

FACTORY LEGISLATION FOR WOMEN IN THE UNITED STATES.

OUTLINE.

- I. Historical development of the factory system in the United States.
 - a) Causes which led to the employment of women.
 - b) Extent of their employment.
- II. Beginning of the labor legislation in this country.
 - a) What led to it.
 - b) Classes first affected thereby.
 - c) Course of earliest legislation for women.
 - d) General trend of legislation for them in the various states.
- III. Résumé and discussion of laws in all the states.
- IV. Tabulated statements.
- V. General results and needs of the future.

IN order to understand the meaning of protective legislation it is necessary to look for a little at the beginnings of the factory system, the causes leading to the employment of women, and the conditions which brought about remedial enactments. In America the factory is essentially a product of the present century, although closely following in the wake of the Revolution, we see the first indications of the system. Previous to this time all industries except those purely domestic had been discouraged by the mother country. But for some time after the new nation commenced to think of entering into manufactures the people were at a decided disadvantage. They had no machinery, nor had they the means of making any. The English patents were carefully protected, and it was not until Samuel Slater came to America that fully equipped buildings were made possible here. He had been a worker for years and finally overseer in an English factory, and so knew the machinery thoroughly, plans of which he brought to this country in his head.¹ It was owing to this

¹ "The English law forbade the carrying of plans, models, or machinery to America."—WRIGHT, *Industrial Evolution in the United States*, p. 126.

that the process of manufacture was started in this country. A little later, about 1780, Tench Coxe, known as the "father of American industries," incorporated the "United Company of Philadelphia for Promoting Manufactures," and secured the first spinning jenny seen in America. In a short time he had four hundred women employed.

From the very beginnings of the factories we find women employed. In the colonial days they were hardly an economic factor at all. Their labor was chiefly confined to the house and farm. In addition to mere household duties they found time for much spinning and weaving. But near the close of this period they came to be employed in setting wire teeth in the cards used in preparing cotton for the wheel. This industry grew so rapidly that by 1784 one factory alone employed about 1200 hands, mostly women and children. In many cases the women worked at setting teeth at home. From the earliest times the manufacture of clothing and household stuffs was carried on by the women in the homes, but not as a wage-earning business, however, as the materials produced were used largely in their own families. With the establishment of the cotton factories—the industry which developed first here—it is not strange that the work of the women should be in demand. Their home training had already made them adepts in the domestic arts of spinning and weaving, and so naturally they found their way from the kitchen wheel and loom to the large manufactories. Then, too, they were better fitted than men to do a great deal of the work connected with the new industry. Where deftness of fingers was required, men were certainly less skillful. Later, economic reasons crept in and influenced the employer in his choice of sex, and caused the continually increasing number of women who are employed outside of the home.

Chiefly on account of the conditions surrounding women workers in England, there was strong opposition to their employment in America, but the inventions¹ of the age opened the door, and the women were glad to enter in, as the money earned

¹ "The inventions of Hargreaves and Arkwright practically inaugurated the factory

gave them added independence. From the first their work has been supplemental to, rather than competitive with, that of man.

Between the years 1815-1830 we may date the establishment of women wage-earners as a definite economic factor. And as the years have gone on the number of women workers has increased.

The building of factories once commenced, the work continued at a rapid rate. The first¹ large factory with improved machinery was built at Pawtucket, R. I., in 1790. Another mill was erected in the same state in 1795, and two more in Massachusetts in 1802 and 1803. In the next three years ten were built in Rhode Island, and one in Connecticut. By the end of 1809 eighty-seven additional mills had been put up so that a great many were in operation in the opening years of the present century. From that time on the spread of the factory system has been abnormally rapid. It has gone hand in hand with the development of the country's great resources. As early as 1813 we find in Waltham, Mass., the first factory in the world that combined under one roof every process of converting raw cotton into finished cloth. It will be noticed that here we have the birth of the great manufactories about the same time that agitation for remedial legislation² was sweeping over England; an agitation which half a century later was to stir this country to the depths.

With the growth of the factory system came conditions³ which were a menace to the well being of the nation, but it was long before intelligent citizens could be led to see that brutal treatment of women and children together with long hours in unsanitary mills was a danger to the country. In the decade between 1830-1840 we have accounts of vile sanitary conditions, system in the United States."—WRIGHT, *Industrial Evolution in the United States*, p. 119.

¹"The first place that can be called a factory was erected at Beverly, Mass., in 1787. It was driven by horse power."—*Ibid.*, p. 124.

²First law proposed by Sir Robert Peel in 1802.

³Stories of the almost idyllic condition of the women working in the Lowell factories can hardly be regarded as descriptive of typical factory life at that time.

but the women themselves were powerless to effect changes for the better. Partly in consequence² of this the mills began to be filled with a poorer order of workers. In three decades marked degeneration had taken place in the condition of the life of the operatives. At last public sympathy was aroused in their behalf, and efforts were made to make the life more endurable for women, as it is around them and the children that sympathy and legislation have always centered. But notwithstanding the increased hardships, the number of women operatives grew greatly. The industrial system drew them in. The increase of women and the relative proportion of the sexes may be seen from the following table:³

Year	Number employed		Relative proportion
	Males over 16	Females over 15	
1850.....	731,137	225,922	1 female to 3.23 males
1860.....	1,040,349	270,897	1 " " 3.8 "
1870.....	1,615,598	323,770	1 " " 4.9 "
1880.....	2,019,035	531,639	1 " " 3.8 "
1890.....	3,745,123	846,619	1 " " 4.4 "

The above statistics are for the whole country. The actual increase has been steady, but relatively there has been a decrease since 1850 as will be seen. The number of women employed in factories is much greater in the New England and Middle States than in the rest of the country. In 1890 they formed 69 per cent. of the women so employed in the United States. The following table for Massachusetts is interesting as showing the increase:

Year	Number of women	Percentage
1865	32,239	19 per cent. of men
1875	83,207	25 per cent. of men
1890	Women and children = $\frac{3}{4}$ to $\frac{1}{2}$ of all employed	

In connection with factory laws, it is instructive to note the states employing the greatest number of women in manufacture.

² The opening of other occupations to women must be considered too.

³ The figures in columns 2 and 3 may be found as follows: 1850-1880, *Tenth*

The following seven are selected as being far ahead of the others in this respect, and we can see from these the great need of good legislation and watchful inspection of so large and important a class.

States	Number employed			Per cent. of total, females form
	Males	Females	Total	
New York.....	492,679	137,190	629,869	22 per cent
Massachusetts.....	272,246	98,019	370,265	24 " "
Pennsylvania.....	451,417	76,860	528,277	14 " "
Ohio.....	410,362	31,932	442,294	13 " "
New Jersey.....	131,647	28,914	160,561	18 " "
Delaware.....	177,471	28,099	205,570	14 " "
Connecticut.....	89,192	26,899	116,091	23 " "

This host of women engaged in manufactures opens up a great social and economic problem. Why are they so engaged? The answer is self-evident. Their work is necessary under existing arrangements. In Europe, four millions of women are engaged in factory labor, and economists say they could not possibly do without them. Whether this should be so or not is an open question, but the fact remains that in this country many thousands of women are slaving away at body-destroying work and oftentimes for soul-destroying wages.

Before passing on to the beginning of legislation, let us look for a little at the accompanying table showing the number of manufacturing and mechanical industries in which women are engaged, and the actual number of women employed according to the census of 1890, so that we may see the great variety and hardship of their work.

Census, volume on "Statistics of Manufacture," etc., pp. 5, 6, 7, 8; 1890, *Industrial Evolution of the United States*, C. D. WRIGHT, p. 206.

N. B. In the figures for 1850 I have adhered to those found in the original census report, and copied into the report of 1880 as above (p. 8). The figures used by MR. WRIGHT in the *Industrial Evolution of the United States*, p. 204, are taken from volume on "Industry and Wealth," *Ninth Census (1870)*, p. 406. (See footnote.) Attempts to reconcile the two sets of figures seem to have been unsuccessful. The author writes me that he for some reason preferred those he has used.

Industry	Number of women	Industry	Number of women
Ale and malt	61	Fur workers	616
Agricultural implements	12	Galloon, gimp, and tassel makers	1,542
Artificial flowers	2,887	Glass	564
Bags	739	Glove	1,953
Baskets	1,596	Gold and silver works	1,967
Bakers	1,063	Hair workers	999
Bleachers, dyers, and scourers	649	Harness and saddle makers	1,551
Bone and ivory makers	171	Hat and caps	3,856
Books, etc.	5,191	Hosiery and knitting	7,860
Bottles and mineral waters	69	Iron and steel works	402
Boxes	7,130	Lace makers	1,454
Brass workers	737	Leather case and pocket book	324
Bricks and tiles	68	Other leather works	200
Britannia and japanned ware	114	Preserving meat and fruit	832
Rooms and brushes	642	Mill and factory operatives (not specified)	8,186
Button	2,392	Meat packers	325
Cabinet	480	Oil-mill and refinery operatives	32
Candles, soap and tallow	205	Paper mill	6,179
Carpet	7,106	Print works	1,101
Carriages and wagons	138	Rubber factory	2,058
Cheese	340	Sewing-machine factory operatives	61
In chemical works	414	Sewing-machine operatives	5,805
Cigar makers	5,332	Shirt, collar, and cuff makers	8,660
Clock and watch makers	1,818	Silk-mill operatives	9,211
Confectionery	1,800	Straw workers	2,698
Copper workers	16	Tobacco-factory operatives	5,536
In cotton mills	91,479	Woolen-mill operatives	35,506
In distilleries	8		
In manufactures (not specified)	8,651		
In fertilizer works	12		
Making files, cutters, grinders	23		
Flax dressers	990		

It will be noticed that by far the greatest number of women are employed in the cotton and woolen factories, and the majority of these are in the eastern states.

The struggle for remedial legislation was a long one, and it was fought out first in Massachusetts, which seems natural as it was there that the American factory system had its birth. We may well study the history of the reform movement there.

As early as 1831-2 we find slight agitation, but no definite action in respect to women was taken until 1874, when the "ten-hour law" was passed. By this the work of children under eighteen years, and of women was limited to sixty hours per week. Over thirty years prior (1842) the work of children under

twelve years had been limited to ten hours per day, but it was not until 1874 that the state interfered with the work of adult women. The history of that enactment is suggestive and seems to throw light on subsequent legislation.

The year 1845 was marked by more vehement agitation than had before characterized the reformers. The legislature was flooded with petitions praying for a reduction of the eleven-hour day, which was the rule with corporations. But the legislators met this request with the same vapid arguments in use ever since. Nothing more was done until 1850, when a bill came before the house only to be defeated. Another attempt in 1852 was likewise unsuccessful.

In 1865 we find the appointment of an unpaid commission of five men to investigate in regard to the hours of labor in the factories. This marks the birth of bureaus of labor statistics now found in nearly all civilized countries. A few years later the Massachusetts bureau was formally established. The labor bureaus² of this country rank high among the world's statisticians and have been a great benefit to the laborers. The facts laid before the public have assisted in securing good legislation

² The following table shows the states having labor bureaus and the year in which such bureaus were founded.

States	Year established	Headquarters	States	Year established	Headquarters
Arkansas	1887	Little Rock	Nebraska	1887	Lincoln
California	1883	San Francisco	New Hampshire	1893	Concord
Colorado	1887	Denver	New Jersey	1878	Trenton
Connecticut	1873	Hartford	New Mexico	1891	Santa Fé
Illinois	1870	Springfield	New York	1883	Albany
Indiana	1870	Indianapolis	North Carolina	1887	Raleigh
Iowa	1884	Des Moines	Ohio	1877	Columbus
Kansas	1885	Topeka	Pennsylvania	1872	Harrisburg
Kentucky	1892	Frankfort	Rhode Island	1887	Providence
Maine	1887	Augusta	South Dakota	1890	Minnesota
Maryland	1884	Baltimore	Tennessee	1891	Nashville
Massachusetts	1869	Boston	Texas	1887	Austin
Michigan	1883	Lansing	United States	1885	Washington, D. C.
Minnesota	1887	St. Paul	Utah	1890	Salt Lake City
Missouri	1876	Jefferson City	West Virginia	1889	Charleston
Montana	1893	Helena	Wisconsin	1883	Madison

on the one hand, and preventing bad legislation on the other. Thirty-one of the states of the Union have well-equipped labor bureaus at the present time besides the national bureau.

In 1865 the Massachusetts legislature deemed it expedient to take action in the matter of child labor, and prohibited the employment of those under ten years and limited the hours of labor of those from ten to fourteen years to eight per day. This was improved by later acts (1867).

In 1870 the war for the reduction of hours of labor began again, and was continued until the reform forces came off victorious in 1874. But the concessions of this year did not entirely quiet the agitation, and the good movement went on until we now have the very good code of laws summarized elsewhere.

The history of the Massachusetts efforts is in a measure the history of all the states. In the matter of legislation, the more helpless classes have first come under jurisdiction, and later those next dependent. Naturally the children received attention first, and then we find special interest aroused in the work of women. Evil conditions yet prevail, but much has been done to mitigate the miseries of the factory women.

In many of the states the first factory acts were sanitary measures, while others secured a shorter working day. Long hours of toil in unsanitary factories are known to be detrimental to both health and morals, and lack of care for either fills the country with a worse than useless working population.

Having viewed the rise of the movement, we are now in a position to study the detailed legislation of the various states. This is taken up under the following heads:

1. Inspection.
2. Hours of labor.
3. Sanitary regulations.
4. Seats provided.

MASSACHUSETTS.

Inspection.—This was provided in 1877.

Hours of labor.—1. No children under eighteen years of age and no women may be employed more than ten hours per day or sixty hours per week, except when necessary to make repairs

to prevent stoppage of ordinary running of machinery. (Law of 1874, amended, 1895.)

2. The same classes may not be employed more than ten hours per day or fifty-eight hours per week. (Law of 1895, chap. 508, sec. 11.)

3. No women or children are to be employed more than six hours without an interval of half an hour, with the proviso that they may work six and one-half hours if the place closes at one o'clock or seven and one-half hours if they have a chance to eat lunch while working and the place closes not later than two P. M. (Law of 1887.)

4. Minors or women shall not be employed in any capacity for purposes of manufacture between the hours of 10 P. M. and 6 A. M. (Law of 1893.)

Sanitary regulations.—All factories must be kept clean and well ventilated.

Seats provided.—All employers are compelled to furnish suitable seats for females in manufacturing, mechanical, and mercantile establishments to be used when said females are not necessarily engaged in the active duties for which they are employed. (Law of 1882.)

The above was taken from the *Twenty-first Annual Report of the Massachusetts Bureau of Statistics of Labor*, pp. 1-112.

NEW YORK.¹

Inspection.—This was provided in 1886.

Hours of labor.—1. Children under eighteen and women under twenty-one years of age shall not be employed in any manufacturing establishment more than sixty hours per week or ten per day unless to make a shorter working day on Saturday. (Law of 1886, chap. 409, amended in 1892, chap. 409, sec. 1.)

2. The employment of the same classes is prohibited between the hours of 9 P. M. and 6 A. M. (Law as above, sec. 1.)

3. The number of working hours per day of each day in the

¹ Factory Inspection Law passed May 18, 1887, amended May 25, 1888, June 15, 1889, May 21, 1890, May 18, 1892.

week required of minors under eighteen and women under twenty-one years must be kept posted in places where they work. (Law as above, sec. 1.)

Sanitary regulations.—Provision is made for separate closets and dressing rooms for women in establishments where they are employed. (Law as above, sec. 9.)

Seats provided.—Employers in mercantile or manufacturing houses shall provide suitable seats for the use of female employés, and permit their reasonable use. (Laws of 1881, chap. 298, sec. 1.)

NEW JERSEY.

Inspection.—This was provided in 1882.

Hours of labor.—1. Fifty-five hours shall constitute a week's work in any factory, workshop, or establishment where the manufacture of any kind of goods is carried on. (Acts of 1892, chap. 92, sec. 1.)

2. The periods of employment shall be from 7 A. M. to 12 M., from 1 P. M. to 6 P. M., except on Saturday when the period shall be from 7 A. M. to 12 M. (As above, sec. 2.)

The above applies to all persons under eighteen years and to women, but shall not apply to persons engaged in preserving perishable fruit; nor to persons engaged in the manufacture of glass.

Sanitary regulations.—1. No minor under eighteen years or woman shall be required to clean machinery while in motion, or work between the fixed or traversing parts of any machine while in motion by action of steam, water, or other mechanical power.

2. Suitable wash and dressing rooms shall be provided in all factories in which girls or women are employed where unclean work has to be performed.

3. Separate closets must be provided for each sex (as above).

4. Factories and workshops in which women and children are employed and where dusty work is carried on, shall be lime-washed or painted at least once a year. (Laws of April 7, 1885, Gen. Fact. Act.)

PENNSYLVANIA.

Inspection.—This was provided in 1889 in all factories where women are employed. One-half of the deputies must be women. (Laws of 1889, Act No. 235, sec. 5.)

Hours of labor.—1. Sixty hours per week shall form the maximum time of labor for males under eighteen years, and all females. (Laws of 1893.)

2. Every person, firm, or corporation employing women or children is required to post and keep posted in a conspicuous place in every room in which such help is employed, a printed notice stating the number of hours per day for each day in the week required of them. (Laws of 1893, sec. 3.)

Sanitary regulations.—Suitable and proper wash and dressing rooms and closets must be provided where women are employed. These must be properly screened and ventilated and kept in a clean condition. (Laws of 1893, Act No. 235, sec. 10.)

Seats provided.—Seats shall be provided for female workers to be used when not actually engaged in work. (Laws of 1887, Act 7, sec. 1.)

MINNESOTA.

Inspection.—This was provided in 1893. Inspectors to be appointed by the commissioners of labor. (General Laws of 1893, chap. 6.)

Hours of labor.—In all manufactories, workshops, and other places used for mechanical and other purposes where children under eighteen years and women are employed, the time of labor for these persons shall not exceed ten hours per day, and anyone who compels children under eighteen years or women to work a longer time shall be liable to prosecution, and upon conviction to a fine of not less than \$10 or more than \$100. (Original law of 1858 embodied in the General Laws of 1878, chap. 24, sec. 1.)

Sanitary regulations.—Properly screened and ventilated dressing rooms and closets shall be provided in all factories, mills,

and other buildings in which both sexes are employed. (General Laws of 1893, chap. 7.)

RHODE ISLAND.

Inspection.—This was provided in 1894. (Acts of 1894, chap. 1278, sec. 3.)

Hours of labor.—Ten hours shall constitute a legal day's work, except where longer time may be required on a certain day, but in no case shall the time be more than sixty hours per week. (This covers factory women, but does not properly belong to the Factory Acts.)

Sanitary regulations.—Proper closets shall be provided in all places where women and girls work. (Laws of 1894, chap. 1278, sec. 8.)

CONNECTICUT.

Inspection.—This was provided in 1889. The governor shall, with the consent of the senate, appoint an inspector of factories who shall hold office for a term of two years and until his successor is qualified. (Gen. Stat. of 1889, chap. 145, sec. 2263.)

Hours of labor.—No minors under sixteen years and no women shall be employed more than ten hours per day or sixty hours per week. (Gen. Stat. of 1888, chap. 106, sec. 1745.)

*Sanitary regulations.*¹—Factories must be kept in good sanitary conditions, and suitable closets must be provided where five or more people are at work. (Gen. Stat., chap. 145, sec. 2267.)

Seats provided.—1. Every person, partnership, or corporation employing females in any mercantile, mechanical, or manufacturing establishment shall furnish suitable seats for their use when not necessarily engaged in the active duties for which they are employed. (Acts of 1893, chap. 77, sec. 1.)

2. Violation of this law shall be punishable by a fine of not less than five nor more than fifty dollars. (Sec. 2, as above.)

¹These were not designed especially for women, but for operatives, regardless of sex.

MICHIGAN.

Inspection.—This was not provided until 1895.

Hours of labor.—In all places where men and women are employed ten hours shall constitute a legal day's work. All employers who require a longer day shall be compelled to pay their employes for all overtime or extra hours at the regular *per diem* rate, unless there be an agreement to the contrary. (Act No. 137, Pub. Acts of 1885.) A much better law was passed ten years later, as follows:

No females shall be employed in any manufacturing establishment in the state more than sixty hours in one week, unless for the purpose of making necessary repairs, provided that no more than ten hours per day shall be exacted for the purpose of making a shorter day on Saturday. (Act No. 184, sec. 1, Session Laws of 1895.)

Sanitary regulations.—1. No females under twenty-one years shall be allowed to clean machinery in motion. (Sec. 3, as from above.)

2. Every factory in which two or more children, young persons, or women are employed shall be kept in a cleanly state and free from effluvia and a sufficient number of closets for the use of each sex shall be provided. (Sec. 10, as from above.)

Seats provided.—1. All persons who employ females in stores, shops, or manufactories shall furnish such female clerks, assistants, operatives or helpers seats to be used when not actively engaged in their duties.

2. Violation of this law is punishable by a fine not exceeding twenty-five dollars. (Secs. 1 and 2, Act No. 91, Pub. Acts of 1893.)

ILLINOIS.

Inspection.—This was provided in 1893.

Hours of labor.—“No female shall be employed in any factory or workshop more than eight hours in any one day, or forty-eight hours in any one week.” (Fact. Act, 1893, sec. 5.)

* This was declared unconstitutional by the Supreme Court of Illinois, March 15, 1895, on the ground that it was a violation of freedom to contract for work.

OHIO.

Inspection.—This was provided in 1892.

Hours of labor.—1. No persons under the age of eighteen years shall be employed in any manufacturing establishment more than ten hours in any one day, or sixty hours per week.

2. Notices to this effect must be posted where such persons are at work. (Laws of 1891, Title 1, sec. 6986.)

Sanitary regulations.—1. The inspector shall have full charge of heating, lighting, and other sanitary requirements in factories, and may destroy property to meet the desired ends.

2. He can also demand suitable closet arrangements for the sexes, with toilet and dressing rooms for females on the floors on which they work.

Seats provided.—The inspector may order seats for the use of females when not actively engaged in work. (Laws of 1891, chap. 20, sec. 8767.)

MAINE.

Inspection.—This was provided in 1893. Official name of deputy of commissioner of labor changed to factory inspector. (Laws of 1893, chap. 220, sec. 1.)

Hours of labor.—1. No male under eighteen years and no woman shall work more than ten hours per day, or sixty hours per week. (Acts of 1887, chap. 139, sec. 1.)

2. The same rule applies to women over eighteen years, with the proviso that the limit of overtime in their case shall not exceed six hours in any one week, or sixty hours per year.

3. Employers must post the time required of minors and women in rooms where they work.

Sanitary regulations.—Inspectors must report bad cases to local boards of health, which said boards must investigate.

MISSOURI.

Inspection.—This was provided in 1891. "The duty of public authorities of Missouri's cities containing 5000 or more inhabitants to appoint factory inspectors who shall inspect all

factories employing more than ten persons and report twice a year to the commissioner of labor." (Laws of 1891, p. 160, sec. 1.)

Hours of labor.—No special regulation for women.

Sanitary regulations.—1. Establishments where dusty work is carried on shall be lime washed or painted at least once a year if women or children be employed. (Laws of 1891, p. 161, sec. 8.)

2. Establishments where women or girls are employed must contain suitable places for them to wash and dress if unclean work has been performed. (Same as above, sec. 10.)

3. Stairs used by females must be properly screened. (Same as above.)

4. Establishments employing both sexes must provide suitable and separate closets for their use. (Same as above, sec. 11.)

Seats provided.—Seats must be provided for women and girls to be used when their duties do not require them to be on their feet. (Same as above, sec. 13.)

CALIFORNIA.

Inspection.—This was provided in 1889. The commissioner of labor is to enforce the factory acts. (Acts of 1889, chap. 5, sec. 7.)

Hours of labor.—No minor under eighteen years of age shall work more than ten hours per day, or sixty hours per week (Acts of 1889, chap. 7, sec. 1.)

Sanitary regulations.—Factories must have (1) cleanliness, (2) proper ventilation, (3) separate closets for the sexes where both are employed. (Acts of 1889, chap. 5, secs. 1 and 2.)

Seats provided.—Seats must be furnished females to be used when their work permits. (Same as above, sec. 5.)

We have now before us a synopsis of the factory laws for women in the various states. Such measures as the guarding of machinery and other allied ones have not been considered in this discussion, as they do not apply more directly to women

than to children and men. Women, of course, derive benefits therefrom, but they were not class enactments. The importance of inspection is recognized by all, but the importance of *women inspectors* is acknowledged by only six states. Mrs. Kelley, of Illinois, an authority on such matters, holds that there should be one woman inspector for every one thousand women and children employed.¹ This claim bears its justness on its face.

Legislation prevails in many of the manufacturing states, and right-thinking people everywhere cannot much longer refuse to hear the cry of woe coming up from the female workers who form so large and important a factor in the industrial world. Their very ignorance of their own danger should be an added incentive to action. While some states are wrangling over the constitutionality or unconstitutionality of protecting women workers from long and dreary hours of drudgery, those same workers, who know not how to protect themselves, are being rendered unfit for anything by excessive toil. The question as to why they are not able to protect themselves is not a very deep one. Its answer lies chiefly in the reason that they do not understand the meaning of organized effort. Until lately they have not been taught how to organize and it is little wonder that they themselves have not taken initiatory measures in that direction. After a hard day's work they are too weary of body and dull of mind to do aught but rest or under the influence of stimulating excitement engage in some frivolous entertainment. Is it surprising that they have not risen to see the needs of organization, the lurking dangers of non-organization?

Many of the laws are yet crude and unsatisfactory. In some cases, the mere changing of a word would render good a useless law. Take for example that of Minnesota. The law reads: "Employers shall not be permitted to *compel* any woman under eighteen years to work more than ten hours a day." Here the one word *compel* renders the law of little practical use, for it is easy to evade the matter of compulsion. The law of Illinois is a disgrace to the state. There is no check whatever upon

¹ Taken from HELEN CAMPBELL'S *Women Wage Earners*, p. 264.

the greed of employers in enforcing long hours upon women. Though the manufacturer is not always an esurient being ready to feast upon the state's inactivity, yet he is likely to push his claim to the utmost limit. The one section of real importance in this law was declared unconstitutional by the supreme court of the state on March 15, 1895. It was as follows: "No female shall be employed in any factory or workshop more than eight hours in any one day or forty-eight hours in any one week." But the law was pronounced invalid. Why? Some force induced the supreme court to decide that the reduction of the hours of labor of adult women is an interference with freedom of contract between employer and employed. It was but another evidence of the way in which justice may be perverted when in the hands of unprincipled agents. So long as women are wards of the state and not citizens they should be protected by the state whose wards they are.¹ If women cannot legislate they must be legislated for.

Important as is factory legislation, it is practically useless without the enforcing power of conscientious inspectors. But the number is wholly inadequate, and this renders violation of laws comparatively easy in all the states.

The following table shows the number of employers and the number of inspectors in the seven states before mentioned as having the largest number of women operatives:

State	Total employés	Number of inspectors
New York, - - - -	629,269	32
Massachusetts, - - - -	370,265	32
Pennsylvania, - - - -	528,277	21
Ohio, - - - -	528,277	15
New Jersey, - - - -	160,561	7
Illinois, - - - -	205,570	11
Connecticut, - - - -	116,091	4

Or from the same seven states we may present the following luminous figures, which when read in connection with Mrs. Kelley's rational requirement² show a very poor condition in regard to inspection.

¹ STIMSON, *Labor and Law of Today*.

² One woman inspector for every 1000 women and children.

State	Women operatives	Women inspectors	Number of women to one inspector
New York	137,190	7	19,598.5
Massachusetts	98,019	2	49,009.5
Pennsylvania	76,860	5	15,372
Ohio	31,932	0
New Jersey	28,914	0
Illinois	28,009	7	4,001.2
Connecticut	26,899	0

For purposes of clearness it was thought best to restate in tabulated form the foregoing discussion of the laws of the various states, and the following explanation of these four tables to come seems necessary.

TABLE I:

The twelve states here given are those having regular and well-defined factory laws providing inspection. Other states, as will be noted later, have made provision in a more or less careless way for some kind of oversight of factories, but they have no regular staff of inspectors. It was thought well to give prominence to the number of women inspectors as they are acknowledged by all to be a necessity where those of their own sex are employed.

TABLE II:

Those states which have no factory laws, but in some way regulate the hours of women's labor, are here included.

TABLE III:

This table aims to show those states which make any provision at all for the health and well being of the women operatives, hence the formula of tabulation adopted. In this, as in Table II, the states enumerated have not been confined to those having recognized factory laws. In some of the far western and southern states the number of women workers is so small that legal enactments are scarcely necessary.

TABLE IV:

This is simply a summary of the preceding ones.

TABLE I.

States	Inspection law passed	No. of men inspectors	No. of women inspectors	Total	Remarks
Connecticut...	1886	4	..	4	
Illinois	1893	4	7	11	A woman is chief inspector.
Maine.....	1893	2	..	2	
Massachusetts.	1877	30	2	32	
Michigan.....	1893	8	1	9	The one woman is a stenographer.
Minnesota.....	1893	5	..	5	
Missouri.....	1891	Inspection provided by all cities over 5000.
New Jersey....	1882	7	..	7	
New York.....	1885	25	7	32	
Ohio.....	1883	16	5	15	Two of these are bakery inspectors and one a chief clerk.
Pennsylvania..	1887	16	5	21	20 inspectors and one chief clerk, a woman.
Rhode Island..	1894	1	1	2	The two have equal authority.

TABLE II.*

State	Hours per day	Hours per week	Remarks
Alabama	8	48	Repealed in 1895.
Connecticut.....	10	60	There may be cases where work may be required more than 10 hours per day, but not more than 60 per week.
Florida	10		
Georgia.....	11	66	For women under 21 years, in cotton and woolen factories only.
Illinois	8	48	Repealed in 1895.
Indiana	10		This applies to all under 19 years in cotton and woolen mills.
Louisiana.....	10	60	The meal hour does not come out of this.
Maine.....	10	60	May be more than 10 hours per day for purposes of repair.
Maryland.....	10	60	For all under 21 years, in cotton and woolen mills.
Massachusetts....	10	58	
Michigan.....	10	60	One hour for dinner included.
Minnesota.....	10	60	Women may not be "compelled" to work more.
Missouri	8	48	A legal day, but longer time may be contracted for.
North Dakota....	10	60	Employers may not "compel" longer hours.
New Hampshire..	10	60	May work more than 10 hours per day to make up for lost time and to make repairs.
New Jersey.....	10	60	For males under 18 years and all females.
New York.....	10	60	For women under 21 years.
Ohio.....	10	60	No minor may work more.

* Culled from *Second Special Report of the Commissioner of Labor, 1896; Labor Laws*, revised edition.

TABLE II—continued.

State	Hours per day	Hours per week	Remarks
Oklahoma.....	10		May not be "compelled" to work more.
Pennsylvania.....	12	60	
South Carolina.....	11	66	For women under 21 years in cotton and woolen factories.
South Dakota.....	10		May not be compelled to work more.
Virginia.....	10	60	
Rhode Island.....	10	60	
Wisconsin.....	8	48	Employers may not "compel" more.

TABLE III.

States	Regulating			Providing	
	Hours of labor	Sanitation	Seats for women	Inspection	Women inspectors
Alabama.....	+	—	+	+	—
California.....	+	+	+	+	—
Colorado.....	+	—	+	—	—
Connecticut.....	+	+	+	+	—
Delaware.....	—	—	+	—	—
District of Columbia.....	+	—	—	—	—
Florida.....	+	—	—	—	—
Georgia.....	+	—	+	—	—
Illinois.....	+	—	—	+	+
Indiana.....	—	—	+	—	—
Iowa.....	—	—	—	—	—
Louisiana.....	+	+	+	+	—
Maine.....	+	—	—	+	—
Maryland.....	+	—	+	—	—
Massachusetts.....	+	+	+	+	+
Minnesota.....	+	+	+	+	—
Michigan.....	+	+	+	+	—
Missouri.....	+	—	+	+	—
Nebraska.....	+	+	+	+	—
North Dakota.....	+	—	—	—	—
New Hampshire.....	+	—	—	+	—
New Jersey.....	+	—	+	+	—
New York.....	+	+	+	+	+
Ohio.....	+	+	—	—	+
Oklahoma.....	+	—	+	—	—
Pennsylvania.....	+	+	+	+	+
Rhode Island.....	+	—	—	+	+
South Carolina.....	+	—	—	—	—
South Dakota.....	+	—	—	—	—
Virginia.....	+	—	—	—	—
Wisconsin.....	—	—	—	+	—
West Virginia.....	—	—	—	+	—

+ = states making provision.

— = states not making provision.

¹ Not since 1895.² By Police.³ By Labor Commission.

TABLE IV.

States having inspection laws, - - - -	12
States having women inspectors, - - - -	6
States regulating hours of labor, - - - -	32 ¹
States having sanitary laws, - - - -	12
States providing seats for women employes, -	22

After the preceding tabulated statements, it may be well to look in a general way at the results of legislation and the probabilities for the future. That the results of factory legislation have been uniformly good is not a question for discussion. It is an acknowledged fact everywhere. Factory inspectors, and those who have studied the question carefully, are unanimous in saying that the regulation of the hours of labor of women and children is productive of great good.

One result has been a more enlightened body of working women. This has its salutary effect on the home, though as a rule it is the single women who are fighting the industrial battle. The number of married women in factories in this country is not so great as is generally supposed. They form only about 10 per cent.² of all women employed. The employment of mothers of young children is undoubtedly fruitful of much evil, and if possible it would be well that it should cease, but according to Taylor³ "it is not feasible by any isolated statutory order."

However, it is only a matter of time when all the manufacturing states will protect the health and morals of their operatives irrespective of sex. This may not come about by direct legislation, but improved public conscience will make it possible for the workers to refuse to work amid inhumane conditions. This is the end to be sought. The trades unions must be fostered; those must be taught the power of their united efforts.

Some points⁴ that will well bear enforcement upon the minds of women disposed to be helpful are as follows:

¹ Only seven regulate hours of women over 18 years, and only five of these hours of women over 21 years.

² WRIGHT, *Industrial Evolution of U. S.*, p. 212.

³ *Modern Factory System*, p. 426.

⁴ MRS. HELEN CAMPBELL, *Women Wage Earners*, p. 264.

1. To encourage women in the various trades to protect their mutual interests by organization.

2. To use all possible means to enforce the existing laws relating to the protection of women and children in factories or shops, investigating all reported violations of such laws, and to promote by all suitable means further legislation in this direction.

In addition to the above may be cited as a basis¹ for every society of working women the following principles formulated by Mrs. Florence Kelley, of Illinois, whose name has been mentioned several times before :

- I. To bring out of the chaos of competition the order of coöperation.

- II. To organize all wage-earning women.

- III. To disseminate the literature of labor and coöperation.

- IV. To institute a label which shall enable the purchaser to discriminate in favor of goods produced under healthful conditions.

- V. 1. Abolition of child labor to the age of 16 years. 2. Compulsory education to the age of 16 years. 3. Prohibition of employment of minors more than eight hours a day. 4. Prohibition of employment of minors in dangerous occupations. 5. Appointment of women inspectors. 6. Healthful conditions of work for women and children.

All of the foregoing to be secured by legislation, while the two following points could be obtained by organized effort :

1. Equal pay for equal work with men.

2. A minimal rate which will enable the least paid to live upon her earnings.

Uniform legislation should be secured, particularly in regard to hours of labor, as then all states would be under the same conditions in respect to the amount of product. This point cannot be emphasized too strongly, nor reiterated too often.

But notwithstanding all drawbacks the condition of female operatives has improved greatly since protective legislation became an actual fact. However, it is as yet far from what it should be, and we are confronted by serious difficulties when

making suggestions for improvement. The cry to "legislate," "legislate," is useless unless the public mind be saturated with the necessity of remedial action.

Reform of some kind is certainly feasible, though not through such schemes—as impossible as irrational—as are suggested by various sentimental philanthropists.

When one reads of factories like that in Ohio which paid women thirty-six cents per dozen shirts, and opened and closed the day with thanksgiving and prayer, one is tempted to give up striving and patiently await the millennium. We need a moral regeneration, not only of the employers, but of the employés as well. Justice should be the watchword of all. But good legislation, backed by intelligent administration, is the power we must look to to change the mere machine life of the average factory woman to that of an intelligent worker; and faith in the United States and her institutions leads us to believe that an era of good is at hand when

"All we have willed or hoped or dreamed of good shall exist,
Not its semblance but itself."

REFERENCES.

1. Factory Reports of the various states.
2. Census Reports, 1850-1890.
3. Wright, *Industrial Evolution in United States*.
4. Mrs. Helen Campbell, *Women Wage Earners*.
5. Taylor, *Modern Factory System*.
6. Stimson, *Labor in its Relation to Law*.
7. Stimson, *Handbook of Laws of United States*.
8. *Labor Laws of Massachusetts, 1888*.
9. Tenth Special Report of Labor Commission. *Labor Laws, 1896*.
10. Ely, *Labor Movement in America*.
11. *Reports of Conventions of Factory Inspectors*.
12. Wright, *Factory System in Tenth Census*.
13. *Fourth Annual Report of the Bureau of Labor Statistics. Massachusetts, 1873*.
14. Newton, *Social Studies*, chap. iv.
15. Jevons, *The State in Relation to Labor (1887)*.

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