linked the children's cause with that of the workers generally, and in 1848 passed a law making 10 hours the legal day in cotton, woolen, silk, paper, bagging, and flax factories, and forbidding the employment of children under 12 in any cotton, woolen, silk, or flax factory under a penalty of \$50. In 1849 the age limit was raised to 13 years and a provision was added that children between 13 and 16 years of age must attend school for three consecutive months each year.

#### FROM 1850 TO 1860.

During this decade there was comparatively little advance in the child-labor movement. Massachusetts increased the school attendance requirements for children under 12 years from 11 to 18 weeks each year until the age of 12 was reached. Rhode Island in 1853 forbade the employment of children under 12, and in 1854 provided that up to the age of 15 all must attend school three months a year. Connecticut in 1855 fixed 9 years as the age below which children might not lawfully be employed, and the next year raised this limit to 10. In 1855 it was also provided that minors under 18 should not work more than 11 hours a day, but the next year this was increased to 12, with a proviso for a 69-hour week. New Jersey in 1851 established 10 years as the age limit for employment and 10 hours was established as the legal day.

#### SUMMARY.

By 1860 in the Northern States public opinion had advanced from the early position that child labor was an unmixed benefit to a recognition of the fact that there were at least two sides to the question. The importance of affording educational opportunities to every child was recognized rather generally and the right of the State to interfere in order to secure this was admitted. The right of the State to control the age at which children might begin work and the hours during which they might be employed had also been established in more than one State. It might be said that the theory of the right of the State to protect children was admitted, but as yet very little practical application of that right had been made. Laws for that purpose were relatively few, and as a rule contained little or no provision for enforcement.

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<sup>1</sup> Vol. VI, *The Beginnings of Child-Labor Legislation in Certain States*, p. 103.

**CHILD-LABOR LEGISLATION IN FOUR SOUTHERN STATES:  
NORTH CAROLINA, SOUTH CAROLINA, GEORGIA, AND  
ALABAMA.****EARLIER LEGISLATION.**

The labor of children received very little legislative attention in the South before the beginning of the present century. In 1853 Georgia passed an act providing that "the hours for labor by all white persons under 21 years of age in all cotton, woolen, and other manufacturing establishments in this State shall be, and the same hereby are, settled and fixed at from sunrise to sunset, including the usual and customary time for meals." This permitted long hours, but at least prohibited night work. No provision was made for its enforcement. There is nothing to indicate what conditions led to this enactment and no account of its effect. In 1886-87 Alabama forbade the employment in mines of children under 15. In 1892-93 the employment of women and of boys under 10 in mines was forbidden, and four years later the age limit for boys was raised to 12 years. In 1886-87 it was provided that children under 14 were not to be employed in manufacturing and mechanical establishments more than eight hours a day, but this law was repealed in 1894. In 1889 Georgia limited hours in cotton and woolen factories to 66 a week, and in 1892 South Carolina provided for an 11-hour day and a 60-hour week in cotton and woolen mills.

This sums up the legislation by which children were affected up to 1900. There were a few limitations on hours, but no provisions for detecting or preventing violations. There was no age limit on employment, except Alabama's prohibition of the employment of boys under 12 in mines; neither physical nor educational qualifications were required and night work was permitted for young and old alike.

During the nineties a number of efforts were made in the four leading manufacturing States of the South to secure some effective regulation of child labor, but all failed. In these earlier campaigns the arguments of the opposition varied considerably, according to the importance of the industry in a given State. Thus in Georgia, when a bill to forbid the employment of children under 12 in cotton and woolen mills was introduced in 1887, the cotton industry was relatively so unimportant that none of the arguments against the bill mentioned any possible injury to the industrial interests of the State. Opposition was based on the arguments that children should be trained to habits of industry, that labor did not injure them so much as idleness, and that, moreover, such legislation was a direct infringement upon parental rights. Ten years later the same attitude was still held. The responsibility of employing children should rest with the parents, declared one group of opponents, while by

others: "Child-labor legislation was branded as a 'maudlin' sentimentalism that seeks to throw around children a protection that would harm them. If these children were not allowed to work they would not get educational advantages, but would be exposed to all the contaminating influences of this world."

On the other hand, in the Carolinas, where the industry was growing much more rapidly than in Georgia, the opposition was frankly based on economic reasons. In North Carolina in 1887 the opposition to an age limit for employment laid stress on the fact that if it were adopted "a great many people would be unable to support their families and even if the children did not work their parents would be unable to send them to school." In 1893 it was asserted that "labor laws in Georgia had driven the capitalists to North Carolina, and the inference was that the legislation proposed would in turn drive them out of North Carolina." In 1892 in South Carolina a manufacturer opposing the limitation of hours for women and children on the ground that it would seriously injure the industry declared: "Only women and children could be employed in the spinning department owing to the lowness of the machinery."

#### LEGISLATION AFTER 1900.

By 1900 the movement against child labor was becoming a force to be reckoned with. The rapid growth of the cotton industry was bringing so many children into the mills that the question could no longer be looked upon as unimportant. In 1880 the cotton mills of North and South Carolina, Georgia, and Alabama employed 3,170 children under 16; in 1900 the number had increased to 22,155, and in individual States the increase had been much more rapid than for the group as a whole. From 1900 onward not a legislative year passed in which some measure for regulating child labor was not brought up in one or more of these four States. The progress of each of these campaigns is given in the report in much detail, but since the course of events was not very different in the four States, South Carolina may be taken as typical.

In 1884 an act forbidding the employment of children under 10 was introduced in the South Carolina Legislature, but failed to become a law. The next attempt of the kind was made in 1889 and the next in 1890, both being unsuccessful. In 1900 a bill forbidding the employment of children under 12 was lost. In 1901 petitions both for and against a child-labor bill were presented, and a bill was introduced forbidding the employment of children under 12. The bill failed to pass, but was warmly debated on both sides:<sup>1</sup>

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<sup>1</sup> Vol. VI, *The Beginnings of Child-Labor Legislation in Certain States*, ch. 5, pp. 152 to 154.



The statements made and opinions expressed at the hearings and in the legislature are such interesting evidence of the public attitude toward child labor at the time that a summary of them is particularly in place. In the main the arguments of the opposition are the same that had been used in New England 50 years before. The differences are simply due to the difference in local conditions. The manufacturer's chief argument was that it was an infant industry bringing wealth into the State, and it should be protected. One manufacturer went so far as to say that the child-labor bill with its 12-year age limit might be called "a bill to discourage manufacturing in South Carolina."<sup>1</sup> The old argument that labor legislation would drive off capital was brought out. The absence of labor legislation in Georgia and Alabama had enticed New England manufacturers, and if they had restrictive laws in South Carolina every outside manufacturer would give them a wide berth.<sup>2</sup> Moreover, the operatives would move to North Carolina and Georgia to obtain employment for their children, so that labor already scarce enough would become still scarcer. It is noticeable at this time that the manufacturers made no attempt to minimize the extent of child labor as later, but freely admitted it. The president of a large mill stated that children between 10 and 12 years old did almost all the spinning in the State, and the passage of the law, in the estimation of some manufacturers, would stop 20 per cent of the machinery.<sup>3</sup> The president of another company said that 30 per cent of the operatives in the spinning room at his mills were children under 12, and from his information he did not doubt that the same proportion would hold for the rest of the State.<sup>4</sup> The pitiable state of education is brought out by the statistics of the Victor Mills, admittedly one of the "show mills" of the State. Out of 124 children 58 could not read, or about 46 per cent. The wording of the president's statement that "all could read except 58"<sup>4</sup> is suggestive. These facts were lost sight of in the more important question of the welfare of the industry. The position that the withdrawal of the children from the industry would stop 30 per cent of the machinery was generally accepted. It resolved itself, as the president said, into the question of whether it was better to protect 30 per cent of labor, the children, or indirectly paralyze all the other interests which were dependent on it. Various statements from physicians—employees of cotton-mill corporations or in villages belonging to mill corporations—that millwork was not injurious to children were read.

In the assembly debates the arguments of the opposition centered around the contention that the operatives did not desire the proposed legislation. The 4,864 operatives' signatures against the bill as contrasted with 1,230 signatures for it was used as proof.<sup>5</sup> The other side, however, took the position that it was not a question of what mill presidents and parents wanted, but whether legislation protecting the children of the State should be passed. The opposition also

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<sup>1</sup> Reported in the Charleston News and Courier, Jan. 24, 1901, p. 5.

<sup>2</sup> Idem, Jan. 22, 1901, p. 5.

<sup>3</sup> The Charleston News and Courier, Jan. 22, 1901.

<sup>4</sup> Idem, Jan. 24, 1901.

<sup>5</sup> Speech of a representative from Anderson County reported in the Charleston News and Courier, Feb. 1, 1901.

declared that the bill, besides being class legislation, was an infringement of the rights of parents and a slander on cotton-mill operatives.<sup>1</sup> "Such a law as this," declared one orator, "will be repulsive to operatives in this State in whose veins runs the hot blood of freedom." South Carolina was not a land of paternalism.<sup>2</sup>

Another statesman asserted that the laboring classes in South Carolina were much better without laws than those in New England with laws. "Education is not everything," he concluded, "for virtue is cheap in New England."<sup>3</sup> A report to the News and Courier stated that—

"The members of the general assembly are disposed to heed the advice of such men as [naming 10 well-known millmen] rather than those who are not entirely familiar with the situation. They know that these are the men who have brought millions into the cotton-manufacturing industry in this State; they know that these mills have given interior towns port prices for their cotton; and they know how the mills enhance local products. These men are all South Carolinians to the manor born, and their hearts have been tried, and are as true to their people as those of the agitator, and their views of what is for the ultimate good of the State ought to be as good as those of any agitator or even sincere humanitarian, for who would not say that they do far more for their working classes than do those in most other occupations. \* \* \* The argument is that to turn loose boys 10 and 11 years old without anything to do and without any desire to go to school would be far worse than to let the children acquire habits of industry and thrift. At all events there are very few children under 12 years of age who are employed in cotton factories, and the statements of the mill officers are that they would rather not employ children at all, as it is expensive and unsatisfactory, but it has to be done to help poor families in the mills, and is sometimes due to the misstatements of parents as to the ages of children."<sup>4</sup>

In 1902 a child-labor bill was again defeated, but by only a narrow margin. In 1903 the governor sent in an emphatic message on the subject. "No one can successively controvert," he declared, "the position that this labor of long and constant hours is injurious to the child and therefore affects the citizenship of the future. This being true, the State has a right to come in and say it shall be stopped."

By this time it was becoming apparent that public opinion demanded a child-labor law, and the opposition devoted itself not to preventing but to weakening such legislation. The law as finally passed graduated the age limit of employment from 10 years in 1903 to 12 years in 1905.

<sup>1</sup> See speech of a representative from Anderson County in the Charleston News and Courier, Feb. 1, 1901.

<sup>2</sup> Idem, Feb. 9, 1901, p. 3.

<sup>3</sup> Speech of the senator from Anderson County in the Charleston News and Courier, Feb. 8, 1901, p. 5.

<sup>4</sup> Jan. 21, 1901, p. 5, c. 1, 2, 3. Also Kohn's pamphlet, *The Cotton Mills of South Carolina*, republished from the Charleston News and Courier, Columbia, S. C., 1907.

Night work for children under 12 years of age between 8 p. m. and 6 a. m. was forbidden, although children under 12 years of age, whose employment was otherwise permissible, were allowed to make up lost time. An exception was made allowing orphans and the children of a widowed mother or of a totally disabled father to work, in case they were dependent upon their own labor for support. The widow or parent had to furnish an affidavit, indorsed with the approval of the officer before whom it was made, saying they were unable to support the children. Children under the legal age could work during the summer months provided they had attended school four months during the current year and could read and write. Affidavits of age for children under 12 years of age were required to be on file in the office of the employer. Penalties were attached to parents for permitting disqualified children to work. Employers were practically exempt by making only those who "knowingly" employed children contrary to the law subject to a fine.<sup>1</sup>

No means of enforcement were provided.

Mild as was this bill, "a triumph of the principle only of a child-labor bill," it was looked upon as being all that could be expected for a time, and for some years the friends of labor legislation devoted themselves to trying to secure shorter hours. In 1907 a bill was passed providing that beginning January, 1908, 10 hours a day and 60 hours a week should constitute the regular working hours in cotton and woolen mills for all operatives except machinists, engineers, etc. Contracts for longer hours were void.

In 1907 and in 1908 unsuccessful efforts were made to secure factory inspection, but in 1909 this was obtained. The need of such inspection was very generally felt.

The Columbia State pointed out the utter inadequacy of the child-labor law in keeping children under age who were not subject to the exceptions out of the mills. The parents, anxious to secure employment for their children, might give any age they chose for the children and there was no redress. If one mill refused to employ children which it believed to be under age, some other less scrupulous mill would. \* \* \* Inspection of the mills would help enforce the law.<sup>2</sup>

The State commissioner of agriculture, commerce, and industries was to report annually statistical details relating to all departments of labor. He might employ two inspectors in enforcing the provisions of the law. Children under 14 were prohibited from cleaning certain kinds of machinery while in motion, and where children under 14 were employed notices to that effect must be posted.

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<sup>1</sup> Vol. VI, *The Beginnings of Child-Labor Legislation in Certain States*, ch. 5, p. 158.

<sup>2</sup> *Idem*, p. 164.

The first report of the commissioner, covering the work of 1909, showed that the employment of children under 12 was common. During the year the inspectors had ordered the discharge of 231 children under 12 who were illegally employed, and found 726 others under that age working under the exception of the law. During the summer months 519 certificates were issued to children under 12 allowing them to work until September 1st.

In the three other States the same opposition was met with and much the same results were obtained, though North Carolina and Georgia did not establish any inspection system within the period covered.

The report closes with an analysis and comparison of the child-labor legislation secured in the North before 1860 and in the South by 1909, which is here given in full:<sup>1</sup>

## CONCLUSION.

### ANALYSIS OF CHILD-LABOR LEGISLATION PRIOR TO 1860.

In order to secure a general idea of the child-labor legislation enacted up to 1860, the laws of the various States have been analyzed and classified under the chief characteristics of such legislation, the age of employment, limitation of hours, and school attendance requirements, in the following tables:

#### ANALYSIS OF CHILD-LABOR LEGISLATION PRIOR TO 1860.

##### *I. Age of employment.*

State and date of law.	Industries affected.	Age limit.	Proof of age.
Massachusetts; no legislation.			
Rhode Island, 1853.....	Manufacturing.....	Children under 12 years not to work.	Not required.
Connecticut:			
1855, ch. 45.....	Manufacturing and mechanical.	Children under 9 years not to work.	Do.
1856, ch. 39.....	do.....	Children under 10 years not to work.	Do.
Vermont, 1837, No. 34....	Manufacturing.....	Selectmen had discretionary powers.	
New Hampshire; no legislation.			
Maine; no legislation...			
New York; no legislation.			
New Jersey, 1851.....	Manufacturing.....	Children under 10 years not to work.	Do.
Pennsylvania:			
1848, No. 227.....	Cotton, woolen, silk, flax..	Children under 12 years not to work.	Do.
1849, No. 415.....	Cotton, woolen, silk, paper, bagging, flax.	Children under 13 years not to work.	Do.

<sup>1</sup> Vol. VI, *The Beginnings of Child-Labor Legislation in Certain States*, ch. 6, p. 207 et seq.

## ANALYSIS OF CHILD-LABOR LEGISLATION PRIOR TO 1860—Continued.

*II. Limitation of hours for children.*

State and date of law.	Industries affected.	Detail of hour limitation.	Enforcement.
Massachusetts, 1842, ch. 60.	Manufacturing.....	Children under 12 years may not work over 10 hours a day.	Not provided for.
Rhode Island, 1853.....	.....do.....	Children 12 to 15 years may not work over 11 hours. Nightwork after 7.30 p. m. and before 5 a. m. forbidden minors under 18 years, packers excepted.	Do.
Connecticut: 1842, ch. 28.....	Cotton and woolen.....	Children under 14 years may not work over 10 hours a day.	Do.
1855, ch. 45.....	Manufacturing or mechanical.	Children under 18 years may not work over 11 hours a day.	Do.
1856, ch. 39.....	.....do.....	Children under 18 years may not work over 12 hours a day and 69 a week.	Constables and grand jurors to inquire after violations.
Vermont, 1837, No. 34...	Manufacturing.....	The selectmen had large discretionary powers.	
New Hampshire, 1847, ch. 488.	Manufacturing.....	Children under 15 years may not work over 10 hours a day without written consent of the parent.	Not provided for.
Maine, 1848, ch. 83.....	Manufacturing or other corporation.	Children under 16 years may not work over 10 hours a day.	Do.
New York; no legislation apart from the 10-hour day on public works.			
New Jersey, 1851.....	Manufacturing (Acts of 1852, p. 62).	Minors may not be holden or required to work over 10 hours a day or 60 a week.	Do.
Pennsylvania: 1848, No. 227.....	Cotton, woolen, silk, paper, bagging, flax.	Minors may not be holden or required to work over 10 hours a day or 60 a week. Minors above 14 years may be employed more than 10 hours by special contract.	Do.
1849, No. 415.....	.....do.....	Children 13 to 16 years may not work over 10 hours a day.	Do.
1855, No. 501.....	.....do.....	Minors may not work over 60 hours a week.	On complaint; constables to act.
Ohio, 1852.....	Manufacturing and mechanical.	Women and children under 18 years may not be compelled to work over 10 hours a day. Children under 14 years may not work over 10 hours a day.	Not provided for.

*III. School-attendance requirements.*

State and date of law.	Industries affected.	Nature of school requirements.	School certificates.	Enforcement.
Massachusetts: 1836, ch. 245.....	Manufacturing....	Children under 15 years must attend school 3 months out of 12.	Not mentioned.....	Not provided for.
1838, ch. 107.....			School certificates not required, but conclusive evidence in case of doubt.	Do.
1849, ch. 220 (repealing act of 1836).	Manufacturing....	Children under 15 years must attend school 11 weeks.		Do.
1858, ch. 83.....	.....do.....	Children under 12 years must attend school 18 weeks.		Do.
Rhode Island: 1840 (repealed in 1844).	.....do.....	Children under 12 years must attend school 3 months out of 12.	Not required, but conclusive evidence in case of doubt.	Do.

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## ANALYSIS OF CHILD-LABOR LEGISLATION PRIOR TO 1860—Concluded.

## III. School-attendance requirements—Concluded.

State and date of law.	Industries affected.	Nature of school requirements.	School certificates.	Enforcement.
Rhode Island—Concluded. 1854.....	Manufacturing....	Children under 15 years must attend school 3 months out of 12.	Not mentioned.....	Not provided for.
Connecticut, 1842, ch. 28.	All occupations....	Children under 15 years must attend school 3 months out of 12.	Not required; but when sworn to by the teacher, sufficient evidence in cases arising under the law.	School visitors.
Vermont, 1837.....	Manufacturing....	The selectmen had large discretionary power.	.....	.....
New Hampshire: 1846, ch. 318.....	.....do.....	Children 12 to 15 years must attend school 3 months out of 12; children under 12 years must attend school 6 months out of 12.	Required; must be sworn to by the teacher.	School committees to inform of all violations.
1848, ch. 622 (repealing act of 1846).	Manufacturing....	Children 12 to 15 years must attend school 12 weeks out of the year before employment; children under 12 years must attend school 6 months out of the year before employment.	Required; signed by the teacher.	Not provided for
Maine, 1847, ch. 29..	Cotton and woolen manufacturing.	Children 12 to 15 years must attend school 3 months out of 12; children under 12 years must attend school 4 months out of 12.	Required; sworn to by the teacher.	Do.
New York; no legislation.	.....	.....	.....	.....
New Jersey; no legislation.	.....	.....	.....	.....
Pennsylvania, 1849, No. 415.	Cotton, woolen, silk, paper, bagging, and flax.	Children 13 to 16 years must attend school 3 months consecutively out of 12.	Not mentioned.....	Do.

As may be seen, prior to 1860 only four States limited the age of employment of children. In the Connecticut and New Jersey laws the age limit was 10 years in all manufacturing establishments and in Connecticut in mechanical establishments also. Twelve years was the limit in Rhode Island in manufacturing establishments. The Pennsylvania law raised the age limit from 12 to 13 years in cotton, woolen, silk, paper, bagging, and flax factories. In none of the States was any proof of age required.

Six States—Maine, New Hampshire, Massachusetts, New Jersey, Pennsylvania, and Ohio—limited the hours of labor to 10 a day for children in manufacturing establishments (in Pennsylvania, in tex-

tile establishments). The ages of the children varied in the different States. Thus, in Massachusetts the law forbade children under 12 years from working over 10 hours a day, and in Pennsylvania the act of 1855 forbade all minors from working over 60 hours a week. Rhode Island limited the hours to 11 a day for children between 12 and 15 years of age, and was the only State that forbade night work for minors. However, the evils of night work at that time were not great. In Connecticut minors under 18 years could not work over 12 hours a day or 69 hours a week. The law became more lax instead of rigid, just the reverse of the course of legislation in Pennsylvania, where, starting out with a law that minors should not be held or required to work over 10 hours a day or 60 a week, the State later directly forbade their employment over 60 hours a week. In New Hampshire the children under 15 years of age working over 10 hours a day had to have the written consent of the parent. The New Jersey law stated that minors could not be held or required to work over 60 hours a week. If the child worked longer the employer could shift the responsibility by declaring it was voluntary and not required. Connecticut and Pennsylvania alone made any attempt at enforcing the law. In the former State the constables and grand jurors were to inquire after violations, and in Pennsylvania on complaint the constables could act.

As was to be expected, the New England States emphasized school attendance, and besides Pennsylvania were the only States to enact legislation of this nature. Massachusetts was the pioneer, and the other States modeled their laws on hers. Children under 15 years of age employed in manufacturing establishments in Maine, in cotton and woolen mills only, must attend school 3 months a year. Maine, New Hampshire, and Massachusetts lengthened the school term for children under 12 years of age. In Pennsylvania children 13 and under 16 years of age employed in certain specified industries must attend school three months consecutively out of 12 months. Two of the States—Maine and New Hampshire—required certificates of school attendance, and in the former the teacher was required to swear to the certificate. In Rhode Island and Massachusetts, these certificates, although not required, were conclusive evidence in cases of doubt. Pennsylvania did not regulate certificates. In Connecticut it was the duty of the school visitors to enforce the law, and in New Hampshire also the school committees were at first charged with enforcing the law, a provision that was afterwards repealed.

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## ANALYSIS OF CHILD-LABOR LEGISLATION IN FOUR SOUTHERN STATES.

The following tables contain a similar analysis of legislation in the Southern States:

## ANALYSIS OF CHILD-LABOR LEGISLATION IN FOUR SOUTHERN STATES.

*I. Age of employment.*

State and date of law.	Industries affected.	Age limit.	Proof of age.	Enforcement.
North Carolina: 1903.....	All manufacturing (except oyster canning).	Children under 12 years not to work.	Required; but simply the written statement of the parent.	Not provided for.
1907.....	All manufacturing.	Children under 13 years not to work, except apprentices 12 to 13.	.....do.....	Do.
South Carolina: 1903.....	Mines, factory, textile manufacturing.	Gradually children under 12 years not to be employed (may assist parents). (Exceptions: Orphans, children of widows, totally disabled parents. Affidavits required for exceptions.) During summer children with school attendance certificate and able to read and write may work.	Not required, but affidavit required for children under 12 years.	Do.
1909.....	.....do.....	.....do.....	Required; but simply the signed statement of parent for children under 14 years.	Inspector.
Georgia, 1906.....	Factory or manufacturing establishment.	Children under 12 years not to work except orphans, children of widows, and totally disabled parents, and then not to work under 10 years. (Affidavit from father for children under 12 years.)	Required; but simply the affidavit of parent.	Grand jury to inspect affidavits.
Alabama: 1886-87, repealed 1894-95.	Mines.....	Children under 15 years not to work.	Not required.....	Not provided for.
1892-93.....	.....do.....	Woman or boy under 10 years not to work.	.....do.....	Mine inspector.
1896-97.....	.....do.....	Woman or boy under 12 years not to work.	.....do.....	Do.
1903.....	Factory or manufacturing.	Children under 12 years not to be employed. Exceptions.	Required; but simply the affidavit of parent for all children.	Not provided for.
1907.....	Cotton, woolen, tobacco, printing and binding, glass, and injurious indoor work.	Children under 12 years not to work or be in or about.	Required; but simply the affidavit of parent for children under 18 years of age.	Inspector.



## BEGINNINGS OF CHILD-LABOR LEGISLATION.

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## ANALYSIS OF CHILD-LABOR LEGISLATION IN FOUR SOUTHERN STATES—Continued.

## II. Limitation of hours for children.

State and date of law.	Industries affected.	Detail of hour limitation.	Enforcement.	Nightwork.
North Carolina: 1903.....	Manufacturing..	Children under 18 years must not work over 66 hours per week.	Not provided for....	No legislation.
1907.....	do.....	do.....	do.....	Between 8 p. m. and 5 a. m. forbidden children under 14 years.
South Carolina: 1892.....	Cotton and woolen manufacturing.	All operatives (children included) not to work over 11 hours a day or 60 hours a week, except firemen, etc. Seventy hours overtime allowed.	do.....	No legislation.
1903.....	Mine, factory, or textile manufacturing.		do.....	Nightwork forbidden children under 12 years.
1907.....	Cotton and woolen manufacturing.	All operatives not to work over 10 hours a day or 60 hours a week, except firemen, etc., after 1908. Sixty hours per annum overtime allowed.	do.....	
1909.....	do.....	All operatives (children included) not to work over 11 hours a day or 60 hours a week.	Inspectors.....	
Georgia: 1853.....	Cotton and woolen and other manufacturing.	Hours for minors (white) fixed at from sunrise to sunset.	Not provided for....	Nightwork forbidden (repealed by Code of 1895).
1889.....	Cotton and woolen factories.	Hours not over 66 a week for all persons, including children.	do.....	Nightwork allowed in cotton mills, according to the Code of 1895.
1906.....	Manufacturing..		do.....	Nightwork forbidden children under 14 years.
Alabama: 1886-87, repealed 1894.	Mechanical and manufacturing.	Children under 14 years not to work over 8 hours a day. Children under 18 years not to be compelled, etc.	do.....	
1903.....	Manufacturing..	Children under 12 years not to work over 66 hours a week.	do.....	Nightwork forbidden children under 13 years. Children under 16 years not over 43 hours.
1907, reenacted in 1909.	Cotton, woolen, tobacco, printing and binding, glass, or injurious indoor work.	Children under 14 years not to work over 60 hours a week.	Inspector.....	Nightwork forbidden children under 16 years. Children 16 to 18 years not over 43 hours a week at night.

## 252 BULLETIN OF THE BUREAU OF LABOR STATISTICS.

## ANALYSIS OF CHILD-LABOR LEGISLATION IN FOUR SOUTHERN STATES—Concluded.

*III. School-attendance requirements.*

State and date of law.	Industries affected.	Nature of school requirements.	School certificates.	Enforcement.
North Carolina, 1907.....		4 months a year for apprentices 12 to 13 years.	Required; simply the written statement of the parent.	Not provided for.
South Carolina: 1903.....	Mines, factory, textile manufacturing.	Children under 12 years who work in summer must have attended school 4 months and be able to read and write.	.....do.....	Do.
1909.....				
Georgia, 1906.....	Factory or manufacturing establishment.	Children 12 to 14 years must be able to read and write and shall have attended school 12 weeks in the past year, 6 consecutively. Exceptions allowed. Children between 14 and 18 years must have attended school 12 weeks a year, 6 weeks consecutively.	Required; simply the affidavits of the parents.	Inspectors. Grand jury.
Alabama, 1907...	Manufacturing, cotton, woolen, tobacco, printing and binding, glass or injurious indoor work.	Children 12 to 16 years must attend school 8 weeks a year, 6 weeks consecutively.	Not required.....	Inspector.

The analysis of the legislation of the 4 Southern States shows that in general 12 years is the legal age limit in the 4 States, below which children may not be employed in manufacturing establishments. In North Carolina the age limit has been raised to 13 years, except for apprentices between 12 and 13 years. In all of the States except South Carolina children are not only forbidden employment by the manufacturer, but they are not allowed to work in the factory. This prevents their going in to help an older relation and does away with the employer's plea that he is not employing the children, but that, independently of him, their parents take them into the mill to assist them. Where the law does not go further and state that children are not allowed to be in or about the factory, parents may make of the mill a day or night nursery, according to their exigencies, unless, of course, the management of its own accord forbids such a practice. Alabama alone forbids by law the presence of children under the legal age in factories. Two of the States—South Carolina and Georgia—let down the age limit for orphans and the children of widows or disabled fathers. In South Carolina an affidavit of inability to support the child is required of parents and guardians, while in Georgia it is only required of the disabled father. No child under 10 years of age is allowed under any circumstances to work in Georgia, whereas the South Carolina law sets no minimum age limit for exceptions. The Alabama law contained a similar exception which was later abandoned. South Carolina also allows children

under 12 years to work during the three summer months if they have fulfilled certain educational requirements.

The written statement of the parent in North and South Carolina and the affidavit of the parent in the other two States is all that is required to establish the child's age. In South Carolina the signed statement of the parent is required only for children under 14 years of age. If, for example, the parent says the child is over 14, no further statement is necessary. In none of the States is it demanded that the parent's affidavit or statement be substantiated by documentary proof of the age, record of birth, school or baptismal certificate, etc. In the two States, therefore, which attempt to enforce this law by inspectors it is as impossible for them to go back of the parent's word as in the States where there is no inspector. The advantage in this respect that the States with inspectors have over those without inspectors is that the provisions requiring parents' affidavits to be kept by the manufacturing establishment are enforced. In Georgia, although there is no inspector, the affidavits are open to inspection by the grand jury. An effective law would require proof independently of the parents' oath. It would then be impossible to have parents swearing, as in Alabama, that their children were 12 years old but at the same time unable to swear when they were born.<sup>1</sup>

The weekly working hours are limited for children in all the States, ranging from a maximum of 66 hours a week in North Carolina and Georgia to a maximum of 60 hours in South Carolina. In none of the States, however, except South Carolina is the daily maximum of working hours prescribed. In Alabama children under 14 years of age may not work over 60 hours a week, which means, of course, that those manufacturing establishments desiring to operate longer hours get rid of children under 14 years of age with a success dependent on the effectiveness of the law limiting ages. Children over 14 years of age may be worked indefinitely long. Nightwork is forbidden children under 12 years in South Carolina, under 14 years in North Carolina and Georgia, and under 16 years in Alabama. In North Carolina and Georgia there is no means of enforcing this law; in the two States with inspectors, filing the age and birth certificates furnishes the necessary basis for enforcement, but subject, of course, to the same disability as the age provisions discussed above.

The school-attendance requirements vary greatly. There are no requirements in North and South Carolina, except for children who are employed under the exceptions in the law. In North Carolina

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<sup>1</sup> First Annual Report of the Department for the Inspection of Jails and Almshouses and Cotton Mills, Factories, etc. (1909), p. 9.

apprenticed children 12 to 13 years of age and in South Carolina children under 12 years, not orphans, children of widows or disabled fathers, who work in summer must have attended school four months in the past year. The obscure wording of the Georgia law makes its construction difficult, but the intent seems to be that children under 14 years must be able to read and write and shall have attended school for 12 weeks in the past year (six weeks consecutively), and that children until reaching 18 must attend school 12 weeks a year. Alabama requires children between 12 and 16 years to attend school eight weeks a year. Certificates of school attendance are required by law in South Carolina and Georgia. In Alabama the factory inspector has adopted a system of certificates for his convenience, although the law is silent on the subject.

In contrasting the legislation of the beginnings of industrialism in the two sections, one is at once struck by the fact that the protection provided for children prior to 1860 came in the New England States from the interest in education, and in the other States from the agitation of labor for a reduction of hours, and that, relatively speaking, limitation of age was rare. In the South at the present time, following the example of later legislation elsewhere, the emphasis is laid on directly limiting the age as the most effective means of striking at the roots of child labor. Educational scruples have played less part there. The practice more or less usual in the earlier legislation of limiting the hours of labor for children under specified ages has not been followed except in Alabama.

It has already been pointed out that the wording of the law in three of the Southern States forbids not only the employment of children by the owner or agent, etc., but their working in the establishment with parents or relatives. In only two of the four States limiting the age of employment of children in industry before 1860 was the law worded so as to prevent children from working in this way. The Pennsylvania and New Jersey laws stated that no child under the age mentioned should be "admitted as a worker." Pennsylvania changed the wording of the law the next year, when the age limit was raised to 13 years, to forbidding the employment of children in or about the factory, thereby making a loophole to allow them to work so long as they were not employed by the employer. The Rhode Island and Connecticut laws merely forbade their employment in or about the manufacturing establishment.

The "knowingly and willfully" provision is a common feature of the laws of the two sections at the same periods of their industrial development. With the exception of Connecticut all the laws prior to 1860 limiting the age of employment contain a provision exonerating the manufacturer from violating the law unless he knowingly

and willfully did so. Similarly, in the South the States, with the exception of Georgia, have the same exonerating provision, with the result that not a single suit for violation of the child-labor laws has been brought even in States with factory inspection. The 1907 law of Alabama in regard to false affidavits of age even goes to the length of making the prosecutor establish that the signer of the age affidavit, the parent, knowingly made a false affidavit as to the age of his child.

The most significant similarity between the legislation of the two sections lies in the absence of factory inspectors, whose especial duty it is to see that the laws are enforced. The Alabama and South Carolina laws have quite recently installed factory inspection, but the laws of Georgia and North Carolina still rely, as did the legislation before 1860, upon "the thousand-eyed police, public opinion," which was then considered an adequate enforcer of factory legislation. It is interesting and it may not be unprofitable to see just what the experience of the earlier legislation was that led to the adoption of factory inspection.

Starting with Massachusetts, the commission on the hours of labor reported in 1866 that "the most marked and inexcusable evil" brought to their notice was the condition of the factory children, and that the law was frequently and grossly violated.<sup>1</sup> A witness from New Bedford wrote that girls as young as 7 years were employed there and kept away from school. A letter from Fall River stated that 652 children, between 8 and 14 years, were all kept from school, and that the majority of them were unable to read and write. In Lawrence it was reported that a great number of children from 12 to 15 years did nightwork, and that the 10-hour law for children under 12 years was constantly violated.<sup>2</sup> The commission thought the people generally had no idea of the violation of the law. "They have felt something of that happy complacency," their report continued, "and freedom from all responsibility in the matter indicated by a writer, who coolly tells the commission that 'the State regulates the attendance at school of children employed by manufacturing companies.' The existence of this law is accepted as the assurance that all is right."<sup>3</sup> They recommended that the law be changed so as to double the amount of schooling required or that the English half-time system be adopted, and that an inspector be appointed to enforce the laws.<sup>4</sup> "It is plain," they wrote, "that no change in the law will meet the difficulty, without adequate means for its enforcement. We regard, therefore, this last suggestion as vitally important to the success of all legislation on the subject. Here has been the great difficulty with

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<sup>1</sup> Massachusetts Legislative Documents, House, 1866, No. 98, pp. 4, 5.

<sup>2</sup> *Idem*, pp. 5, 6.

<sup>3</sup> *Idem*, pp. 8, 9.

<sup>4</sup> *Idem*, p. 49.

the law as it stands. Inadequate as it is, it has not been enforced, for want of a responsible person willing to incur the odium of making the complaint and entering upon the prosecution. We are persuaded, from the testimony before us, that the difficulty in enforcing the law does not lie with the employer or the parents exclusively. Interest and necessity both combine in producing the violation, and it is only necessary that a thoroughly competent person, whose heart is in the work and who sees clearly the importance of the law to the highest welfare of the children, be appointed to the responsible trust of securing its enforcement."<sup>1</sup>

As a result a law forbidding the employment of children under 10 years of age in manufacturing establishments was passed. Children under 14 years of age had to attend school 6 months each year, nor could they be employed more than 8 hours a day. The governor, at his discretion, might instruct the constable of the State and his deputies to enforce the provisions of the law.<sup>2</sup> The governor did not, however, see fit to have the deputies enforce the law, and the Boston Daily Voice, a labor paper, complained that the new law went unenforced.<sup>3</sup>

In the meantime the educational features of the act called forth various remonstrances. The selectmen of Ware, North Adams, Williamsburg, Northampton, Holyoke, Easthampton, etc., protested against a law which required the workers in manufacturing establishments to attend school longer than was required of other persons. "As a class they are more dependent on their labor than the rest of the community," wrote the Ware selectmen, "and the effect of such a law would be to impoverish those whom it is intended to befriend and, in some cases, make them a charge on the town for support."<sup>4</sup> The school committee and selectmen of West Boylston protested that the act was "detrimental to the manufacturing and mechanical interests of the State, is oppressive in its bearing upon a vast number of families now usefully and profitably employed, and is unjust in its discrimination against this whole element of our needy population, both foreign and native. \* \* \* It will increase the cost of manufacture by necessitating the employment of older and more expensive help. \* \* \* It discharges from employment a multitude of children who are the main dependence of infirm parents."<sup>4</sup>

The law was considerably modified the next year. The 10-year age limit was extended to mechanical establishments, and children from 10 to 15 years were not required to attend school more than

<sup>1</sup> Massachusetts Legislative Documents, House, 1866, No. 98, pp. 10, 11.

<sup>2</sup> Acts of 1866, ch. 273.

<sup>3</sup> Oct. 3, 1866.

<sup>4</sup> Massachusetts Archives, House Files, 1867, "Rejected bills."

three months, or they could attend half-time schools three hours a day for six months. Instead of the eight-hour day for children under 14 years, which the previous act had granted, the weekly hours were raised to 60 for children under 15 years of age. This time the act made it the duty of the State constable to detail a deputy to enforce all laws regulating the employment of children.<sup>1</sup> Although the *Boston Weekly Voice* spoke of the law as a shame to the workingmen of Massachusetts, the principle of factory inspection was at last established.<sup>2</sup>

As this is the only instance in this country of adopting the half-time system of England, even at the expense of digressing somewhat, the subject demands closer investigation. The English system allowed children under a certain age limit to work a prescribed number of hours a day and to attend school a certain number of hours, and involved, of course, two sets of children. Although very much discussed, the half-time school was actually adopted in only two mills, Naumkeag and Indian Orchard. The system at the Naumkeag mills, in Salem, Mass., approached most nearly that of England. There, a sufficient number of children were employed so as to spare one set of them for school each half day for 26 weeks of the year, so that each set received 13 weeks' full schooling a year. The forenoon set went to the mill at 1 o'clock, having already attended school, while the afternoon set left the mill at 12 o'clock, having the rest of the day for school, play, and meals. The two sets alternated every fortnight. The pay of the children was diminished about 16 per cent. A modification of the English plan was tried in 1868 at the Indian Orchard mills, near Springfield. The children worked at the mill until noon, at 1 o'clock they went to school for three hours with recess, and at 4 o'clock returned to the mill. They worked eight hours and attended school for three hours, and had no time for play.<sup>3</sup> The agent of the mills reported that the children received three-fourths wages, but that their monthly pay amounted to about the same as before, since they worked more regularly.<sup>4</sup> Later, in 1870, a change was made to the English system, and the children then worked one-half the time—five and three-fourths hours—and went to school three hours, but this was afterwards abandoned, as the wages for half-time work were too low.

At first the half-time schools were very generally indorsed, but later the Massachusetts Bureau of Labor Statistics pointed out that the combination of eight hours' work and three hours' study was too

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<sup>1</sup> Acts of 1867, ch. 285.

<sup>2</sup> Aug. 1, 1867.

<sup>3</sup> Report of the Massachusetts Bureau of Statistics of Labor, 1872, p. 463.

<sup>4</sup> *Idem*, 1871, p. 494.

severe and claimed quite the same consideration as the agitation which was going on about overstudy in the public schools.<sup>1</sup> In 1875 the bureau opposed the system as a "dangerous and deluding makeshift." The period of childhood should be the period of free and unrestricted growth, and especially was such a childhood necessary in America, where the general tendency of life was toward great intensity. Childhood should be, moreover, the period of mental and moral discipline and education. They effectually clinched the matter by the following: "We believe in short that children should have no legal status as workers, but only as pupils; and above all, that the poverty of parents should not be allowed to foster the one condition or frustrate the other, inasmuch as it is unwise for the State to permit the future usefulness of its citizens to be jeopardized by causes within its control.

"We believe that the opportunities for education should be the same for all the children in the State; and that a special and necessarily poorer class of schools should not be established for the children of the poor. We believe this because it would be a direct blow at the democratic foundations on which our governmental structure rests."<sup>2</sup>

Turning next to Rhode Island, everything there points to the violation of the laws of 1853, 1854, and 1856.<sup>3</sup> The school commissioner's report for 1857, after complaining of the increasing absence of the children from school, held the failure of the manufacturers to comply with the law as partly responsible. The commissioner laid the blame, however, on the parents who persuaded the manufacturers to employ their children.<sup>4</sup> In 1870 the newly created board of education recommended that the employers of children should enter into a voluntary agreement to abide by the law, such as had been adopted in Connecticut. The Connecticut board had stated that the manufacturers of Connecticut were handicapped in enforcing the child-labor laws by the laxity in Rhode Island.<sup>5</sup> Again the following year the board complained that the law had been long inoperative. They estimated the number of children deprived of school as between four and five thousand and reported that the voluntary agreement had not met with sufficient acceptance to make it workable.<sup>6</sup> The next year the

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<sup>1</sup> Report for 1871, pp. 489, 498.

<sup>2</sup> Report for 1875, pp. 60, 61.

<sup>3</sup> Towles, *op. cit.*, pp. 27, 28.

<sup>4</sup> Report of the Rhode Island Public School Commissioner, 1857, p. 18, cited by Towles *op. cit.*, p. 27.

<sup>5</sup> Report of the Rhode Island Board of Education, 1870, p. ix. The agreement ran as follows: "We hereby agree that from and after the beginning of the next term of our public school, or schools, we will employ no children under — years of age, except those who are provided with a certificate from the local school officers, of actual attendance at school the full term required by law."

<sup>6</sup> *Idem*, 1871, pp. xiii, xiv.



board expressed itself more strongly and recommended compulsory education.<sup>1</sup>

In 1875, according to the State census, there were 1,258 children under 12 years of age, the legal age limit, employed in the cotton mills. Of these 599 were 11 years old; 433, 10; 146, 9; 64, 8; 8, 7; 5, 6; and 3, 5 years of age. The commissioner of industrial statistics reported in 1887 that the law was generally disregarded and only in a few cases was any attempt made to comply strictly with its provisions. What he said on the subject is precisely what one hears to-day: "There are many ways of getting around the law. The parents, who are, of course, the chief offenders, will overstate the ages of their children, and the manager of the mill seldom questions their statements. Then, employers claim, and with reason, that unless there is a general cooperation among the different factories to live up to the law, the exceptional ones who do live up to it do so at their own disadvantage. Thus, if one mill in a manufacturing town refuses to employ children under the lawful age, and another mill in the same town or in a neighboring town will employ them, the parents will leave the first mill for the second. In this way they have lost some of their most reliable help." The commissioner said that when he visited the mills and called the manager's attention to the small children in the mill, he was told they were only visitors who had brought dinner for older members of the family, or they were taking the places of older brothers and sisters for a few minutes. The truant officers charged with enforcing the law of 1883 only partially did so. They were appointed by the town councils, the members of which in many cases owed their election to the manufacturers' support, and sometimes the truant officers were appointed by the town councils with the understanding that they would let the factories alone.<sup>2</sup>

The Connecticut laws were never enforced, and in the revision of 1875 were omitted altogether.<sup>3</sup> How well the school visitors enforced the law of 1842 may be judged from the remark of one of them, "If I were to attempt to execute the present law the village would be too hot to hold me."<sup>4</sup> In the same way the constables and grand jurors who were to enforce the limitation of hours failed to perform the extra duty.

In New Hampshire, although the difficulties of enforcing the child-labor laws without factory inspection were never discussed to any great extent, there are indications that the laws were not enforced. In 1879 the school superintendent stated that a large majority of the 4,000 children reported as not attending any schools were to be found

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<sup>1</sup> Report of the Rhode Island Board of Education, 1872, pp. 11, 12.

<sup>2</sup> Report of the Commissioner of Industrial Statistics, 1887, pp. 17, 18.

<sup>3</sup> A. M. Edwards, *Labor Legislation of Connecticut*, p. 30.

<sup>4</sup> Edwards, *op. cit.*, p. 9.

in the manufacturing towns, and that they were the children of French Canadian parents.<sup>1</sup> That year for the first time in New Hampshire the law set a limit upon the age of employment of children, forbidding those under 10 years to work in manufacturing establishments.<sup>2</sup> Two years afterwards a law was passed giving truant officers the enforcement of the educational features of the law of 1847. It was left optional with the school committees whether they would require inspection work of the officers, or, indeed, whether they would appoint them.<sup>3</sup> The law was the outcome of a bill to authorize the school committee of Manchester to elect a truant officer.<sup>4</sup> The Manchester school committee had complained of the difficulty of getting the French Canadians, who had immigrated there to secure employment in the mills, to send their children to school. Out of the entire school population of the town, 5 to 15 years of age, 3,153 attended school and 1,271, or nearly one-third, stayed away. Of the latter, 630 were French Canadians. These, parents and children alike, rebelled against the compulsory-education law and did everything to circumvent it. The committee stated that the superintendent in his official dealing with the question met "almost daily with instances of unblushing deception in children and parents, determined, if possible, to cheat him out of a few days in reckoning the required three months' schooling."<sup>5</sup>

From Maine comes the same story of unenforcement of the earlier laws. As in Connecticut, the school committee might inquire into violations of the law, but they also failed to do so. The governor's annual message of 1874 said that the factory act requiring school attendance was a dead letter,<sup>6</sup> and later, in 1885, that the law restricting the hours of labor of women and children was violated.<sup>7</sup> Apart from the compulsory education law of 1875, nothing further was done for factory children until the act of 1887, which, for the first time, carried inspection with it.

In New Jersey the bureau of statistics of labor and industries reported, in 1878, that the employers had ignored their questions about the employment of children, from which it was inferred that the law had been neglected.<sup>8</sup> The next year the report showed that 169 children under 10 years of age, the legal age limit, were working in factories.<sup>9</sup> The testimony of the operatives showed that children

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<sup>1</sup> Report of the Superintendent of Public Instruction, 1879, p. 173.

<sup>2</sup> Acts of 1879, ch. 21.

<sup>3</sup> Acts of 1881, ch. 42.

<sup>4</sup> House Journal, 1881, p. 699.

<sup>5</sup> Report of the Superintendent of Public Instruction, 1881, p. 48.

<sup>6</sup> Whitin, op. cit., p. 49.

<sup>7</sup> Governor's message, 1885, p. 42; Whitin, op. cit., p. 51.

<sup>8</sup> Report of the Bureau of Statistics of Labor and Industries, 1878, pp. 23-27.

<sup>9</sup> Idem, 1879, pp. 96, 97.

as young as 7 years were employed.<sup>1</sup> When the factory inspector finally was appointed he stated in his first report that, as far as enforcement was concerned, the early laws might as well have never been passed. "It is scarcely to the credit of our State," he wrote, "that 33 years after the passage of the 10-hour law feeble young girls under 16 years of age and children almost too young for school should be found toiling in our manufacturing establishments."<sup>2</sup>

Similarly in Pennsylvania the commissioner of industrial statistics reported the educational features of the child-labor law a dead letter, as far as 3 month's consecutive schooling within the year was concerned. "Nor can this be wondered at when we contemplate that the enforcement of the wholesome provision alluded to devolves upon no one in particular, but is general in character, giving to the party suing, whoever it may be, one-half the fine imposed."<sup>3</sup> He recommended that the duty of enforcement should be invested in some local or county official. As to the 10-hour law, he declared that it was not, as a rule, adhered to.<sup>4</sup> In 1884 the commissioner repeated that factory legislation was a "farce in Pennsylvania, there being no proper person to enforce what little statutory regulations as do exist upon the statute books." He said that the constables had never been known to report a violation.<sup>5</sup>

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<sup>1</sup> Report of the Bureau of Statistics of Labor and Industries, 1881, pp. 97-100.

<sup>2</sup> First Annual Report of the New Jersey Inspector of Labor of Children, 1883, p. 7.

<sup>3</sup> Report of the Bureau of Industrial Statistics, 1880-81, p. 102.

<sup>4</sup> *Idem*, p. 103.

<sup>5</sup> *Idem*, 1884, p. 20.