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THE LABOR LEGISLATION OF CONNECTICUT

BY

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PREFACE.

In this study the purpose has been to discuss the labor legislation of Connecticut historically and critically, and, so far as possible, to trace the economic effects of the different laws. The aim has been to treat only those laws which belong to the industrial period in Connecticut—those which have been enacted since the rise of the factory system, and the industrial, wage-working class. Few of these laws ante-date the year 1842. The laws of the colonial period, many of which extend far over into this period, are not discussed. The selection of laws for discussion has been arbitrary. Those have been included which, to the writer, seemed to be the important labor laws of Connecticut.

The numerous subjects discussed and the length of the period covered has prevented as intensive a study of certain points as the writer would have liked. On some of the subjects little is published, and often what is published is not reliable. Frequently the memory of the people interviewed was found to be short and treacherous. At certain points the abundance of the legislation renders the movement slow and tedious. The writer regrets that this is necessarily so.

My special gratitude is due Professor Henry W. Farnam, of Yale University, for valuable suggestions and criticisms. It is a pleasure to acknowledge my obligations for the courtesies extended and the services rendered by the Secretary and Agents of the State Board of Education of Connecticut, by the Factory Inspector of Connecticut and his deputies, and by the Commissioner of the Connecticut Bureau of Labor Statistics and his

clerks. To the large number of manufacturers, workingmen, officials of labor organizations and others who furnished me information, I am truly thankful. I am indebted to the Carnegie Institution of Washington for financial aid while pursuing my investigations.

ALBA M. EDWARDS.

New Haven, Conn., May 1, 1906.

CHAPTER I.

CHILD LABOR.

The child labor laws constitute the earliest and most important branch of labor legislation in Connecticut. They are also the most voluminous. The leading citizens and legislators early recognized the right and duty of the State to secure the best welfare of all its citizens by securing to each child a minimum of education and a natural physical and moral development; and the State has long assumed its right to control the child, (1) for its own safety, (2) for the welfare of its citizens, and (3) for the benefit of its ward, the child.

There has been but little need for a justification of the right of the State to regulate child labor. At the time of the enactment of the first law, in 1842, it had been but a generation since the people of Connecticut were accustomed to the General Court regulating the minute details of family life—dress, manners, occupation, recreation. It is in a later generation that we meet the first protest that the State is infringing on parental rights. Then, experience had shown that "parents are not the best judges of the advantages or disadvantages of protective legislation," that they are not "unprejudiced judges," that "they are too short-sighted to see the inevitable and far-reaching effects of their action," that "they whose interest it is to oppose reform are [not] those best qualified to decide as to its necessity," and that often "they require the education of the law to arouse them to a consciousness of parental responsibility."[1]

[1] *Economic Rev.*, 10: 350.

This legislation covers two periods, 1842-1869, and 1869-1906. The first period is characterized (1) by a deep interest in the subject on the part of the State Board of Education and a few leading citizens, and an almost utter lack of interest on the part of the general public; (2) by a deplorable absence of any official information as to the exact conditions that existed in the factories of the State; and (3) by the enactment of a few loosely constructed laws, without the creation of any adequate enforcing power. During the second period there has been a growing public interest in the matter; the laws have been increased in number and made more stringent; their enforcement has become gradually less lax, and they have become more effective for good.

In the discussion of the first period the Reports of the State Board of Education must be relied on almost wholly. These were based on no thorough investigation of conditions, but only on the reports of school visitors, superintendents, etc. In the absence of other accounts I offer what I have gleaned from them for what it is worth, recognizing fully that many of these statements may be biased and that almost all are based upon insufficient observation and investigation. From what later investigations have revealed it is safe to assume that these reports are optimistic rather than otherwise.

I. Legislation from 1842 to 1869.

Child labor legislation in Connecticut began in the year 1842. The few laws in the interest of children passed before this time were religious or educational rather than labor laws. They were prompted by interest in the child's spiritual and moral welfare, and not by any interest in its physical welfare, or by an appreciation of its rights or of the duty of society to it. There were

two of these laws before 1842, and although, strictly speaking, they were not labor laws, yet they were the forerunners of labor legislation. In them are found the dim beginnings of much of the later child labor legislation.

Law of 1650.—The first of these is contained in the Connecticut code of 1650. It provided that,

"Forasmuch as the good education of children is of singular behoofe and benefit to any commonwealth" parents "shall not suffer so much barbarisme in any of theire familyes as not to endeavor to teach . . . theire children and apprentices so much learning as may inable them perfectly to read the English tongue and knowledge of the capitall laws upon penalty of twenty shillings," and shall "once a week at least, catechise theire children and servants in the grounds and principles of religion . . . ; and further that all parents and masters do breed and bring up theire children and apprentices in some honest lawful calling, labor or employment . . . profitable for themselves and the Commonwealth, if they will not or cannot train them up in learning, to fit them for higher employments . . . "

The selectmen were designated to enforce the law, and to that end, if necessary, were to bind out the children of negligent parents.

This law, with but minor changes, was re-enacted at intervals. In the revision of 1821 (G. S. Title 14, secs. 1 and 2), it provides,

"That all parents and those who have care of children, shall bring them up in some honest and lawful calling or employment and shall teach them and instruct them, or cause them to be taught and instructed, to read and write and cipher as far as the first four rules of arithmetic."

Section two provides that the selectmen shall "inspect the conduct of the heads of families, and if they find any

who neglect the education of children under their care" they shall first admonish them and then, if necessary, bind the children out to some proper master that "they may be properly educated and brought up in some lawful calling and employment."

Section two of this law appeared for the last time in 1882 (ch. 80), but section one survived and with little change was included in the revision of 1902 (G. S. Title 12, ch. 130). Thus we have in the present law a part of the law of 1650. The history of this law is interesting as showing the persistency with which for two hundred and fifty-two years some of its provisions have been copied literally, doubtless more because of the high sentiments they express, than because of any real effect that they have ever produced. This law, though it was probably needed and enforced when first passed, has surely outlived its usefulness by a century.

Law of 1813.—The second of these two early laws was first enacted in 1813 (ch. 2). It is very similar to the first and bears the same Puritanic stamp; but as it refers to employers of children rather than to their parents, it more nearly approaches a child labor law. It provides that,

"The president and directors of all factories, . . . and the proprietor or proprietors of all other manufacturing establishments . . . shall cause that the children employed . . . be taught to read and write, and also, that they be instructed in the four[2] first rules of arithmetic (provided the term of their service shall be of so long duration that such instruction can be given) and that due attention be paid to the preservation of their morals; and that they be required by their masters or employers, regularly to attend public worship."

[2] So written in the law.

Section two provides that once a year the civil authority and selectmen shall

"carefully to examine and ascertain whether the requisitions of this act, which relate to the instruction and the preservation of the morals of the children employed as aforesaid, be duly observed," and if not that they may report the proprietor to the county court which may release the children from their contract with him, or may fine him not to exceed $100.00.

This law, too, was little more than a recorded expression of the humanitarian views of a few progressive men in the educational line. There was no attempt on the part of "the civil authorities and selectmen" to enforce it. It appeared for the last time in the revision of 1866 (G. S. Title 13, ch. 6, secs. 99 and 100).

The Report of the Board of Commissioners of Common Schools, 1842 (p. 27), says,

"Prior to 1838, no inquiry had been instituted into the condition of education in the manufacturing districts, nor the extent to which the requisitions of the law, as to the duty of owners and proprietors of factories and manufacturing establishments, to the children employed by them were complied with."

An investigation showed that,

"At one time there were twenty-four children employed in a single factory, who could not write their names, and five who could neither read nor write—and that in not a single town had a board of visitation, as directed by law, been organized, to examine and ascertain the existence of such facts and apply the remedy."—*Ibid.*, p. 28.

Enforcement. — There were three principal reasons why, before 1842, there were but these two laws and both of them unenforced: (1) The general lack of interest in education and the poor quality of the schools. Till far past the middle of the century there was a general indif-

ference of the masses about education.[3] The school terms were short, and the schools were of poor quality. The teachers were ignorant and indifferent.[4] The attendance was small and irregular. It was felt that the child missed little by staying out of school.

"Of 85,000 children between the ages of four and sixteen in the State . . . from seven to eight thousand attend no school public or private."[5]

(2) The newness of the factory system, and the comparatively small number of children employed in the factories. Not until the beginning of the past century were there any manufacturing or mechanical establishments in the State to employ children and keep them from school. Children were employed on the farms, but all were expected to attend school in the winter. The introduction of the factory necessitated a radical change in the mode of life and labor. It took from the time of the establishment of the first cotton factory, at Vernon, Hartford County, about 1804,[6] till 1842 for the leading people of the State to make this transition in thought, and it was not until 1890 that the masses can be said to have adjusted themselves to the new conditions in both thought and action. The second cotton mill in the State

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[3] "As in the early days the New Haven Colony stood alone, wearing the honor of being the first commonwealth on the face of the globe to maintain free schools for all its youth, so in 1868 Connecticut stood alone among the New England States, enjoying the unenviable distinction of being the only one in which free schools were not established by law."

"Yet, strange as it may now seem, the proposition to make the schools free met with strong and determined opposition, and it was carried only by the persistent efforts of men who were ready to sacrifice popularity and to risk obloquy for the public good."—Report State Board of Education, 1883, p. 11.

[4] Teacher's wages for the summer term ranged from $1 to $4.75 a week.—Report Superintendent Common Schools, 1849, p. 129.

[5] Report Board of School Commissioners, 1841, p. 18.

[6] U. S. Twelfth Census, v. VIII, p. 79.

was set in operation in the town of Pomfret, now Putnam, in 1806.[6] "Nine boys and girls picked up in the neighborhood with three or four men to help and oversee them comprised its working force."[7] But establishments increased rapidly, and in 1840 there were in Connecticut 116 cotton factories employing 5,153 hands; and 119 woolen factories, employing 2,356 hands.[8] The comparative cheapness of the labor of women and children led to its extensive introduction into the factories.

(3) The need and greed of the parents, and their ignorance of the child's needs physically and intellectually, often led them to exploit their children "for the miserable pittance which their service would earn."

Thus, although for several years before 1842 there had been much need for the restriction of child labor and for compulsory school attendance, the people had not awakened to this need.

Law of 1842.—The Board of Commissioners of Common Schools, aroused by the conditions that the investigation of 1838 had shown to exist in the factories of the State, recommended, in its report of 1842, the passage of a law regulating the employment of children in such establishments. The act of 1842 (ch. 3) followed. It provides that,

"No child under the age of fifteen years shall be employed to labor in any manufacturing establishment, or any other business in this state, unless such child shall have attended some public or private day school . . . at least three months of the twelve months next preceding any and every year in which said child shall be so employed," and that the employer shall pay a penalty of twenty-five dollars for each offense.

[6] U. S. Twelfth Census, v. VIII, p. 79.

[7] Report State Board of Education, 1886, p. 40.

[8] U. S. Twelfth Census, v. IX, pp. 54, 122.

Section two provides that a certificate of attendance signed and sworn to by the child's teacher shall "be sufficient evidence of that fact." It provides, also, that the school visitors shall investigate the condition of the children in the factories "annually and as often as they shall think proper" and report all violations of the law to some informing officer, who shall prosecute for such violations.[9]

Section three prohibits the employment in any cotton or woolen factory of any child under fourteen years of age, for a longer time than ten hours in any one day, and fixes the penalty for violation at seven dollars. The law is the same in the revision of 1866 (G. S. Title 13, ch. 4, secs. 47 and 48).

Section one of this law, by requiring attendance at school "at least three months of the twelve months next preceding any and every year" in which the child was employed, made it possible for a child to be absent from school and at work for a period of twenty-one months.

While the law stated explicitly that no child under fifteen who had not attended school three months of the previous year should be employed, and placed a penalty upon such employment, it did not say (sec. 2) that the employer should demand and keep on file a certificate of school attendance, and provide a penalty for his not doing so, but only that such certificate should be deemed "sufficient evidence of that fact." If he wished to guarantee himself against prosecutions under the previous section of the act here was a means provided for his doing so; but as prosecutions were "unheard of," there was little incentive for his taking the trouble to guarantee himself against them.

[9] This provision, never heeded, is still on the statute books.

The provision prohibiting the employment of children under fourteen over ten hours a day in cotton and woolen factories is interesting as evidence that even at that early date there were those who rcognized the evil of employing the young children for long hours in the cotton and woolen mills.

A few extracts from the reports of the State Board of Education will give the best idea of the enforcement and the effect of the law during this period.

"But it is not enforced; it is not likely to be: Nobody assumes the responsibility of seeing that its requirements are obeyed."—1866.

"These provisions . . . are in fact almost void. Prosecutions are unheard of for the violations of the law, although the abuse is open to the observation of the community. Occasionally the acting school visitors remonstrate, and the newspapers sometimes complain, but still the inhumanity is not checked. Public opinion does not cry out for the execution of the law."—1867.

"If I were to attempt to execute the present law, this village would *be too hot to hold me.*"—School Visitor, 1866.

"Large numbers who are under fifteen years of age are employed in factories in direct violation of the law, during the whole year."—1867.

"In one factory were found two girls eleven years old, and one twelve years, who had not been in school for two years; one fourteen years, not in school for five years; one eleven years, one fifteen, and one seventeen, each not in school for *four* years; one thirteen years, not in school for three years. All these were girls. In the same district were eleven boys, all of school age, who had been absent from school, on an average, over three years."—1868, p. 24.

In a few school districts and cities of the State, however, there seems to have been an attempt to enforce the

law;[10] and a few companies formed notable exceptions to the general rule of indifference on the part of employers.

Law of 1855.—In 1855 a law (ch. 45) was passed making ten hours of labor in a mechanical or manufacturing establishment a lawful day's work in absence of an agreement; fixing nine years as the minimum age limit for the employment of children in such establishments; and prohibiting the employment therein of minors under eighteen years of age more than eleven hours a day. Twenty dollars was the penalty for violation, but there was no provision for enforcement.

Law of 1856.—An act of 1856 (ch. 39) raised the minimum age for the employment of children in mechanical and manufacturing establishments to ten years, and the hours for the employment of minors under eighteen to not "more than twelve hours in any one day, nor more than sixty-nine hours in any one week." It also made it the duty of the constables and grand jurors to enforce the law.

In 1867 (ch. 124) the hours of labor for a minor under fifteen were limited to ten a day and fifty-eight a week, in manufacturing and mechanical establishments. The penalty for violation was fifty dollars for the employer and ten dollars for the guardian or parent. The constables and grand jurors were to enforce the act.

All that was said of the violations and enforcement of the act of 1842 is true of the acts of 1855, 1856, and 1867. The law went unheeded, and until long past this time children from eight to ten years old were working in the factories, and long work days for minors were common.

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[10] "It does not appear that any efficient or well directed efforts were ever made to enforce this law. I have, however, been informed that

Violations and Enforcement of the Laws.

There can hardly be said to have been any enforcement of the laws during this period. No provision for the enforcement of some was made, while in others the enforcing power was delegated to the selectmen, the school visitors, the constables, the grand jurors or the State's attorneys of the district. This was a burden placed upon these officers in addition to their primary duties, a burden, too, for which they were not specially paid. We are little surprised at the result.

Public Opinion.—The general public seems to have been so indifferent about child labor legislation during this period that we can hardly discuss public opinion on the matter. What little opinion there was seems to have been in favor of the laws, but it was too weak to demand their enforcement. The State Board of Education, with a coterie of sympathizers, was the only body awake to the situation and the only one that demanded a general enforcement of the law; but it had no enforcing power, and it could do little more than make recommendations to the legislature and to the school officers, and, through its one secretary, try to interest the people in their own cause.

The Attitude of Employers.—The attitude of the employers was much that of the general public of which they were part—indifference. None of them seem to have opposed the law very strongly, most of them were in favor of its provisions, and a few actually tried on their own accord to carry them out. Instances are recorded of school houses built or of schools supported by

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in one at least of the largest manufacturing towns in the state, the school visitors appointed a committee as the law provided, who were known as 'factory inspectors,' and that they visited the manufacturing establishments of the town."—Report State Board of Education, 1886, p. 41.

companies, and a few required certificates of school attendance of the children employed. But some of the companies "openly and persistently" violated the law. Some employers excused themselves on the plea that if they refused the children work they would lose both parents and children as operatives. The French Canadians, especially, demanded that they employ the whole family or none. The Secretary of the State Board of Education, in his report of 1866 (p. 83), says:

"I am confident that if a law can be devised which public opinion will sustain and which the magistrates and school visitors, *throughout the state,* will be likely to enforce, the large manufacturing corporations will cooperate in insisting that every child employed should come under good instruction for a part of the year."

The Attitude of Parents.—The attitude of the parents was one of general indifference by all as to the importance of the education of their children and as to the evils of employing them in factories; and, on the part of the foreign population, especially the French Canadians, there was a desire, prompted by cupidity, ignorance or necessity, to exploit their children for the small pittance earned by their labor. The French Canadians habitually kept their children from school to work them in the factories; but parental indifference was the main cause of the non-attendance of the children of native parents. The Report of the State Board of Education, 1868 (p. 17, 24), says:

"Less than one-half of the children of the state are found, on an average, in our public schools." "The class most indifferent to education . . . in Connecticut is the French Canadians; ignorant themselves and willing their children should be like them, but most eager to press them, at the tenderest age, into our factories, thus dwarfing the body as well as the mind. . . . In one district in Connecticut where the operatives are largely

French Canadians two hundred and twenty-nine out of three hundred and eighty-nine, of school age, do not attend school."

While this period is characterized by an indifference to education and a general disregard of the child labor laws, yet it is evident that the thing most needed to have secured a general observance of the laws was a strong, centralized, salaried, enforcing power. There was no strong opposition to the law, there were no important economic difficulties or prejudices to overcome (except the cupidity, ignorance or necessity of a small minority of the parents), and industry would not have suffered materially from the law's enforcement. Rigid and general enforcement probably would have driven a number of undesirable French Canadian families from the State, but it would have met with no determined resistance, and would have resulted in no important injuries.

Development of Manufacturing.—The following table shows that during the period 1842-1870 manufacturing industries in Connecticut made enormous progress. From 1850 to 1870 there was an increase of over three hundred per cent. in capital invested; an increase of over sixty per cent. in total wage earners; an increase of over three hundred per cent. in the total amount of wages paid; and the value of the product more than trebled. The growth of cotton and of woolen manufactories was even more phenomenal. It will be noticed that at the close of this period there were 7,029 children under sixteen years of age employed in the manufacturing industries of the State, and that 2,909 of these were employed in cotton, and 962 in woolen manufactories—more than half of the total in these two industries. Child labor legislation and its enforcement had not kept pace with this rapid industrial development.

PROGRESS OF MANUFACTURING IN CONNECTICUT, 1840–1870.[11]

	Total Manufactures of Connecticut		Manufacture of Cotton Goods		Manufacture of Woolen Goods (Excluding Hosiery and Knit Goods)	
	1870	1850	1870	1840	1870	1840
No. of Establishments, . . .	5,128	3,737	111	116	117	119
Capital, ...	$95,281,278	$25,876,648	$12,710,700	$3,152,000	$14,521,000	$1,931,335
Total wage earners, ...	89,523	50,731	12,068	5,153	8,852	2,356
Wages, ...	$38,987,187	$12,435,984	$3,246,783	. . . . .	$3,413,101	. . . . .
Men 16 years and over, . . .	61,864	34,248	4,443	. . . . .	4,804	2,356
Women 16 years and over, .	20,810	16,483	4,734	. . . . .	3,086	. . . . .
Children under 16 years, . .	7,029	. . . . .	2,909	. . . . .	962	. . . . .
Spindles operated, ...	. . . . .	. . . . .	597,142	181,319	182,150	. . . . .
Value of Products, ...	$161,065,474	$47,114,585	$14,026,334	$2,715,964	$19,989,184	$2,494,313

[11] Twelfth Census, U. S., Vol. VIII, p. 75; Vol. IX, pp. 54, 122.

II. Legislation from 1869 to 1906.

In 1869 (ch. 115, sec. 3) the State Board of Education was authorized to take such action as it deemed necessary to enforce the child labor law, and to appoint an agent for that purpose. This is the first time the enforcing power was placed in the hands of a central authority, and the first instance of a special, paid officer whose sole duty was to enforce the law. From this point forward the legislation may be said to have been rational, *i. e.*, based on a more or less perfect knowledge of conditions as they actually existed in the factories and schools throughout the State. The enforcement, though still for sixteen years very lax, because of the inability of the one agent to cover the entire State, from this time on takes on a different character. At this time, too, public opinion began to be aroused from the lethargic state in which it had remained during the earlier period. At this point we see in the whole movement the beginnings of a new life and a new organization—a life and organization which gradually, though slowly, developed the advanced legislation of to-day and, along with it, the present high state of public opinion which approves these laws and demands their enforcement. This, then, seems the natural division point for a new period.

(a) School Attendance Laws.

Law of 1869.—After the Civil War there was a great demand for help in Connecticut, and the French Canadians came in great numbers to work. Many of their children never went to school. Conditions in the eastern part of the State became very bad. This led to the passage of the law of 1869, which was aimed largely at this foreign element. This law (ch. 115) reduces the age at which a child who has not attended school three months of the preceding year, can be employed in manufacturing

or other business, from fifteen to fourteen years, and raises the penalty for violation from twenty-five to one hundred dollars.[12] The state attorneys and the grand jurors are to enquire after and make presentment of all offenses. Section three empowers the State Board of Education to take such action as they deem necessary to enforce the law, and they are authorized to appoint an agent for that purpose. This section, by providing for an enforcing agent under the supervision of the State Board of Education, makes of this the first law that had any chance of being effective. In the agent, we have for the first time an officer whose special business it is to enforce the law and who is paid for doing it; and in the State Board of Education we have the body of men the most interested, the best qualified, and the most capable of dealing with the subject of child labor in its relation to education.

The enforcing agent found it impracticable to enforce the law of 1869 to the letter.

"In nearly all the manufacturing districts of the State, the school houses would not hold all the children, in and out of the mills, at the same time, so that the refusal of the manufacturers under the influence of the agent, to employ children contrary to the letter of the law, would have been a positive detriment to the children, to their parents and to the State; for a portion of the children could not have found room in the schools, and their parents would have been deprived of their earnings without any compensating good to either party." Had the law been enforced strictly "thousands of children between the ages of ten and fourteen would have been consigned to the temptations of street life."[13]

It was found, too, that many families would have to call upon the towns for aid if the pay of all the children in each family were suspended at the same time. In this

[12] See act of 1842, ch. 3.

[13] Report State Board of Education, 1870, p. 18.

dilemma the agent agreed with the manufacturers that they were to divide the children in each mill into two or three classes, and send out to school one class the first term, another class the second term, and the third class the third term, so that each child might get its three months schooling during the year. To save the parents from distress and the towns from expense, large families of children were to be divided into the different classes. Nearly three-fourths of the manufacturers signed an agreement that, beginning with the next term of school, they would employ no children under fourteen years of age who had not certificates of school attendance.

This law involved trouble in securing substitutes in the mills, increased taxation for schools and new school houses, necessitated additional tenements, and, on the eastern border of the State, caused a loss of help on account of the perfect freedom with which parents could work their children in Rhode Island. Yet these manufacturers are said to have supported the enforcement of the law and to have stood by their agreement with the agent of the State Board of Education, until they found that the children they had dismissed from their factories had gone to the streets and not to school, and that whole families, when their children were dismissed, were removing to other places or were merely shifting to other factories.[14] Then, as the object sought by complying was not being accomplished, compliance ceased.[15] The French Canadian parents, especially, were opposed to the law, and often refused to send their children to school when they were dismissed for this purpose.

[14] Reports State Board of Education, 1870, pp. 21, 34; 1871, p. 10; and 1873, pp. 15, 16.

[15] The good faith of the manufacturers in making these promises has been questioned. Some told the next agent that the promises were not made to be kept.

Law of 1871.—Under the law of 1869 the Agent of the State Board of Education could dismiss children under fourteen from the factories, but he could not compel their attendance at school. In 1871 (ch. 52) an attempt was made to remedy this defect, and to correct the abuses which had grown up under it. By this law parents and guardians of children between six and fourteen years of age were required to send them to school when they were dismissed for that purpose, unless such attendance was excused by the school visitors because of the physical disability of the child or because of the pecuniary necessities of the parents. There was a penalty of five dollars for each week's violation of the law, but no provision was made for its enforcement. It was unheeded[16] and violations of the law of 1869 continued as before.[17] Yet, in exceptional cases, the law of 1869 was obeyed carefully, and it seems to have increased the school attendance of the State materially. It also had a tendency to discourage the employment of children under fourteen.

[16] "I have not learned that any attempt was made to enforce the law of 1871 . . . except in a very few cases."—Report State Board of Education, 1873, p. 16.

[17] "New statistics show that here are nearly twelve thousand children in the State who are never registered in any school."—Report State Board of Education, 1871, p. 13.

"But indifference, neglect and truancy still remain. . . . There are 11,947 children between four and sixteen in no school."—*Ibid.*, 1872, p. 28.

"The number of children between four and sixteen years of age who have attended no school (during the last year) is about 13,500."—*Ibid.*, 1873, p. 21.

" . . . About three thousand children under fourteen years of age are simultaneously employed in the various manufacturing establishments of the State . . . and at least fifteen hundred never attend school."—*Ibid.*, 1874, p. 15. In 1875, 332 factories out of 500 investigated were employing children under fourteen years of age—a total of 2,292 children. In 55 of these factories 535 children, who had not attended school during the preceding twelve months, were found.—*Ibid.*, 1875, p. 46.

Law of 1872.—The law of 1872 (ch. 77) is mainly a codification of the laws of 1650, 1869 and 1871. As these laws have been discussed, a brief statement of their provisions will suffice here.

Law of 1650.—Children shall be brought up in some honest and lawful calling or employment and be instructed in reading, writing, English grammar, geography, and arithmetic. *Law of 1869.*—No child under fourteen years of age shall be employed in any business unless it shall have attended school at least three months of the twelve months next preceding the year in which employed. *Law of 1871.*—Parents shall send children between eight and fourteen years of age to school when they are discharged from employment for that purpose.

The provision of the law of 1871 which excused school attendance because of the "pecuniary necessities of the parents" is omitted here. In 1871 the age during which children were required to attend school was between *six* and fourteen, here it is between *eight* and fourteen. This is a good example of how, at this time, laws were passed, ignored, and finally forgotten. By the law of 1858 (ch. 39) ten years was made the minimum age for employment of children in manufacturing and mechanical establishments. The law was the same in the revision of 1866 (Title 13, ch. 4, sec. 50) and was on the statute book at this time. Hence, the "six" in the law of 1871 and the "eight" in the law of 1872 are evidence of two things: first, that children of these ages were actually working in the factories at this time, and, secondly, that the minimum age law of 1856 had been so long a dead letter that even legislators had forgotten its existence—a fact further evidenced by its entire omission from the revision of 1875.[18]

[18] "I am not prepared to say it should be re-enacted. It is better to enforce the observance of a few laws than to increase their number."—Agent State Board of Education, Report of 1881, p. 22.

The new provision in the law of 1872 was the one that provided that every child between the ages of eight and fourteen years should attend school at least three months in each year, six weeks of the attendance to be consecutive. The provision is the same in the revision of 1875 (Title 11, ch. 1, sec. 1). This law was the first that attempted to secure schooling to all children regardless of whether they worked or not, and it had an appreciable effect on the school attendance in the factory villages; but it was loose, indefinite, and poorly enforced. A child might be absent from school eighteen months at one time, or he might attend regularly for six weeks and then make up the remaining six weeks by occasional visits. Then the question arose as to what constituted a year, and what a week's or a month's schooling. In 1880 (ch. 17) the law was amended to read, "sixty days in each consecutive twelve months." This in turn was changed in 1882 (ch. 80, sec. 2) to, "at least twelve weeks, or sixty full school days, in any consecutive twelve months." The amendments of 1880 and 1882 did much to remedy the defects in the law and make it enforcible, but it still required but six weeks of the attendance to be consecutive.

While the law of 1871 made no provision for its enforcement, that of 1872 went to the other extreme and provided that the state's attorneys and grand jurors enquire after and make presentment of all offenses; that the school visitors once or more every year examine into the situation of the children employed and report violations; that the selectmen inspect the conduct of the heads of the families as to the proper bringing up and educating of their children and apprentices; and that the State Board of Education take such steps as they might deem proper to secure the observance of the law and that they

might appoint an agent for that purpose. The law, however, was not enforced.[19]

Law of 1877.—One provision of the law of 1842 (reenacted in 1869 and 1872) was that no child under fourteen years of age should be employed in any business, unless it had attended school "at least three months of the twelve months next preceding" the year in which employed. This law, it will be remembered, allowed the child to be absent from school for twenty-one months at one time. Finally in 1877 (ch. 112) this loop hole was stopped by amending the law (G. S. 1875, Title 11, ch. 1, sec. 2) to read, "sixty days of the twelve months next preceding any month." But there was no careful enforcement of the law.[20]

[19] "In the fall of 1873 there were found employed in one cotton factory in this State 231 children under fourteen years of age, the whole number of operatives being about 1200. . . . Very few of those children had ever attended school at all."—Report State Board of Education, 1885, p. 31. (The writer has been informed in regard to the above case that 57 of the children were under eight years old; also, that there were 730 school children enumerated in the village, and but two school rooms.)

[20] " . . . Complaint is made that very young children are employed to a great extent in manufactories, and that the law forbidding the employment of any child under fourteen years of age, without such child has had at least three months schooling during the year, is too often disregarded in the manufacturing towns and villages."—Report Connecticut Bureau of Labor Statistics, 1875, p. 14.

" . . . Many children have doubtless been unlawfully employed during the past year."—Report State Board of Education, 1878, p. 24.

"One of the villages visited . . . was Baltic. Here it was found that a large number of children, between the ages of eight and fourteen years had been kept from school more than a year, several for more than two years, and some had never attended school. On a subsequent visit, there was handed me a list of names of children said to have been discharged from the factory for the purpose of attending school, but on visiting the schools a few only of those children were found to be in attendance; some of them were still in the factory." The prosecution of three parents and the Superinten-

Law of 1880.—The act of 1842 (ch. 3) provided that a certificate signed and sworn to by the child's teacher should be "deemed sufficient evidence" that the child had attended school three months the preceding year, as required by law. This provision was repealed in 1869 (ch. 115, sec. 4), and no evidence of school attendance was required until 1880. By an act of that year (1880, ch. 37) parents of children under fourteen years of age were required to furnish the employer certificates of school attendance, signed by the teacher, school visitor, or school committee; and the employer was required to keep the certificates on file and open to inspection by any school visitor of the town or by the secretary or agent of the State Board of Education, during the time the child was employed. The certificates were to be evidence of such attendance. There was no provision for enforcement. and no penalty was fixed for violation.

Such a provision was much needed, for employers who wished to obey the law had no evidence of the child's age or schooling, except its own statement or that of its parents. These statements were often far below par. The bill had been defeated in 1879 because it was claimed that to require employers to keep such certificates on file would cause them much trouble. But it seems "that for some years many employers of large numbers of children" had demanded such certificates and kept them on file.[21] The law had a tendency to promote regularity of attendance during the time required. It seems needless

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dent was followed the next week by 70 new scholars in the village schools, 54 of them being from the factory.—*Ibid.*, 1879, p. 27. "Last spring I called on an American, the father of three children whose ages were nine, ten and thirteen years, who had never attended school at all, and no claim was made that they had ever been instructed at home. . . . The father was not too poor to clothe and otherwise provide for them properly."—*Ibid.*, 1880, p. 23.

[21] Report State Board of Education, 1880, p. 22.

to add that there was no general observance of its provisions.[22]

Law of 1882.—The law of 1882 (ch. 80) is mainly a compilation of the child labor and education laws at this time. Its provisions and the laws to which they belonged are as follows:

(1) Parents shall bring up their children in some honest and lawful calling or employment and instruct them in reading, writing, English grammar, geography and arithmetic (1650, 1821, 1872, 1880, ch. 17); (2) The parent of a child over eight and under fourteen shall send it to school twelve weeks or sixty school days in any consecutive twelve months, six weeks to be consecutive,—penalty, five dollars for each week's violation (1872, 1880, ch. 17); (3) No child under fourteen years of age who has resided in the United States nine months shall be employed unless it has attended school twelve weeks or sixty school days of the twelve months preceding any month in which it shall be employed, nor unless six weeks of such attendance shall have been consecutive,—penalty, not more than sixty dollars (1842, 1869, 1872, 1877, ch. 112); (4) The parent of a child under fourteen years of age shall furnish the employer a certificate of school attendance, and the employer shall keep it on file,—penalty for false statement by the parent, not over seven dollars, or thirty days' imprisonment (1880, ch. 37).

The same provision is made for the enforcement of this act as was made for the law of 1872 (ch. 77). The only new feature in the act is that the required school attendance of children who are employed is changed from "sixty days in each consecutive twelve months" (1880, ch. 17), to "at least twelve weeks or sixty full school days in any consecutive twelve months," and that children who have not resided nine months in the United States are exempt from this requirement. This exemption was made in the desire not to be hard on poor for-

[22] *Ibid.*, 1882, p. 18.

eign families, who had just moved to the State, by requiring their children to enter school at once. It only made a loop hole in the law, through which the children of these very families (who came here to work and often did not stay over "nine months" at a time) slipped into the factories and evaded the school requirements entirely. It was carried through the revision of 1888 (ch. 131, sec. 2105), but was finally repealed in 1899(ch. 41).

Law of 1885.—This law of 1882 was complicated enough for all practical purposes. It was rendered much more complicated and difficult to understand and enforce by the law of 1885 and its amendment of 1887, which covered much the same field as certain sections of the law of 1882 and yet did not repeal those sections.

The law of 1885 (ch. 90) provides that children over eight and under sixteen years of age must attend a public day school regularly and constantly while in session, or receive elsewhere thorough instruction in the studies taught in the public schools.[23] Section two of the act exempts from this requirement "children under fourteen years of age who have attended school twelve weeks of the preceding twelve months," according to the requirements of the law of 1882 (ch. 80), and children over fourteen years of age, "while properly employed to labor at home or elsewhere." Section three provides a fine of not exceeding five dollars for each week's violation on the part of any person, unless the child has not fit clothing, and the parent is unable to provide such clothing. The exemption of children under thirteen was often taken

[23] An act of 1887 (ch. 146) required the teachers or persons having control of private schools to keep registers of attendance, in the form prescribed for the public schools, and open to inspection by the secretary and agents of the State Board of Education. They were required, also, to make to the secretary of the State Board of Education such reports concerning their schools as were required from the school visitors concerning the public schools.

advantage of and the children neither attended school nor worked, but played in the streets.[24] Yet the law was an improvement upon the law of 1882 (ch. 80), which required but twelve weeks or sixty full school days' attendance in any consecutive twelve months and applied only to those under fourteen.[25] This law of 1885 was a good one and might have been enforced. It was spoiled, however, by an amendment in 1887 (ch. 145).

Amendments.—In 1887 (ch. 145, sec. 1) section two of the law of 1885 (ch. 90) was so amended that children under thirteen years of age who had attended school twenty-four weeks and children between thirteen and fourteen who had attended school twelve weeks of the preceding twelve months, and children over fourteen years of age, were exempt from the requirement (1885, ch. 90, sec. 1) to attend "a public day school regularly and constantly while . . . in session. . . . " Section two (amending 1885, ch. 90, sec. 3) provided a penalty of five dollars for each week's violation of the law, except when the child was destitute of clothing and the parent was unable to provide such clothing, or when the mental or physical condition of the child rendered its instruction

[24] "Among those who were found to be unlawfully absent from school and idle, there were some of American parentage nearly fourteen years of age who had never seen the inside of a school house. In nearly every town visited, and probably in nine-tenths of the towns of the State, there are children growing up in ignorance and idleness who have failed to secure the minimum schooling the law requires."—Report Agent State Board of Education, 1886, p. 38.

[25] "Families have been found having from two to four children between the ages of eight and fourteen years, to say nothing of those older and younger, who were born in this State or an adjoining State, but had never attended school or religious service of any kind, and could not read or write. Nothing but the fear of the penalty of the law, and in some cases the penalty itself, would affect such persons. In all the cases of prosecution for neglect to send children to school, the children were idle or had no steady employment."—Report State Board of Education, 1887, p. 46.

inexpedient or impracticable. It also provided that certificates of school attendance of children under fourteen should be furnished the employer by the parent (as provided by the law of 1882, ch. 80, sec. 4), and that the employer should require such certificates and keep them on file.

This law, grafted upon those of 1882 and 1885, was too complicated and fine drawn to be easily understood and remembered by parents and employers. The penalties against parents were not rigorously enforced. In 1886 there were but seven prosecuted. In 1887 (ch. 23) the agents of the State Board of Education, appointed in 1886, were empowered to compel children to attend school. Before that they could dismiss the children from the factory but could not compel them to go to school. They secured fair enforcement of the law, except the provision that children between thirteen and fourteen who had attended school twelve weeks of the preceding twelve months were exempt from the law while lawfully employed. Upon this point the Report of the State Board of Education (1889, p. 115) says:

"Children between 13 and 14 in manufacturing districts are usually found in the mills. The law requiring sixty days' attendance within the year previous to employment is little regarded. Having reached 13 years of age, they are accepted, go to work, and are not discharged. They become 14 before the cases can be investigated, and this last period of schooling is entirely lost. Moreover, while the law requires parents to send [the children] 120 days, the law relating to certificates requires that 60 days only shall be noted. The result is that children between 12 and 13, after having attended 60 days, obtain work in the mills. The outcome, so far as children are concerned, is that there is little schooling between 12 and 14 and none after that period."

These laws were incorporated in the general statutes of 1888 (ch. 131, secs. 2102-2107). In 1895 (ch. 134) the exemption from the law[26] while at labor was removed, except for those over fourteen. By this change the child labor law was simplified and made more easy of enforcement; but the temptation on the part of parents to falsify was increased, and the enforcement of the compulsory school attendance laws made more difficult. Certificates of attendance were no longer needed, only certificates of age.[27]

In 1899 (ch. 19) the law was further amended by providing that every child over seven and under sixteen years of age should attend a public day school regularly while it was in session, unless it was "elsewhere receiving regularly thorough instruction during said hours and terms in the studies taught in the public schools." Children over fourteen were not subject to these requirements while lawfully employed at labor. This law of 1899 has been quite effective and well enforced.[28] It was incorporated in the general statutes of 1902 (Title 12, ch. 130, secs. 2116-2118).

The provisions of the act of 1882 (G. S. 1888, sec. 2105), which prohibited the employment of any child under fourteen years of age who had resided in the United States nine months, unless such child had attended school at least twelve weeks or sixty full school days, had been superseded by the act of 1885 (ch. 90), which re-

[26] 1887, ch. 145, sec. 1 (see p. 32).

[27] Under law of 1895 (ch. 124).

[28] "Still many violations of it occur in the rural districts during the first and last school months of the school year. By the reports received for September, or in visiting the schools later, the agent finds that some children were at work some weeks after the school opened, while the reports for the last month of the school year show that some children left school before its close 'to work'."—Report State Board of Education, 1902, p. 61.

quired the attendance at school while in session of all children over eight and under sixteen years of age, yet it was allowed to remain on the statute books. It was repealed by the act of 1899 (ch. 41), which provides that the employing or authorizing the employing of "any child under fourteen years of age during the hours while the school which such child should attend is in session," shall be punished by a fine of not more than twenty dollars for each week's employment.

This law is the same in the revision of 1902 (sec. 2119). Here at last we have a law that is short, plain, and easy of enforcement. The minimum age law of 1895 (ch. 124) refers only to the children in certain enumerated industries; this includes the children in all occupations during school hours. It recognizes the right of the child to an education as being superior to the pecuniary needs, or the greed, of its parents. Its only use, however, is to strengthen chapter nineteen (1899), which requires parents of children "over seven and under sixteen" to send them to school "regularly during the hours and terms" the school is in session.

Enforcement.—In Connecticut the enforcement of the child labor laws and the school attendance laws devolves upon the same officers, the agents of the State Board of Education. It is true the school attendance laws provide also for their enforcement by the local school officers, but with few exceptions the work is thrown upon the state agents. The teachers report all cases of absence to them each month and they look up all bad cases. They are very diligent and earnest in their efforts to keep every child under fourteen years of age in school, and they succeed fairly well. More complete enforcement is prevented by three causes:

(1) There is a "low standard in the public mind of what regular attendance is", and hence "the thorough

moral support of the entire community" in the enforcement of these laws is lacking. Then, the ignorance, indifference, and sometimes poverty, of parents (largely foreign) who are anxious to keep their children out of school to assist in the home, complicate matters.

(2) There is often a lack of co-operation by local officers. "Prosecuting officers will not bring suit against delinquent and negligent employers and parents; judges will not convict when the evidence is clear. This has gone so far that within the past year a parent who pleaded guilty was acquitted by a justice."[29]

(3) The number of enforcing agents often has been inadequate. One agent, during the busy months after the opening of the schools in 1905, was attempting to enforce the law in a district which, as he described it to the writer, was approximately fifty miles square, covered three counties, had forty towns, seven hundred school teachers and thirty thousand school children. To enforce the laws he must examine five hundred teachers' reports each month, see that all of the thirty thousand children, scattered over the 2500 square miles of territory, are in school, and inspect the condition of several hundred children between fourteen and sixteen years of age in the largest cotton mill district in the State. It is not surprising that he should be able to relate that once, in an out of the way place in the woods, he found a family of children of school age who had not been to school for three years.[30]

(b) Child Labor Laws.

The Law of 1886.—In 1855 the prohibitory age limit for the employment of child labor in manufacturing and mechanical establishments was fixed at nine years. In

[29] Report State Board of Education, 1904, p. 6.

[30] The above agent said to the writer: "I could make a prosecution every day if I had time to get to them. There are that many cases

1856 (ch. 39) it was raised to ten years. The law was never enforced and the careless manner in which it was omitted from the revision of 1875 shows the general lack of interest in it. Yet there was great need for such a law. The Report of the Bureau of Labor Statistics for 1874 (p. 61) says:

"Children eight years of age have been known to appear at their factory work in the early morning with their eyes scarcely opened through want of sufficient sleep for their health and comfort."

In the same year the Agent of the State Board of Education says:[31]

"Only a few manufacturers intend to employ children under ten years of age, but there are a few mills where children under eight years of age may be found at work."

In 1885 Commissioner Hadley says:[32]

"Some people . . . find it hard to believe that children under ten years of age are thus employed in factories. Unfortunately, it is true that they are." (p. 50.)

" . . . There are many mills, especially among the less important ones, where it has been impossible to stop or even detect them." (p. 49.)

" . . . The French Canadian, in a great many instances, . . . urges and even insists upon the employment of the family as a whole, down to the very youngest children who can be of possible service." (p. 48.)

Many similar cases might be given. Such conditions brought a demand for reform. In the agitation for a new law the Knights of Labor were quite prominent. Several bills on the subject were introduced. The State Board of Education favored twelve years as a minimum

that need to be prosecuted. There are many cases reported that I have not time to look up."

[31] Report State Board of Education, 1874, p. 17.

[32] Report Conn. Bureau Labor Statistics.

age for employment, while the Knights of Labor held out for fourteen years. Thirteen years was finally fixed upon as a compromise. On the final passage of the bill there were but three votes against it in the Senate and but one in the House.

The act of 1886 (ch. 124, sec. 1) provides that,

"No child under thirteen years of age shall be employed in any mechanical, mercantile or manufacturing establishment."

Section two fixes a penalty of sixty dollars for each week's violation by the employer. He is exempt, however, if at the time of employment he has on file the certificate of a town clerk or the child's teacher that such child is more than thirteen years of age, or a like certificate of the parent or guardian, when there is no record of the child's age in the office of the town clerk and such child has not attended school in this State. The signing of a false certificate makes the parent liable to a fine of not more than sixty dollars.

Under section three, it is the duty of the State Board of Education and the local school officers of the towns to enforce the act, and the State Board of Education may appoint enforcing agents.

This act had several weak points. (1) In applying only to certain enumerated industries it left many children outside the pale of its protection. It did not apply to those employed in farming, or in professional, personal or domestic service.[33] Then the boundaries of these enumerated industries are very vague. "The distinctions which are called for are often arbitrary and such as can

[33] "It seems to reach a boy who sells or delivers newspapers for a news dealer or a newspaper publisher, but not one who sells newspapers on his own account. Does it reach a telegraph messenger boy, or a lawyer's office boy, or a barber's boy, or a livery-stable boy, or one who drives a team, etc.?"—Report State Board of Education, 1887, p. 11.

easily be evaded." The making of them has always troubled the agents. (2) The enforcing agents provided for by the act could turn the children out of the factory into the street, but had no authority to compel their attendance at school. The one agent whose duty it was to enforce the school attendance laws could not look after all these cases. This defect was remedied in 1887(ch. 23), and the agents were empowered to compel the children to attend school. (3) As the law did not require that certificates be given by the parents or that they be required or kept by the employer, the latter followed his own inclination in the matter. Some required certificates, others did not. The provision which accepts "the certificate of the parent or guardian, where there is no record of the child's age in the office of the town clerk and such child has not attended school in this State," applied, in practice, mainly to the French Canadians. This and a similar provision in the law of 1887 (ch. 62), which accepted the certificate of a minor "made by him," are two of the greatest travesties on law found in the numerous loose child labor acts of Connecticut. The Report of the State Board of Education in 1888 (p. 38) says:

" . . . The rapacity of the parents has impelled them to false statements concerning the ages of their children. The reports indicate extensive, deliberate and unqualified lying for the sole purpose of securing the money which their children can earn. It is difficult and generally impossible to fix this falsification by evidence admissable in court. The result is that children are employed who ought not to be employed, and are out of school when they ought to be in school."[34]

One of the present agents of the State Board of Edu-

[34] "Many of these children are of small stature, and it is very difficult for employers or school officers to determine their ages. When questioned, these children and their parents always say they are thirteen or more, while appearances frequently indicate the contrary. The oath of the parent respecting the age of the child is

cation related to the writer that when parents gave certificates he called out fifteen children in one mill. All had certificates. He asked the manager how many of them he thought were as old as they claimed to be. He answered, "Not a d——d one of them. My orders are to keep the mill running."

The six agents appointed by the State Board of Education to enforce the act soon discovered that there was no "active and spontaneous interest" in the law, and that even those who had been active in securing its passage offered no assistance in its execution. Employers offered no opposition to the enforcement of the law and generally discharged all children under thirteen. "Of the establishments visited thirty-one are reported as favoring the law and eight as decidedly against it."[35] Those who favored the law held that for physical reasons children under thirteen ought not to work, and that they should be in school regularly and constantly; that their labor is not profitable; and that it is not necessary to their acquisition of skill. Those who opposed the law claimed that early employment is necessary to secure regularity and skill, and that families deprived of their children's support had become charges on the town. They claimed also that much of their work could be done better by young children than by older ones; that families would not locate near their factories unless these young children were employed; that this cheap labor was necessary to competition with other States; that more families would now be necessary to carry on the work, and this would require more tenements and thus would increase the cost of the product.

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accepted, in the absence of proof to the contrary, which is difficult and often impossible to obtain."—Report Conn. Bureau Labor Statistics, 1889, p. 55.

[35] Report State Board of Education, 1887, p. 117.

As usual the parents, through their rapacity and false statements, offered the chief obstacle to the enforcement of the law.[36] Opposition came also from local authorities who feared that families might come upon the town for support.

The Report of the State Board of Education for 1887 (p. 54) says:

" . . . During the twelve months ending July 1, [1887] there were employed, chiefly in manufacturing and mercantile establishments of the State, at least 2,600 children under fourteen years of age."

They were distributed as follows:

Age.	Per cent. of total.	Number.
8	2.2	57
9	3.7	96
10	11.4	296
11	16.3	423
12	28.8	748
13	37.6	979

By industries they were distributed approximately as follows:[37]

Cotton factories	1200
Woolen factories	400
Silk factories	100
Metal goods	400
Other factories	250
Stores	250

It was estimated that from 1000 to 1200 families would be affected by the throwing out of employment of the 1600 children under thirteen years of age who worked some part of the previous year.[38]

[36] "They will impose upon the manufacturer, resort to every subterfuge to conceal the age of their children and in every way in their power avoid complying with the requirements of this, and of the school law, in order to pocket the money results of the children's work."—Report State Board of Education, 1887, p. 121.

[37] Report State Board of Education, 1887, p. 55.

[38] *Ibid.*, p. 64.

As no thorough canvass of the State had been made at the time these figures were published they must be taken as an optimistic approximation. I offer them in the absence of any others.

The law of 1886 was very effective, and in 1894 only six cases were *found* of children under thirteen, illegally employed. Its economic effects will be discussed later.

The Amendment of 1895.—The law of 1886, as has been noted, was the result of a compromise between the State Board of Education and the Knights of Labor. After its passage the labor unions did not cease their efforts to raise the age limit to fourteen years, and in the legislature of 1892-93 a bill (H. B. 280) was introduced to that effect. At the hearing before the Committee on Labor Giles Potter, agent of the State Board of Education, said he did not think the measure would be beneficial.[39] The bill was adversely reported and rejected.

The change, however, was generally approved. In 1893 the Bureau of Labor Statistics sent letters to manufacturers, workmen, school superintendents and teachers, and physicians, asking their views on the proposed change. The large majority of those replying heartily favored the proposed increase of the age limit, and not a few favored raising it to even fifteen or sixteen years.[40] Of the seventy-one manufacturers, thirty-nine desired an increase in the age limit, twenty-six opposed a change, and six were between these two groups. Of the thirty-six superintendents and teachers, twenty-nine favored and seven opposed the change. Of the twenty-one workmen, eighteen favored the proposition. Only five of thirty-one physicians opposed the change.[41]

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[39] Report Conn. Bureau Labor Statistics, 1892-93.

[40] *Ibid.*, 1893, p. 192.

[41] As those who favored the change would be most likely to answer, these opinions must be accepted with allowances.

The change was supported for the following reasons:

1. It would result in a benefit to the child physically and intellectually.

2. It would increase the demand for adult labor.

3. In these two ways it would result in a benefit to the State and to posterity.

In opposition the reasons advanced were:

1. It would work a hardship on invalid and needy parents.

2. It is socialistic.

3. It is an infringement of the rights of parent and child.

4. It would foster idleness.

The necessity of the manufacturer for cheap labor was seldom advanced. They had learned by experience that older and more intelligent labor is as economical as that of young children.

We need consider but two of the above objections, the first and the third. In answer to the first it may be said that the right of a child to an education and to a normal moral and physical development is not dependent upon the economic condition of its parents and should not be influenced by it. The possible present advantage of a few is not to be opposed to the positive future welfare of all. "It is better for the State to bear a small burden now than a larger burden later." The third objection embraces (1) the rights of the State, (2) the rights of the parent, and (3) the rights of the child. Any society must claim the right of self-defense. Its interests must be held paramount to the interests of any one of its members. The rights of any individual member cease to be rights when their further exercise will work an injury to the society as a whole. "The State's solicitude for the children, far from being an interference with rights, is a

a championship of the rights of the children by the only power capable of extending protection."[42]

In 1895 a bill (H. B. 414) was passed raising the age for employment from thirteen to fourteen years (ch. 118). This amendment to the law of 1886 was supported vigorously by the Legislative Committee of the Connecticut Branch of the American Federation of Labor, and by the Secretary of the State Board of Education. It was opposed by Representative Talcott, of Vernon, who was a manufacturer and an employer of children. The labor unions in their demands were probably prompted as much by a desire to avoid competition with child labor as by an interest in the physical and mental development of the children.

The law was much needed in support of education. Over fifty per cent. of the children left school before finishing the grammar grades. In manufacturing communities the percentage rose to "sixty, seventy, eighty, ninety and even one hundred per cent. . . . " Very many of them left school for the factory as soon as the law would permit.[43]

An investigation in nine manufacturing cities and boroughs of the State, made by the Bureau of Labor Statistics in 1895, showed the following conditions:[44]

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[42] Report Conn. Bureau Labor Statistics, 1894, p. 290.

[43] "A study of the summary shows that of the twenty-six schools reporting for 1890 only six report the average age of graduation to be less than fourteen years. For 1891 thirty-six schools reported, and in twenty-seven of them the average age was more than fourteen. It was also over fourteen in forty of the forty-seven schools reporting for 1892, in forty-eight of the fifty-eight reporting for 1893, and in fifty-eight of the seventy-four reporting for 1894."—Report Conn. Bureau Labor Statistics, 1894, p. 276.

[44] Report Conn. Bureau Labor Statistics, 1895, p. 216.

	Percentage of Children not completing Grammer School	Percentage leaving school at thirteen years of age
Hartford	44.00	32.00
New Haven	58.00	32.00
Norwich	70.00	48.00
New London	20.00	17.00
Bridgeport	41.00	....
Killingly	45.00	45.00
Windham	58.00	62.00
Middletown	50.00	10.00
Rockville	70.00	65.00

The defects noted in the law of 1886 in regard to its application only to children employed in the enumerated industries, and to its acceptance of the parent's certificate of the child's age, are the same in its amendment of 1895. The acts of 1901 (ch. 110), 1903 (ch. 75) and 1905 (ch. 115) are aimed at the defect in regard to certificates. The enforcement and effects of the law of 1895 will be discussed in connection with these acts.

Age-Certificate Laws.—Under the law of 1886 (ch. 124) an employer was exempt from punishment for employing a child under thirteen years of age if he had on file a certificate of age by the town clerk, the child's teacher, or by the parent when there was no record of the child's age in the office of the town clerk and it had not attended school in the State. There was a fine of sixty dollars for false statement by the parent as to the child's age. The law is the same in 1895 (ch. 118), except that the age is fourteen. As has already been noted, this weakness as to certificates caused the greatest trouble in trying to enforce these laws. As no certificates were required by the law the only proof that the employer or enforcing agent had of the child's age, when it was foreign born and had not attended school here, was the statement of the parent. This must be accepted. Parents did not hesitate to misrepresent the ages of their

children in order to get them into the factory.[45] Thus, in spite of the minimum age law, the law requiring all under fourteen to attend school, and the earnest efforts of the enforcing agents, often the law was defeated. In 1901 (ch. 110) there was an attempt to remedy this. This law provides that every employer of a child under sixteen years of age

"shall obtain a certificate showing that the child is over fourteen years of age. Such certificate shall be signed by the registrar of births, marriages, and deaths, or the town clerk of the town where there is a public record of the birth of the child, or by a teacher of the school where the child last attended, or by the person having custody of the register of said school. If the child was not born in the United States and has not attended school in this State, one of the parents or the guardian of the child shall have the date of the birth of the child recorded by the registrar of births, marriages, and deaths, or the town clerk where such parent or guardian resides."

The parent must take oath as to the date and place of birth of the child and produce any family record, passport, or other paper showing its age or the date of its birth. There is a fine of a hundred dollars for failure of the employer to have, keep on file, and show to the agents of the State Board of Education or the local school board

[45] "That there are children not fourteen years old working in the mills no one who has seen them will question, but a certificate of age has been given by the parent stating that the child is over fourteen."—Report State Board of Education, 1899, p. 47.

"There is no doubt that the law giving parents the right to issue certificates of age, in order that the children between fourteen and sixteen may be employed, is knowingly and wilfully violated. . . . There are many instances where a child said to be fourteen years old is working on a parent's certificate. . . . In a case just investigated the parents of the boy whose age was in question claimed that he was fourteen and born in Canada; continued investigation revealed that he was born in Rhode Island and a copy of the records showed that he was but eleven years old."—Report State Board of Education, 1901, p. 62.

these certificates and a list of names of the children employed. The penalty for employment of a child without a certificate is sixty dollars for each week, and for false statement by the parent concerning the age of a child twenty dollars.

In practice this law had two weaknesses: (1) the careless manner in which registrars and town clerks often recorded the births of foreign born children without sufficient documentary or other evidence, and then granted them age certificates; and (2) the ease with which the parents of foreign born children who had not attended school here could defeat the purpose of the law by false statements. Town clerks were very careless. In a case investigated by the writer the register of the town clerk showed that two brothers were born in the same year and on the same day of the month. Both were granted certificates, the record being on the same page, and showing the names of the father and mother to be the same in each case. Investigation showed that one boy was fourteen and the other sixteen years old. Foreigners, the births of whose children were not recorded, sometimes claimed that the age as found in the school register was wrongly given by the child (too often the case) or wrongly recorded by the teacher, and that the child was older; or, if it had not attended school, they took oath before the registrar that the child was older than, actually, it was. There was no proof to the contrary and the certificate must be granted. Employers sometimes accepted the statement of the parent that the child was over sixteen, and incurred no risk, for there was no legal proof of the child's age except the statement of the parent.[46]

But in spite of its weaknesses and of these deceptive violations, the law of 1901 was very beneficial, and was

[46] Report State Board of Education, 1901, p. 56; 1903, p. 64.

generally quite well enforced. Employers usually supported the law and tried to obey it. Some of them had required certificates under the old law, which was not compulsory. Others had not kept certificates under the old law and were slow to obey the new one. In 1904 one of the enforcing agents reported that of the 1,690 children between fourteen and sixteen years of age employed in his district, 104 were employed without certificates of age.[47] This district is in the eastern part of the State, where most of the cotton mills are situated. The operatives here are largely French Canadians, the people who violate the law most frequently.

The law of 1901 was also evaded by families who brought their children from other States into Connecticut to work. Often there was no record of the birth, and the town clerks and registrars too frequently granted certificates on the statements made by the parents, without investigating the cases. It was thought that the State Board of Education would do this work more carefully, so, in 1903 (ch. 75), a law was passed which provides that in cases of unrecorded dates of births of children who were born in the United States but who have not attended school in this State, and in cases where the record of the date of birth on the school register one year is inconsistent with the record of another year, the State Board of Education may investigate "and, if it appears that the child is over fourteen years of age, may grant a certificate." This was power well placed and the law has been effective of much good, but as it did not repeal the earlier provision or make this the sole way of securing such certificates it did not stop misrepresentation in all cases. The law is still in force.

In 1905 (ch. 115) Connecticut took another step in

[47] *Ibid.*, 1904, p. 61.

her favorite "cut and try" method of legislation. The loop hole in the law of 1901 (G. S. 1902, sec. 4705) which allowed the parent or guardian of a child not born in the United States and who had not attended school in this State to have the date of its birth recorded by the registrar of births or the town clerk, was stopped by the following amendment:

"If a child was not born in the United States the State Board of Education may investigate and, if it appears that said child is over fourteen years of age, may grant a certificate accordingly."

Enforcement.—From the defects already noted in the certificate laws of 1901 and 1903, it is evident that under such laws the complete prohibition of child labor has been impossible. Besides the deceptions of the parents in securing certificates, and, in cases, of mutilating certificates, passports, etc., for deceptive purposes, there are still a few employers who violate the law by employing children illegally. In one of the finest bakeries in the State the writer found six school girls tying up loaves of bread. Three of these were under fourteen, and three between fourteen and sixteen years of age. They worked an hour and a half each afternoon after school. None of them had certificates and hence all were employed illegally. Their employer was ignorant of the law, and was much surprised when he was informed that he was employing the children illegally. He at once dismissed the three who were under fourteen and had the other three secure certificates. While this was a case of ignorant violation by a worthy employer, it shows that the law may still be violated for weeks without the State's agents ever knowing of it. Then some employers, though reasonably careful not to employ children under fourteen, are careless about keeping on file a certificate for each child. Often when a child leaves a factory it takes its certificate, and

when it returns later it is employed without a certificate being placed on file.

Such cases as the foregoing are of minor importance. What is more grave is the fact that there is evidence that the minimum age law, in cases, is being wilfully violated with the knowledge and tacit consent of those whose duty it is to enforce it. When the minimum age for employment was fixed at thirteen years in 1886, the State Board of Education, it will be remembered, favored and worked for twelve years as the minimum. They were defeated by the Knights of Labor. Mr. Giles Potter, who was then the sole agent of the State Board of Education and who advocated the twelve-year limit, said to the writer recently:

"I and others have tried to get a law permitting the employment of children of twelve when the schools are not in session, but the unions have always opposed it and we have never been able to pass such a law."

In regard to one of these bills the report of the legislative committee of the Connecticut Branch of the American Federation of Labor, 1899, says:

Senate Bill Number 9, "to the effect that children over twelve and under fourteen years of age may be employed in factories during school vacations, was introduced by Senator Hall, of Willington,[48] and advocated by him. . . . The hearing on this bill was an interesting one on account of the peculiar stand taken by an agent of the State Board of Education, Mr. Giles Potter, of New Haven, who sided with the manufacturers in advocating the bill and saying that the children would be safe in the factories, also that many of them would be saved from drowning during the summer vacation if the bill was passed."[49]

[48] In 1897 Senator Hall introduced a similar bill (H. B. 444).

[49] See, also, Report State Board of Education, 1881, p. 22; Report Conn. Bureau Labor Statistics, 1893, p. 256.

Mr. C. N. Hall, an agent of the State Board of Education, in his report to the Secretary of the Board in 1904, advocates the employment of children between twelve and fourteen years of age during the summer vacation, and concludes by saying:

"Moreover, since such employment will inevitably be given during the two months when factories are not visited, it were better to be legalized than to be given illegally."[50]

During my investigation, I accompanied another of the agents on his tour of inspection in one of the large cotton factories of Putnam. We examined the children and the certificates on file and found nothing wrong. Six weeks later I went through the same factory and found two small girls working at the spinning frames. One of these said she was twelve years old and was working in her mother's place, the other that she was thirteen and was helping her sister. The latter was French and could not talk English or write her name. The particulars were reported to the agent and to the Secretary of the State Board of Education. The agent informed the writer, later, that he was going to let the case rest till after vacation and see whether they would continue working after school opened.

Here are three agents directly opposed, in this respect, to the law they are supposed to enforce. Is it strange that "employment will inevitably be given during the two months when factories are not visited," or that they are not visited during these two months? And is it a matter for wonder that,

"By the reports received for September, or in visiting the schools later the agent finds that some children were at work some weeks after the school opened, while the re-

[50] Report State Board of Education, 1904, p. 67.

ports for the last month of the school year show that some children left school before its close to work"?[51]

But with these exceptions this law is perhaps as well enforced as any law on our statute books that is so difficult of enforcement and involves as great numbers and as diverse interests. And with these exceptions the agents seem to be very diligent and painstaking to secure a rigid enforcement.

(c) Exhibiting Children.

In 1884 (ch. 99) it was enacted that,

"Any person having care, custody or control of any child under the age of twelve years, who shall exhibit, use . . or dispose of any such child . . . for the . . . purpose of rope or wire walking, dancing, skating, begging, or peddling, or as a gymnast, contortionist, rider or acrobat . . . or for or in any obscene, indecent, or immoral purpose, exhibition, or practice; or for or in any business, exhibition or vocation injurious to the health or dangerous to the life or limb of any such child; . . . shall be fined not more than two hundred and fifty dollars, or suffer imprisonment . . . not less than thirty days or more than one year, or both such fine and imprisonment."

The revision of 1888 (Title 19, ch. 99, sec. 1417) adds bicycling to the prohibited vocations, and this is the present law (1902, G. S. sec. 1163). The act designates no special person to enforce its provisions, and little use has ever been made of it. The agents of the State Board of Education have enforced it where cases of its violation have come to their notice. There have been but few prosecutions under it, though doubtless it has been violated often.

(d) Operating Elevators.

Until 1893 there was no provision for the inspection of elevators, except in manufacturing establishments.

[51] Report State Board of Education, 1902, p. 61.

Before this many of them were in a dilapidated and unsafe condition, few of them had safety appliances, and accidents were frequent from their careless operation. In the legislature of 1893 organized labor supported a bill (H. B. 23) prohibiting the employment of persons under twenty-one years of age to operate elevators. This high age limit was objected to and sixteen years was the age named in the bill that passed (ch. 59). The penalty for violation is "a fine of not less than five dollars nor more than twenty-five dollars for each offense." There is no provision made for the enforcement of the law, but frequent violations are prevented by the care of the agents of the State Board of Education. The law is the same in the revision of 1902, except that the minimum penalty is omitted.

(e) Evening Schools.

Because of the loop hole in the law of 1882 (ch. 80), which exempted from the requirement to attend school sixty days of the twelve months preceding the month of their employment those children who had not resided in the United States nine months, and because of the low age limit (thirteen) fixed by the law of 1886 (ch. 124), it was long possible for children coming from without the State to be legally employed in the factories, without having the least education. That this weakness in the law was taken advantage of is evident from the following:

"For in spite of the law requiring children to be sent to school twelve weeks in each year, some are employed in such establishments who have no knowledge whatever of letters. They commenced work on their arrival in this country, and if they have attended school at all, the period was so short that they have not learned enough to be of any practical use to them, or if they have resided longer in the United States, they have somehow evaded the law."[52]

[52] Report State Board of Education, 1884, p. 39.

The following shows that these conditions were not only bad but common:

"In fifty towns and in 157 establishments were found 1,514 children between 14 and 16 years of age. There are about 150 more establishments where children of these years are employed, and if the same ratio holds there are 3,000 children between 14 and 16 years of age employed in factories.[53] Of the 1,514 children employed 177, or twelve per cent., cannot read or write. Many more cannot read or write legibly."[54]

Law of 1893.—In the legislature of 1886 a bill (H. B. 136) was introduced prohibiting the employment, in any mechanical, mercantile, or manufacturing establishment, of children between fourteen and sixteen years of age, who could not read and write, and making it the duty of the State Board of Education to enforce the proposed law. Such a law was much needed, and had it been passed and enforced would have been productive of much good. But the bill was unfavorably reported by the Committee on Labor and was rejected. In 1893 a halfway measure was passed to patch up these gaps in the education laws. It provides (ch. 227, sec. 3) that,

"No person over fourteen and under sixteen years of age, who cannot read and write, shall be employed in any manufacturing, mercantile, or mechanical occupation in any town where evening schools are established under the provisions of the preceding sections, unless he can produce, every school month of twenty days, a certificate from the teacher of an evening school established under this act, showing that he has attended such school twenty consecutive evenings in the current school month and is a regular attendant."

There is a penalty of fifty dollars for the employment of a child contrary to the provisions of the act, but there is

[53] U. S. Census of 1900 shows that in 1890 there were 3,085.

[54] Report State Board of Education, 1889, p. 45.

no provision made for its enforcement. In 1895 it was replaced by a law (ch. 210, sec. 3) which required only eighteen consecutive evenings attendance in the current school month, but made it the duty of the State Board of Education to enforce its provisions. The law is the same in the revision of 1902 (sec. 2147).

This act was (and is) very defective. It applied only to towns where evening schools were established, and as these were established only in a few of the towns, any child could evade it by seeking employment in a town where there was no evening school. This was not necessary, however, for there was never any attempt to enforce the act.[55] The same is true of it to-day. The present Secretary of the State Board of Education says he is not in sympathy with evening schools, supported by the public for the free education of foreign young people, who should pay for their own education; and the senior agent of the Board says:

"This law is practically a dead letter. We do not do much with it."

In a communication to the writer the Secretary of the State Board of Education says:

"For several years employers were required to obtain and exhibit upon request of agents, legal certificates of attendance at evening schools. Frequently factories were inspected for the purpose of ascertaining whether children between fourteen and sixteen who ought to attend evening schools were employed. Very few were found."

The Secretary's own reports refute this last statement. They show that for the five years, 1893-1897, 1,182 children between the ages of fourteen and sixteen years who were unable to read English, were *found* employed in the factories.[56]

[55] Report Conn. Bureau of Labor Statistics, 1900, p. 278.

[56] Reports State Board of Education, 1896, p. 21; 1904, p. 72.

Ever since the advent of the French Canadians at the close of the Civil War, Connecticut has had in the ignorant children of her foreign population a difficult educational problem. Never, before 1905, have her laws been adequate to deal with this problem. For all these years there have been large numbers of ignorant children between fourteen and sixteen years of age in her factories. Many of them had not the minimum of an education, some of them could not write their own names. They were too old to be reached by the compulsory school law, and so were left to grow up in ignorance.

The following figures show the number of these employed each year from 1889 to 1903, and the number unable to read English.[57] The percentages were computed by the writer:

CHILDREN FROM FOURTEEN TO SIXTEEN YEARS OF AGE

Year	Number Employed	Unable to Read English	
		Number	Per cent.
1889	1,514	177	11.7
1890	2,222	231	10.4
1891	3,406	107	3.1
1892	5,483	188	3.4
1893	4,608	129	2.8
1894	2,620	205	7.8
1895	2,968	360	12.1
1896	2,716	102	3.8
1897	3,303	386	11.7
1898	3,212	87	2.7
1899	3,538	303	8.5
1900	3,358	322	9.6
1901	4,162	140	3.4
1902	5,660	320	5.5
1903	5,372	178	3.3[58]
	53,244	3,235	6.1

[57] Reports State Board of Education, 1896, p. 21; 1904, p. 72.

[58] The great variation in the percentages from one year to another shows a lack of any relation between the number *found* employed

Law of 1903.—In 1893, as we have seen, there was a weak attempt to deal with this question by passing a deficient act requiring those between fourteen and sixteen who could not read and write to attend evening schools, if employed in towns where there were such schools. As has been noted, the law has never been enforced. In 1903 (ch. 29) another law was passed. It provides that whenever the local school officers shall decide by vote that any child between fourteen and sixteen years of age has not sufficient schooling to warrant its leaving school to work, it must attend school regularly while in session until the school officers grant a leaving certificate stating that its education is satisfactory, or until it becomes sixteen years of age. There is a penalty of five dollars for each week's violation.

The act was amended in 1905 by chapter 36, which gives the State Board of Education co-ordinate power with the local school officers under the act. In neither case is the act mandatory. It leaves the question of what constitutes "sufficient schooling" to the judgment of the

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and the number *found* unable to read English, and makes the accuracy of the above statistics seem extremely doubtful.

In his message to the legislature in 1887 Governor Lounsbury said: "These are figures and the facts, but no report of your able school board, no statistics of a census, could show the frightful amount of illiteracy that is existing all over the State. Within the last ten years thousands of boys and girls have passed beyond the limit of their school life, have gone out into the world, and to-day they are virtually unable to read and write. . . . They learned all that they had time to learn, their letters, to read a few short sentences, to write their names; but any ordinary printed book is to them a sealed mystery, and any document to which they may sign their names is as far beyond their ability to decipher as though it were written in Sanscrit. For this ignorance, which must darken and sadden all their lives, this commonwealth is to blame, for it was the inevitable result of faulty legislation and of inefficiency in enforcing that legislation which was good."

officers. While there may be reason for allowing some discretionary power in the case of children over fourteen years of age, the act is weak in this respect. For example, if the school board in one town chooses to exercise its full powers and sets a high standard, and the board in another town chooses to follow its prerogative and do nothing under the law, it is easy to see the probable result. Those who wish to evade the law will simply change their residence from the former town to the latter one.

This law in its application reaches mainly the foreign born children. Connecticut requires that her own native born children attend school until they are fourteen. This she deems necessary for their welfare and for that of the State. Why should she set a lower standard for foreign born children who are eventually to become her citizens? This premium on ignorance has had its evil results. That it is still having them is evident from the large numbers of these ignorant foreign children who are now flocking to the State. The law should be made mandatory and there should be some fixed standard to which all must attain, with possibly the reservation to the officers of discretionary power in exceptional cases.

So far but few of the local school boards have done anything under this act. Where they have it has been merely to require a higher standard of those in the schools, and the new rule has not been applied to those who had already left school to work, or those who had never been in the schools. They have thus missed those who need the schooling most, the foreign born children in the factories. It is still too soon after the approval of the amendment of 1905 to say what action the State Board of Education is going to take under it. Two of their agents have informed the writer

that they are doing nothing about the matter.[59] However, the only searching investigation that has ever been made of the child labor conditions in a factory town of Connecticut was made at Middletown, in 1906, under the direction of the State Board of Education and in pursuance of the powers given them by this law. Because of the uniqueness and thoroughness of this investigation, and because of the insight it gives into certain conditions that seem to be prevalent in the State, the writer had prepared for this study a special report of it.

The investigation was made by Mr. W. B. Ferguson,[60] who was Superintendent of Schools at Middletown, and who was appointed by the State Board of Education to enforce the law in that district. In the following paragraphs the important parts of his report are quoted in full:

THE MIDDLETOWN INVESTIGATION.

"In order that the reader may clearly understand the problem of school attendance that was presented in this city and the method that has been followed in solving it, it will be necessary to place before him briefly the social and industrial conditions existing here."

"Size and Character of the Population.

"In 1900, the city of Middletown had a population of 9859. Its present population is about 11,000, the following nationalities being represented and in about the following order as regards numbers: English, Irish, Italian, German, Swedish, Polish, Scotch, Jewish. The increase in population since 1900 has been due largely to an influx

[59] There was a question in the minds of the agents of the State Board of Education whether the law was retro-active, and whether under it they could turn out of factories those children who had certificates or those who had never attended school here. The Attorney-General decided these questions in the affirmative.

[60] Now deceased.

of Italians, who now number 1,000 or more. These people have come almost entirely from Melilli, a town of 6,000 or 7,000 population in the eastern part of Sicily. At least one-eighth of the entire population of this Sicilian town must have come to Middletown during the last five years, and they are still coming. In some cases whole families have come, in others only the father or the father and one or two of the older children, leaving the mother and younger children at home. In not a few cases, children have come alone, or with a married brother or sister, an uncle or cousin, or with a family who were neighbors in Sicily. Most of these children who have come without parents are boys, though there are probably twenty or more girls living here with an older sister, brother, uncle or acquaintance. The ages of these children are, for the most part, from 12 to 16 or 17 years, though none acknowledge that they are under 14. They are sent here to earn money to send home for the support of parents and younger brothers and sisters. They are usually quick to learn, faithful, free from bad habits, eager to earn money, and are rarely seen in the city court for causing disturbance or for other reasons.

. . . . . .

"Manner of Living.

"While these different nationalities are found scattered, in some measure, throughout the city, each nationality, especially the Italian, Swedish, and Jewish, has its own settlement, and, to a considerable degree, lives apart by itself, speaking its own native language and practicing its native customs. However, their manner of living differs greatly. . . . One mother told me that she paid for lodgings and board for herself and two children, 10 and 15 years old, $2.00 per week. The older child earned $3.00 per week, and upon this she was able to live with her children in comparative comfort. She did nothing and had done nothing for several years, having lived upon the earnings of this child. She cried bitterly when told that she must take the place of her child in the mill that he might go to school, but she finally consented to do so.

"Some of the homes and boarding houses of these people are sanitary and neat, but usually bare of furniture and always of ornamentation of any sort. On the other hand, many of them are untidy and unclean."

"Middletown's Industries.

"The leading industries of Middletown consist of the manufactories of cotton webbing, hammocks, enamel ware, silk and rubber goods, marine ware, pumps, bone goods, horse blankets, and silver-plated ware. Most of the Italian children work in the mills that make cotton webbing, enamel ware, and hammocks. They earn from three dollars to five or six dollars a week. They spend little upon themselves except for board and cheap clothing. The rest goes to help support the family either here or in Sicily.

. . . . . .

"Method of Investigation.

"The legislature of 1905 gave to the State Board of Education concurrent power with that of local boards. What was to constitute a satisfactory education was left to the individual committees and the State Board of Education. Early in the fall term of the present year the Board of Education of this city, acting under the provisions of this statute (1905, ch. 36) voted that, 'As a rule, children should not be allowed to leave school until they have completed the sixth grade,' but took no action looking toward the return to school of any who had gone to work. The State Board of Education undertook the enforcement of the law in the cities and towns of the State. I was asked to act as its agent for the enforcement of the law in this city.

"It was an easy matter to discover and return to school those children who had attended school in this city and had left to go to work. An examination of the enumeration list showed what children were under sixteen years of age and whether they were in school when the enumeration was taken in October. In the case of these it was only necessary to find out from the teachers whether they had completed the sixth grade, and, if they had not,

to order them back to school. These included all except the Italian children. To discover the latter, the factories and shops were visited, and the certificates examined which were obtained from the town clerk. . . . To make sure that none were missed, an examination was made of the duplicates kept in the office of the town clerk of all certificates issued during the last two years. All the children who were thus found to be under sixteen years of age were given opportunity to show the extent of their education. They were told by their employers to go to the High School on particular evenings, and make application for a different kind of certificate from that which they had obtained from the town clerk. Some, who claimed to be 16, but whose appearance scarcely bore out their claim, were also told to go. About fifty came. Those who said they were 16 were asked to prove their ages. Failing in this, as was usually the case, claiming, as most of them did, that they had lost their passports (the greater number of passports produced had been changed so as to make it appear that those to whom they had been issued were 16 years of age), those who could not pass the examinations were told to go to school until they produced certificates of birth from Melilli, showing them to be 16 years old. Of those who tried examinations at different times [47], five, two boys and three girls, passed successfully, and were given certificates, stating that they had been examined, found to have a satisfactory education, and could be lawfully employed. All others were told to go to school at the beginning of the winter term, or in about one month, thus allowing them time to make any necessary arrangements and allowing employers time to procure other help. A room had also to be prepared for the anticipated class, and a teacher procured, for it was certain that there would be some who could not enter any of the regular classes, not having been to school anywhere. They could, perhaps, have been placed in the lowest primary classes with the very young children, but this seemed inadvisable for several reasons.

"On the first day of the term, twelve Italians appeared

at the school where a room had been specially prepared and six others returned to classes in other schools which they had previously attended. It became necessary to find the others who had been ordered to school. This was done, and, at the end of the week, the number had increased to twenty-five." Prompted by jealousy, those who were in school and their older brothers, parents and guardians were anxious to inform on those still at work. "The result was a long list of names and addresses of children who were said to be under 16 years of age. In company with an Italian who has resided here many years, who is a wise adviser of these people and a leader among them, and who was in thorough sympathy with the efforts that were being made for the Italian children, I called at the places where the children whose names had been given me were said to live.

"Four evenings from seven till half past nine o'clock were devoted to this work, and it should be said to the credit of Italian parents and children that, in every instance but one, the children were at home. In at least three-fourths of the cases the children were found to be 16 years of age or over, as was shown by passports or certificates of birth, but seven or eight children of school age were found and ordered to school. Not a few were found who said they were 16 years old, but who had lost their passports, as they claimed. If they appeared to be 15 or possibly 16, it was agreed that they should be allowed to continue at work for one month, before the expiration of which time they should procure from Melilli certificates of birth showing their ages. Failing in this, they should, at the expiration of the month, go to school. If they were very clearly less than 16, they were ordered to school, and told to attend until they procured certificates proving their ages. At the end of the second week the number at school had increased to forty. It is probable that a few more will be found. It is also possible that some of these who have sent for certificates of birth will not succeed in establishing their claims as to their ages, though this is not probable, since, as I am told, a considerable sum of money was usually enclosed in the

letter that was sent to Sicily for the certificate, whether as a bribe for a false certificate or as the usual graft necessary to secure a document of any kind in Sicily, I do not know."

"Character of the Examination.

"The examinations set for these Italian children were, of course, entirely in Italian, since few of them could read or understand English. They were not, in all respects, as difficult as those given our American children at the end of the sixth year of school. This was especially true of the examinations in arithmetic, geography, and history. Ability to perform the fundamental operations accurately and rapidly, to solve simple problems involving such operations—such problems as would naturally arise in the practical affairs of life—was accepted as satisfactory. A limited knowledge of the geography of Europe, chiefly of Italy, was deemed sufficient. In history, a subject to which apparently little attention is paid in the schools of Sicily, or, at least, in the schools of Melilli, few questions were asked, and most of these concerned Italian history. All of the five who passed the examinations successfully knew something about Columbus and a few other prominent Italian characters, but they knew little else about Italian history and nothing at all about the history of other countries. It was thought right to accept such a limited knowledge of these subjects in view of the fact that these children could read even difficult Italian with great fluency, write a beautiful hand, compose grammatically, punctuate and capitalize correctly, and write an altogether more correct and attractive letter than many American children who complete our sixth grade. I am told that the schools of Melilli contain only five grades. It would appear that they devote almost exclusive attention to the three R's, but that they accomplish good results in these subjects, at least with the brighter children. It would also appear that school attendance is not compulsory in Sicily, for three-fourths of these children from 14 to 16 years of age have very little education, and at least a third of them have never attended school at all. . . . "

STATISTICAL REPORT OF CHILDREN BETWEEN 14 AND 16 YEARS OF AGE, MIDDLETOWN, CONNECTICUT.[61]

	No. enumerated, 14–16 yrs. old.[62]	No. in School.	No. legally absent, sufficient education.	No. ordered to school.	No. sent out of factories.	No. examined including those who had never been to school.	No. who passed.	No. never at school before in this country.	No. never at school before anywhere.	No. without either parent in this country	No. with only father in this country.	No. with only mother in this country.	No. in first grade in Italy.	No. in second grade in Italy.	No. in third grade in Italy.	No. in fourth grade in Italy.	No. in fifth grade in Italy.	No. of Italians who can speak English.
English Scotch,	134	110	20	4	2													
Irish,	104	55	45	2	2													
Italian,	10	2	5	42	38	47	5	37	18	10	6	1	3	4	5	2	5	10
German,	24	15	9	0	0													
Swedish,	24	7	15	2	1													
Polish,	6	4	0	2	2													
Jewish,	8	5	2	1	0													
French Canadians,	2	0	0	2	2													
	312	198	96	55	47	47	5	37	18	10	6	1	3	4	5	2	5	10

The foregoing report shows the following conditions to be true in Middletown:

(1) That there is a great influx of ignorant foreign born Italian children.

(2) That many of these are sent here without parent

[61] "The table of statistics is not guaranteed to be absolutely correct, but it is very nearly correct. The part that concerns Italians is correct to date. The rest is perhaps wholly correct."—W. B. Ferguson.

[62] Date of Enumeration, Oct. '05.

or guardian, merely to earn money to send back to Italy.

(3) That their countrymen with whom they live here for the most part have their own quarter of the city and there perpetuate their own customs and language.

(4) That while these children are orderly and industrious, their chief concern is money making, and that they take very little interest in education, but whenever and however possible evade the compulsory school laws and the "child labor law"—only two out of forty-nine being in school, and only twelve having ever attended school in this country.

(5) That the enumeration of children in this city was a farce, for while it showed only ten Italian children between fourteen and sixteen years of age, a thorough investigation, made only a few weeks later, showed that there were actually forty-nine, with a possible few still to be added to the list.

(6) That very few of these children compare in education with our native born children, only five out of forty-seven being able to pass the simple examination set for them.

(7) That their ignorance is so gross as to be dangerous to the welfare of the community in which they live, eighteen out of forty-nine never having attended school anywhere, and only ten of the forty-nine being able to speak English.

(8) That thirty-eight of the forty-two children ordered to school were sent out of the factories.

(9) *That it is possible to enforce this law and bring the children into the schools,* and thus solve Connecticut's most difficult educational problem.

So much space has been given this report because, in the opinion of the writer, the conditions it shows to exist

in Middletown are very largely representative of the conditions in all the factory towns of the State where there is a large foreign element, and especially where this element is Italian or French Canadian.

The great prosperity of Connecticut's industries and the consequent high wages and great demand for workers has resulted in increased numbers of foreign born children being brought or sent into the State to work. In other parts of the State Italian children have been coming without their parents.

These foreigners congregate in certain cities, as the Italians in New Haven and Bridgeport, the Poles in New Britain, and the French Canadians in Putnam and Willimantic. Here they have their own quarter, speak their own language and often have their own parochial schools.[63] Many of them take little interest in education and most of them crowd their children into the factories as soon as possible. Many of these children cannot read and write English, and, in the opinion of the writer, there are hundreds of them in Connecticut's factories to-day who could not pass such a "sixth grade" examination as was given the Italian children in Middletown. Often they enter the factories immediately on their arrival in this country and cannot even speak English. Usually

[63] While these schools are under the supervision of the State Board of Education, it is freely admitted by the agents that in most cases they are much inferior to the public schools. Especially is this true when the teachers are foreign, as is too often the case. A French Canadian boy, fourteen years old, in a cotton mill at Putnam, said he had been to a Catholic school five years. Yet he could not read. Another French Canadian boy fourteen years old in a cotton mill at Willimantic claimed he had been attending a parochial school in Willimantic eight years. He also could not read and wrote his name poorly. These schools should be more closely supervised or all children required to attend public schools.

they have been taught to write their names and ages in a mechanical way.

The agents of the State Board of Education judge a factory child's intelligence by his ability to read the following form and follow the directions there given:

> "PLEASE WRITE ON THIS PAPER YOUR NAME, AGE, DATE OF YOUR LAST BIRTHDAY, AND THE NAME OF THE TOWN AND COUNTRY WHERE YOU WERE BORN."

Of sixty-eight children between fourteen and sixteen years old in factories in Putnam, Taftville, and Willimantic, eight were unable to pass this simple test properly and five were wholly unable to pass it.

For the purpose of comparison the writer submitted the same test to the children in the Orange Street School of New Haven, and under as nearly as possible the same conditions. The test would indicate that the children in the third grade are less well educated than the average of the factory children, but as well educated as the poorest in the factories. Their average age was a little over eight years. In the fourth grade the test would indicate that their education is not so good as that of the American born of the factory children, but much better than the Canadian born. Their average age was nine and a half years. In the fifth grade the test would indicate that they are much better educated than the Canadian born in the factories, not so well educated as the best educated of the American born, but that their average is as high as that of the children in the factories. Their average age was a little over ten. The sixth grade pupils were excelled only by the best educated of the American born in the factories. Their age was eleven years.

Investigation has shown that in other cities than Mid-

dletown there are children working in the factories whose names do not appear on the enumeration list. Nothing short of a close investigation will disclose all these children. It is feared that often this is not made. Were it made, and were this law made mandatory and thoroughly enforced, many a city in this State probably would have need, as had Middletown, for an additional school room and an extra teacher.

Violations and Enforcement of the Child Labor and Education Laws.

With the appointment by the State Board of Education in 1869 of the first enforcing agent, began the first general and systematic attempt to enforce the child labor laws. And as violation and enforcement of law exist in inverse relation to each other, this point marks also the beginning of the decline in open and flagrant violations. But as the amount of legislation and the number of establishments were increasing rapidly, the one agent was wholly unable to cover the field, and hence the movement toward better enforcement was very slow till 1886, when (by ch. 124) the State Board of Education was authorized to appoint "agents" to enforce the law. These, six in number, were able to cover the field more thoroughly. But it took time to organize and get the movement under headway; so that it is only since 1890 that there has been a general and efficient enforcement of these laws.

Before 1886 the enforcement was left mainly to the local officers—selectmen, school visitors, grand jurors, and State's attorneys. These, with few exceptions, almost wholly neglected their duties. A strong central power was needed to secure uniform observance. It was not until 1887 (ch. 23) that the State Board of Education

was entrusted with the enforcement of the important laws on this subject, and never have they had the hearty interest and co-operation of the local officers in this enforcement.

Another difficulty was the laxness of the laws themselves. Some, as we have seen, made no provision for their enforcement or fixed no penalties for their violation, while in other cases several local officers were relied on to enforce the same law. Then, after 1886, when there was an earnest attempt to enforce the laws, it was found that many of them were full of loop-holes and exceptions, thus rendering their enforcement impossible. Revisions and amendments were necessary and frequent.[64]

Public Opinion.—Public sentiment during the first part of this period was very weak. What there was favored the laws. In 1873 the Governor said:

"The [compulsory] law is generally approved, and I learn of no opposition to it. Since its enactment no article, editorial or contributed, in any Connecticut paper, has expressed disapproval of it, so far as my knowledge extends."

But there was little "active and spontaneous interest in the law" or its enforcement. Not until 1890 was there strong public opinion supporting the law, and only in the last few years has there been a general demand for its enforcement. At present legislation is not far in advance of public sentiment.

Attitude of Employers.—The annual reports of the

[64] "In considering these questions it should be remembered that the laws have been advanced. The ideal of conformity to law is one thing, the advancement of the law toward a higher ideal is another thing. . . . This high standard makes apparent many violations of the law."—Report State Board of Education, 1898, p. 36.

enforcing agents of the State Board of Education, and the reports of the Bureau of Labor Statistics, throughout this period are very uniform in commending the favorable attitude of employers to the educational and child labor laws. According to these reports they offered no opposition and usually joined in the efforts of the officers to enforce the laws. They favored the school laws, though often they had to pay nine-tenths of the taxes to build school houses and support schools, and although it was troublesome and embarrassing to secure certificates, discharge children to attend school, and secure and train others to fill their places. Indeed, there are many cases in which companies built school houses and hired teachers, or provided libraries, public lectures, and evening schools at their own expense. Many of them have long recognized that they have further duties than the mere payment of the stipulated wages; and that their sole aim should not be "to get the utmost amount of work for the smallest pay."

The early violations by employers were said to be due mainly to carelessness, the importunities of the parents, the general non-enforcement of the law, the belief that they must have this cheap labor to compete, and the fact that often the children they discharged went to the street and not to school. In recent years violations of the child labor law have not been so numerous and they have been confined chiefly to small shops and stores, and to vacation work.

While the views of the employers often have been in advance of those of the parents and of the general public, it is the opinion of the writer that the reports of the State Board of Education and the reports of the Bureau of Labor Statistics have always attributed to the employer

too keen a sense of right and justice, and too great a desire to follow the letter of the law. These reports too often have been soothing and conciliatory in this respect, and are not borne out by their own statements of the number of cases of illegal employment found. Had the employers so generally been impelled by so great a desire to follow the law, there would have been little need for the appointment of State agents to enforce it, for no one can more surely detect a case of illegal employment than the employer himself.

Attitude of Parents.—While the Reports of the State Board of Education and of the Bureau of Labor Statistics are full of praises of the attitude of employers toward child labor and education, they are strong in their denunciation of the attitude of parents. They hold the parents directly responsible for most of the illegal employment of children, and their non-attendance or irregular attendance at school. They contain numerous examples like the following:

"If parents were as careful about illegal absence as the employers are about illegal employment, the average attendance in school would improve."—Report State Board of Education, 1901.

"The fact has been distinctly developed that the parents are to blame for making the children work, and that wherever there is any child labor which can properly call for interference on account of the extreme youth of the children, the prolonged hours of labor, or anything else, it is the rapacity of parents which causes it. It is the parents who exploit the children."—Report State Board of Education, 1887.

" . . . The principal opposition to the law comes from the parents. In various ways and for various assigned reasons, but evidently very largely from pure

avarice, many parents continue to seek every opportunity to place their children in manufactories, etc., before they can legally be there."—Report State Board of Education, 1888.

"Children have been kept from school sometimes by the avarice of parents, oftener by their apparent necessities, but in a far greater number of cases by sheer neglect."—Report State Board of Education, 1888.

Parents "profess to blame employers if their children are too long absent from school, even when it is only through their own solicitations and deceptions that they are employed at all."—Report State Board of Education, 1888.

While the foregoing statements may be true and unbiased,—and often the writer has found them representative of present conditions in the State,—it must not be forgotten that there are always two responsible parties to a contract; and it must be borne in mind that most of these statements applied only to those families who had children at work and were not true of the great mass of families who had no children at work. Most of the child labor and the non-attendance at school comes from the foreign population. The French Canadians furnish most of the cases.[65] Many of them would not send their children to school at all if not compelled to.[66] Then, there is a floating population which comes to the State to work,

[65] "It is freely confessed by themselves that they leave Canada and come into the States to exploit their children when they are young and under the parents' control. As soon as the parents have made as much money as they can out of the children they go back to Canada to enjoy life on the small places which there abound."—Report State Board of Education, 1887, p. 121.

[66] "Of the two hundred and twelve illiterates found during the year (1900-1901) one hundred and eighty-two were born in Canada. . . . "—Report State Board of Education, 1901, p. 63.

does not stay long in any one place and tries to evade sending the children to school. These two classes give nearly all the trouble. Their chief plea for employing the children is necessity. Experience and investigation, however, have shown that in the great majority of cases this is not a valid excuse. There is a small minority of native born parents who through utter neglect fail to send their children to school or through rapacity and cupidity send them to work. On the whole, parents, especially the Canadian and Italian parents, have approved the law much less generally than employers and have shown a much greater tendency to violate it.

Attitude of the Enforcing Agents.—In the last half century, as we have seen, public opinion, what there was, was in favor of this body of legislation, employers generally supported it, and parents, except a few short-sighted or rapacious ones, offered no resistance to its enforcement. Why then, for several years after the appointment of six enforcing agents in 1886, was it so laxly enforced? This, I think, was due largely to the manner in which these same officers went about their duty. They acted much as if they believed this body of legislation was essentially different from ordinary laws, and that in enforcing it they might be infringing on vested rights; or as if parents and employers desired to obey the law and needed only to be instructed what the law was. They tried exhortation, notification, and conciliation, but scrupulously avoided prosecution. They were too afraid of giving offense, although they recognized the "very salutary" effects of the "few prosecutions" made.[67]

[67] "One father who defied the law and could not pay a fine, nor furnish bonds, was sent to jail, where he was kept three weeks, the first case in this State in which a parent has been sent to jail for not sending his child to school. This case had the desired effect and

Experience taught these agents that fines and imprisonments had the greatest persuasive powers and were the most convincing arguments of any they could bring to bear upon delinquent and defiant parents and employers. The following figures and table show that prosecutions were entirely incommensurate with violations.

For a quarter of a century (1869-1894) after the law took effect there were but 33 prosecutions for the employment of children under fourteen years of age who had not attended school twelve weeks of the preceding twelve months; and only 223 prosecutions of parents for not causing their children to attend school.[68] From 1886, when the "child labor law" took effect, to 1894 there were only 25 prosecutions for the employment of children under thirteen years of age.[69] The following is a summary of the enforcement of the law relating to school attendance for the year 1902-1903:[70]

Number absent illegally	2,256
Number at work illegally	71
Parents prosecuted	48
Employers prosecuted	2

Thus an employer ran only two chances in seventy-one of being prosecuted when *detected* employing a child

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broke up a kind of conspiracy to resist the law."—State Board of Education Report, 1883.

"Perhaps if employers were made by legal prosecutions to feel that they will be required to pay the forfeit for every case of neglect, they would perfectly observe the law without being called upon by school visitors or your agent."—Report State Board of Education, 1878.

"Instead of brandishing the penalties of the law, we have kept them in the background, and urged mainly the great advantage of education."

[68] Report State Board of Education, 1894-1895, p. 84.

[69] Report State Board of Education, 1894-1895, p. 84.

[70] *Ibid.*, 1904, p. 72.

illegally, and the parent ran only one chance in forty-seven of being prosecuted for the illegal absence of his child from school.

SUMMARY FOR TWELVE YEARS.[71]

Years	Establishments		Children under 14 Years		
	Visited	Inspected	Employed	Discharged	Prosecutions for Employment
1892	601	550	44	88	
1893	572	531	67	72	6
1894	435	369	11	14	3
1895	493	418	57	79	8
1896	459	430	114	114	7
1897	673	398	70	70	11
1898	567	581	26	26	1
1899	581	515	109	109	1
1900	626	542	75	75	14
1901	637	522	36	36	6
1902	651	548	24	24	4
1903	792	640	24	24	2

The above table shows that from 1892-1903 there was approximately one prosecution for each ten cases of illegal employment discovered. In 1899 there was one prosecution to 109 cases of illegal employment. While the support of the employers is necessary to the thorough enforcement of these laws, and while conciliation is a good thing in its place, it is evident that it has been given too large a place here.

Decrease of Child Labor.—Before 1870 we have no reliable statistics as to the number of children employed in the State. In the next decade there was an increase in the number employed and since then there has been a rapid decrease, as is shown by the following table:

[71] Report State Board of Education, 1904, p. 72.

THE DECREASE OF CHILD LABOR IN THE MANUFACTURING AND MECHANICAL ESTABLISHMENTS OF CONNECTICUT.[72]

	1900	1890	1880	1870	1860	1850	1840
(a) Total manufacturing and mechanical establishments,	9,128	6,822	4,488	5,128	3,019	3,737	. . . .
Men 16 years and over employed,	130,610	101,318	75,619	61,684	44,002	34,248	. . . .
Women 16 years and over employed,	42,605	36,111	28,851	20,810	20,467	16,483	. . . .
Children under 16 years employed,	3,479	3,085	8,445	7,029	. . . .	. . .	. . . .
Percentage of total employees[73]	2.	2.2	7.8	7.9	. . . .	. . .	. . . .
(b) Total cotton manufacturing establishments,	57	65	82	111	129	128	116
Men 16 years and over employed,	6,925	6,479	6,368	4,443	4,028	2,708	. . . .
Women 16 years and over employed,	5,348	5,696	5,445	4,734	4,974	3,478	. . . .
Children under 16 years employed,	932	1,045	2,926	2,909	. . . .	. . .	. . . .
Percentage of total employees,	7.6	7.9	20.	24.	. . . .	. . .	. . . .
No. of Spindles operated,	1,001,474	934,155	936,376	597,142	435,466	. . .	181,319
(c) Wool manufacturing establishments (excepting hosiery and knit goods),	65	71	88	117	87	149	119
Men 16 years and over,	5,147	5,759	5,688	4,804	2,684	2,907	2,356
Women 16 years and over,	2,678	3,522	3,058	3,068	1,784	2,581	. . . .
Children under 16 years,	382	476	1,067	962	. . . .	. . .	. . . .
Percentage of total,	4.6	4.9	10.8	10.9	. . . .	. . .	. . . .
No. of spindles operated,	222,352	184,914	176,218	182,150	76,178	. . .	. . . .
(d) Total No. 10 to 15 years engaged in gainful occupations,	11,579	. . . .	9,813	. . . .	. . . .	. . .	. . . .
Percentage of all children 10 to 15 years,	12.6	. . . .	13.9	. . . .	. . . .	. . .	. . . .

[72] Twelfth Census, U. S. Vol. VIII, p 75 ; Vol. IX, Part III, pp 54, 122. Vol. on Occupations, p. CXLVIII.

[73] The percentages in this table were computed by the writer.

This table shows:

(1) That while from 1870 to 1900 the total number of manufacturing and mechanical establishments was increasing rapidly and that while there was a great increase in the total number of employees, there was a marked decrease in the number and per cent. of children employed.

(2) That, likewise, in the cotton and wool industries there was a rapid increase in the number of employees and the number of spindles operated, and a rapid decrease in the number and per cent. of children employed.

(3) That while there was an increase in the total number of children engaged in gainful occupations, 1880 to 1900, there was a rapid decrease in the number engaged in the manufacturing and mechanical industries (the industries to which the child labor law applies).

(4) That in the cotton and woolen industries the decrease in the number of children employed was more rapid than in the total of manufacturing and mechanical industries, but that the decrease in the per cent. the children bore to the whole number of employees was less rapid.

(5) Most important of all is the abrupt drop in the number and per cent. of children employed between the census of 1880 and that of 1890. This indicates very strongly that the "child labor law" which went into effect in 1886 had been effective of great results before 1890.

On the whole these figures seem to show, as conclusively as figures can show such things, that the child labor laws of Connecticut have been very effective in reducing the employment of children in the factories. And the low per cent. (2 %) which the number of children under sixteen years of age is of the total employees in the manu-

facturing and mechanical establishments is good evidence that the law is being well enforced. However, the same census[74] shows that in 1900 there were 393 children under fourteen years of age—the age below which child labor is prohibited—occupied in the manufacturing and mechanical industries of the State.

Conclusion.

The child labor legislation of Connecticut has covered a long period. It has been loose and full of loop holes—so full of them and of such large ones that before 1905 it would never, even if enforced, have held an over-anxious French Canadian child out of the factories. Even now, as shown by the Middletown investigation, there are hundreds of little urchins in the factories who ought to be in the schools.

The legislation, all of it, has never been enforced. Before 1869 there was no attempt to enforce it and public opinion did not demand its enforcement. From 1869 to 1886 many of the laws were unenforcible and the enforcing power was entirely inadequate. Since 1886 the legislation often has been in advance of the opinions of those whose duty it was to enforce it. It is so to-day, and, hence, the enforcement is not what it should be.

The enforcement, as well as legislation, has been rendered doubly difficult by the presence here of a large foreign element, especially the French Canadians. Never before the acts of 1905 (chs. 36 and 115) was there adequate legislation to deal with all the features of the problem as it existed, and never has there been an earnest attempt to enforce all the laws on the statute books.

Although Connecticut has had, in some respects, a difficult problem to deal with, and although she has made

[74] Twelfth U. S. Census, Vol. on Occupations (1904), p. 178 and following.

great progress and now has a fair body of child-labor and education laws, she has no reason to boast of the rapidity with which she has reached this position. She has plenty yet to do in reviving and enforcing the dead letters now on her statute books,[75] in lopping off the decayed parts of the law,[76] and in extending the protection of the living parts to newsboys, messenger boys and their class,[77] to night workers and to those who work in dangerous occupations or places.[78] Many of her people have yet to realize that the child is in no sense responsible for the poverty of its parents, and that the only safe rule for the State to lay down is that every child shall have a minimum of education and a normal moral and physical development regardless of the economic condition of its parents—that this is a duty the State owes to the child, and one that she must exercise for her own future safety and for the welfare of her future citizens.

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[75] G. S. 1902, sec. 2147.

[76] G. S. 1902, sec. 2121; G. S. 1902, sec. 2116, first sentence.

[77] The following is largely true in Connecticut to-day: "Of this multitude of street boys, there are thousands who are still under fourteen, at the most impressionable, the most critical stage of life. Among the messenger boys a large number do all-night work between all-night houses and all-night people; some every week, some alternative weeks—some in four-hour shifts—some twelve hours at a stretch."—*Independent,* 55: 377.

[78] Connecticut has no law prohibiting the employment of young people and women at night, or prohibiting their employment in dangerous occupations and places.

CHAPTER II.

HOURS OF LABOR, AND THE ECONOMIC EFFECTS OF THE RESTRICTIONS ON CHILD AND WOMAN LABOR.

(a) Hours of Labor.

Early Laws.—The first statutory regulation of the hours of labor in Connecticut was in 1842 (ch. 3). That law provided that no child under fourteen years of age should be employed in a cotton or woolen establishment over ten hours in any one day. The penalty for violation was seven dollars. It was made the duty of the school visitors annually to examine into the situation of the children employed in the manufacturing establishments and to cause prosecutions for violations of the act. This law was superseded by the act of 1855 (ch. 45) which provided (Sec. 1) that ten hours should be a legal day's labor in mechanical or manufacturing establishments unless otherwise agreed. Section two provided that no minor under eighteen years of age should be employed in any manufacturing or mechanical establishment more than eleven hours in any one day. There was a penalty of twenty dollars for violation, but no provision was made for the enforcement of the act. Section two was repealed the next year (1856, ch. 39), and it was made illegal to employ in any manufacturing or mechanical establishment "any minor under eighteen years of age more than twelve hours in any one day, nor more than sixty-nine hours in any one week." The penalty for violation was twenty dollars, and the constables and grand juorors were required to enquire after and make presentment of offenses.

The act of 1856 was repealed by the act of 1867 (ch. 124) which provided that no manufacturing or mechanical establishment should employ "any minor under fifteen years of age more than ten hours in any one day nor more than fifty-eight hours in any one week." The penalty for violation was fifty dollars for the employer, and ten dollars for the guardian or parent. Constables and grand jurors were to make presentment of offenses.

None of these early laws were enforced.[1]

The Eight-Hour Law.—In the latter part of the "sixties" the labor unions of the State became quite active in politics. In 1866 and 1867 there was a strong eight-hour movement among them. They formed an "Eight-Hour League" and in 1867 took a prominent part in the election of the governor. "Their campaigns were conducted under an eight hour issue. They were promised, if successful, an eight hour law. The dominant party did give them an eight hour law but spoiled it for the laborers by adding a rider that it should not be obligatory if there was an agreement otherwise."[2] The law (1867, ch. 37) was as follows:

"Eight hours of labor, done and performed in any one day, by any one person, shall be deemed a lawful day's work unless otherwise agreed by the parties." The law is practically the same to-day, (G. S. 1902, sec. 4692). It has been ineffective. The Report of the Bureau of Labor Statistics, (1874, p. 52) says of it:

"The above act has had no particular effect upon previously existing relations between workmen and their

[1] "There are a great many instances where this law (1867, ch. 124) is violated—violated so directly that the people who live in such places laugh at the idea of making new laws while the existing laws remain unenforced. Taking the State as a whole, however, it is probably fair to say that the law is evaded rather than openly violated."—Connecticut Bureau of Labor Statistics, 1885, p. 51, A. T. Hadley, Commissioner.

[2] Connecticut Bureau of Labor Statistics, 1902, p. 332.

employers. The whole question is therefore left as before to the mutual agreement of the parties."

The Ten-Hour Law.—In 1887 (ch. 62) a law was passed regulating the hours of labor of women and minors. It provides that, no minor under sixteen years of age and no woman shall be employed in any manufacturing, mechanical, or mercantile establishment more than ten hours in any one day, except when it is necessary to make repairs, or for the sole purpose of making a shorter day's work for one day of the week; unless such employment is to make up for time lost on some previous day of the same week in consequence of the stopping of machinery upon which such person was employed or dependent for employment; but in no case shall the hours of labor exceed sixty in a week. The employer is required to post in a conspicuous place in every room where such persons are employed, a schedule of the number of hours work required of them on each day of the week. There is a penalty of twenty dollors for "willfully" employing or permitting to be employed a person contrary to the provisions of the act; but it adds that "a certificate of the age of the minor, *made by him* or by his parent or guardian at the time of his employment shall be conclusive evidence of his age upon the trial of any person other than the parent or guardian for violation of the preceding section." Comment is unnecessary, this provision exposes its own weakness. The law is the same to-day, (G. S. 1902, sec. 4691).

This law was advocated by the laboring people and opposed by some of the manufacturers. A number of bills were before the legislature in the "eighties" before it was passed in 1887. It seems that the labor unions hoped that this law would result in reducing the hours for all to ten a day. The manufacturers opposed it be-

cause they thought that such a restriction on hours in the textile mills would injure Connecticut in competition with other states; would drive capital out of the State; diminish the demand for Connecticut labor, and seriously injure her prosperity as a manufacturing State. It appears, however, that the ten hour act was not advocating any radical change but was merely enacting into a law what was already fast becoming an established custom. In 1885, two years before the enactment of the law, the Report of the Bureau of Labor Statistics (p. 54) says:

"In Connecticut itself, right in the midst of the eleven hour districts, some of the most enlightened mill-owners run but ten hours, and do not seem to lose money by so doing."[3]

The Report of 1887 (p. 234) says,

"Custom established the ten hour working day before it appeared on our statutes.[4] Custom has not yet ordered an eight hour working day, and our statute on the subject is inoperative."

No provision was made for the enforcement of the law of 1887, and it has never been closely obeyed. The movement for shorter hours seems to have gone on without regard to it, and not because of it. What effect it has had in hastening this movement cannot be determined. It was not long after the enactment of the law before most of the mills were following the ten-hour rule, but this seems to have been due more to the enforcement of a growing custom by the employees than to the enforcement of the law by the civil officers. The writer

[3] "Twelve per cent. of the men, twenty-two per cent. of the women, and thirty-four and a half per cent. of the children are employed more than ten hours daily. On the other hand, thirty per cent. of the men, twenty-eight per cent. of the women, and only eleven per cent. of the children are employed *less* than ten hours daily."—Report of Conn. Bureau of Labor Statistics, 1886, p. XV, A. T. Hadley, Commissioner.

[4] In 1885 only "15.26 per cent. of the establishments and 16.2 per cent. of the employees were working over sixty hours per week."

has been unable to learn of a single prosecution under the act. The following statements from the Reports of the Bureau of Labor Statistics show that violations have been frequent:

"Many employers comply with the law so far as to post notices to the effect that after the first day of July ten hours would constitute a day's work for women and children, with the saving clause, 'except when otherwise ordered.' It can be shown in many instances that it has been 'otherwise ordered', when the convenience of the employer demanded it."—1887, p. 22.

"The limit of time is often extended to meet the demands for increased production of goods during the busy season. . . . It is not effectual in cases where employers desire to run more than ten hours from time to time to meet their convenience, and are not restrained by a sense of obligation to obey a plain law of the State."—1888, pp. 25, 29.

"Complaints have been frequent of the continued violation of the law. . . . It is done for the convenience of employers when the exigencies of their business seem to make it desirable for them."—1889, p. 14.

"The law . . . is to a great extent inoperative. Its provisions are observed where the employer's interest is served, and ignored where conveniences or a demand for increased production makes it profitable for employers. There are honorable exceptions but this is the rule."—1890, p. 28.

While at present ten hours a day is the rule, as will be shown later, the law is often ignored when there is a rush of orders. The writer has discovered cases of its violation in several different sections of the State. Some of the employers confess freely that they "do not live up to the law", and that when rushed they "run till nine o'clock two or three nights a week." This is true in one of the best factories in the State. The provision of the law which requires an employer to post a schedule of working hours in all rooms where women and minors are employed is, and always has been, a dead letter. Only

a very few of the factories of the State have such schedules posted; and many of the employers are ignorant of any law requiring them to post such notices.

The law also is commonly violated in the retail stores and shops. Particularly is this so in the large department stores at holiday time. Then, for several days, many of the women clerks work hard as many as twelve hours a day.

The principal reason why manufacturers violate this law is that during certain short periods in the year there is a greatly increased demand for their goods. They must meet this demand or lose their customers. At such times it is a hardship to secure and train a separate set of hands, when these hands are not required for any considerable period and not more than once or twice during the year. On the other hand they cannot afford to increase the capacity of their plants merely for the work of these short periods. Then, many of the employers believe that a law restricting the hours of labor of women is unconstitutional and an invasion of personal rights, and that, therefore, they are not morally bound to obey such a law.

The Decline of Weekly Hours of Labor.—There are no statistics showing the number of hours worked each week in the different industries of the State before 1860. We can only surmise from what was true then what probably was true before that time.[5] The following table

[5] "Long Work Days in 1860." "Some examples of the extra long work day in 1860 are as follows: A quarry in Middlesex County where the working time was from sunrise to sunset; a cotton mill in Fairfield County which confined its employees eighty-four hours weekly; three textile mills in Middlesex and one textile mill in Hartford County which were in operation seventy-eight hours per week; a textile mill in Hartford County and a distillery in the same county which required from seventy-two to seventy-eight hours of service per week; and textile mills in Tolland, Hartford, Fairfield, and New London Counties, a brewery in New Haven County and a chemical factory in Bridgeport where the daily hours of labor were

gives the statistics for 1860, 1880, 1892, and 1904. The statistics for each of these years are confessedly imperfect. In no year do they cover all the industries and employees of the State. Those for 1860, 1880, and 1892 were collected by the Bureau of Labor Statistics in 1892. The ones for 1860 are not even accurately representative because of the small number of returns and because of the difficulty of obtaining returns from those sections where the long working day was most common. In the statistics for 1904 the figures for the building trades were not considered. In many places the eight hour day obtains in this trade.

With these explanations the statistics are offered for what they are worth. At best they can be taken only as approximately representative of the conditions in the industries enumerated.

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twelve. Eleven or eleven and one-half hours per day were very common in Connecticut factories in 1860, about one-quarter of the establishments reporting having the long day."

"There are two notable exceptions in 1860—one a varnish factory in New Haven County working nine hours daily, and the other a shirt factory in Fairfield County, where the daily hours were nine and one-half."

"Even in 1880 some exceptionally long days were reported. A brewery in New Haven County gave ninety-eight hours per week as the working time, and a hat factory in Fairfield County eighty hours weekly. Twelve hours per day remained the requirement in some textile mills in Middlesex and Tolland Counties, in some iron mills in Litchfield County, in breweries in New Haven and Fairfield Counties, and in a shoe shop in Fairfield County. A cotton mill in Fairfield County was running seventy and one-half hours weekly, some textile mills in Hartford, Fairfield and Tolland Counties were working sixty-six hours weekly, while the running time in nearly all the factories in Windham County was from sixty-six to sixty-nine hours per week. Brick yards, where the hours are long and irregular, and paper mills, in which two sets of men work from eleven to twelve hours daily, are not considered in this connection."—Report Conn. Bureau of Labor Statistics, 1893, p. 22.

WEEKLY HOURS OF LABOR IN THE STATE BY INDUSTRIES.[6]

(The figures are percentages of whole number employed.)

INDUSTRY	1860		1880		1892			1904		
	Over 60 hours	60 hours	Over 60 hours	60 hours	Over 60 hours	60 hours	Under 60 hours	60 hours	Under 60 hours	55 hours or under
Brass and Brass Goods	33.33	66.67	10.00	90.00		100.00		24.95	75.05	17.78
Carriages and Carriage Parts		100.00		100.00	1.01	96.97	2.02	13.60	86.40	41.00
Corsets		100.00		100.00		90.48	9.52	23.04	76.96	34.38
Cotton Goods	100.00		90.57	9.43	71.01	28.99		87.34*	12.66	1.37
Cotton Mills	100.00		90.57	9.43	71.01	28.99		95 50	4.50	
Cutlery and Tools		100.00		100.00	1.27	93.67	5.06	21.75	78.25	23.14
General Hardware		100.00		100.00	0.78	92.97	6.25	30.86	69.14	35.84
Hats and Caps	12.50	87.50	10.34	89.66	1.30	90.91	7.79	16.62	83.38	75.48
Hosiery and Knit Goods	38.10	61.90	28.30	71.70	32.22	61.11	6.67	50.18	49.82	12.42
Iron and Iron Foundries		†		†		†		42.95	57.05	28.90
Leather Goods		†		†		†		32.38	67.62	
Machine Shops	16.67	‡83.33	7.14	‡92.86	5.84	‡89.49	4.67	10.48	89.52	51.84
Musical Instruments and Parts		100.00		100.00		100.00		33.93	66.07	4.80
Paper and Paper Goods	33 33	66.67	4.00	96.00	10.87	82.61	6.52	§36 28	43.86	14.58
Rubber Goods		100.00		100.00		95.24	4.76	80.41	19.59	13.68
Silk Goods	38.10	61.90	28.30	71.70	32.22	61.11	6.67	34.47	65.53	
Silver and Plated Ware		100.00		100.00		94.59	5.41	12.31	87.69	4.38
Wire and Wire Goods		†		†		†		49.34	50.66	17.36
Wood Working		100 00	3.23	96.77	3.20	74.40	22.40	14.97	85.03	24.10
Woolens and Woolen Mills	100.00		73.08	26.92	54.05	45.95		82.04	17.96	
Miscellaneous	22.22	77.78	5.00	95.00	7.22	82.29	9.79	‖37.00	61.99	38.90
	20.39	79.61	17.19	82 81	18.31	77.38	4.31	**40.39	59.17	22.02

*One establishment employing 35 persons 72 hours per week not included. †Not so classified in these periods. ‡Classified as "Iron and Steel" in these periods. §In this industry 19.86 per cent, of whole number were employed over 60 hours per week in 1904. ‖In the miscellaneous industries two establishments employing 89 persons or 1.01 per cent. of the whole were in operation over sixty hours per week in 1904. **Those employed over 60 hours per week in 1904 were .44 per cent. of the whole number.

[6] Report Conn. Bureau of Labor Statistics, 1904, p. 260.

This table shows that the percentage of employees working over ten hours a day fell from 20.39 in 1860 to 17.19 in 1880; while the percentage working ten hours or less daily rose in the same period from 79.61 to 82.81.[7] Thus, seven years before the passage of the law (1887, ch. 62) limiting the hours of labor of women and children to ten a day, 82.81 per cent. of the employees of the State were working only ten hours a day. It should be noted, also, that in "Cotton Goods" and "Cotton Mills" and in "Woolens and Woolen Mills", the industries in which child and women labor was most prevalent, all were working over ten hours a day in 1860; and that in 1880, 90.57 per cent. of those employed in "Cotton Goods" and "Cotton Mills", and 73.08 per cent. of those employed in "Woolens and Woolen Mills" were still working over ten hours a day. That no radical change was brought about by the law of 1887 is evidenced by the fact that still in 1892, 71.01 per cent. of those working in "Cotton Goods" and "Cotton Mills", and 54.05 per cent. of those working in "Woolens and Woolen Mills" were working over ten hours a day. As less than 50 per cent. of the wage earners in the cotton industry in 1890 were men, the 70.01 per cent. of employees in that industry working over ten hours a day in 1892 must have been to a considerable extent made up of women and children in violation of the law of 1887.

In 1904 the textile industries still lead in long hours.

[7] "The percentage of establishments working ten hours or less daily was largest in New Haven County in 1860—94.44—Fairfield ranking next with 87.27 per cent.; then Hartford with 75.93, and Litchfield with 71.05. In that year the per cent. in Tolland County was 25.00, in New London 57.14, and in Middlesex 58.06. New Haven County retained the first place in 1880, with a percentage of 95.42, Fairfield being again second with 93.23, these two counties far outranking the others, Hartford having 83.60, Middlesex 79.71, Litchfield 71.05, New London 60.00, Tolland 34.48, and Windham 10.81."—Report Conn. Bureau of Labor Statistics, 1893, p. 20.

But in "Cotton Goods" 12.66 per cent., in "Cotton Mills" 4.50 per cent., and in "Woolens and Woolen Mills" 17.96 per cent. of the employees are working less than sixty hours a week. On the whole there has been a rapid reduction of working hours since 1860. While then practically all employees worked sixty hours or over a week, in 1904 few of them worked over sixty hours, 59.17 per cent. of them worked less than sixty hours, and 22.02 per cent. worked fifty-five hours or less.

The agitation on the part of organized labor for shorter hours continues. Many bills for the reduction of hours have been before the legislature since the passage of the law of 1887, but all have failed. The policy of the State seems to be that, except in the case of women and minors, the matter of the regulation of hours is one to be adjusted by free contract between employer and employee and by the demands of the trade. The cigar makers have secured an eight-hour day and the working day in the building trades has been reduced in most cases to eight hours, but long hours are still prevalent among motormen, bakers, workmen in paper mills, and tailors.

(b) The Economic Effects of the Restrictions on Child and Woman Labor.

That these restrictions had real economic effects cannot be questioned, but that they produced any considerable and lasting injuries may be. The impossibility of measuring the exact effect of any one of these restrictions upon the development of the manufacturing and mechanical industry of Connecticut during a century is evident. At most we can only estimate their temporary

effects upon employers and others, and approximate their probable permanent effects upon industry.

Before 1886 there cannot have been much injury suffered by parents or families because of restrictions on child labor, for these restrictions generally were not enforced, especially if the family were needy. Since that time the few cases in which the loss of the child's wages otherwise would have brought suffering have been cared for mostly by the town, the employer, or charity. The required school attendance before 1887 was so small that it had little effect upon the child's earning capacity. The present minimum age limit (fourteen years) doubtless does bring real injury in some cases, but they are comparatively few. The improved economic condition of the families has made child labor less a necessity than it was formerly.

Increasing the age for child labor has resulted in an increased demand for adult labor. The injuries suffered from the former have been counterbalanced largely by the benefits derived from the latter. In families, however, where the only laborers were children, this could not be. Here was real injury, reparable only by the increased efficiency and the better pay of the children later in life.

Employers suffered, temporarily, from the necessity of changing hands when the children went out to school or when the minimum age limit was raised. When the compulsory educational law was enforced additional school houses and teachers were necessary. Often nine-tenths of the tax for these fell upon the employers. Then, in individual cases, they were injured by their labor supply being cut short by the removal of families to other places or states because they could not employ the children.

These injuries came from the educational requirements

and the minimum age limit on child labor. That the more intelligent employers soon came to consider these temporary injuries more than offset by the permanent benefits they brought them is evident. They built school houses and opened schools on their own initiative, at their own expense, and upon business principles. They soon, of their own accord, refused to employ very young help, because older help was considered more economical and because they could not afford to have the children of their factory population grow up in ignorance. To-day, they say that they rarely suffer from the restrictions, because the labor of children under fourteen is uneconomical. They are too young to assume the necessary responsibility.

The more general and far-reaching effects these restrictions may have had will be discussed later.

The Economic Effects of the Ten Hour Law.—The following table shows the variations in the number and percentage of women and children employed in the three census years, 1880, 1890, and 1900:

EMPLOYMENT OF WOMEN AND CHILDREN[8]

	1900		1890		1880	
	Number Employed	Per Cent of Total Employees	Number Employed	Per Cent of Total Employees	Number Employed	Per Cent of Total Employees
(a) Women over sixteen years of age : All gainful occupations,	83,898	21.8			44,660	18.5
Manufacturing and Mechanical Establishments,	42,605	24.1	36,111	25.7	28,851	25.6
Cotton Manufacturing Establishments,	5,348	40.5	5,696	43.1	5,445	36.9
Wool Manufacturing Establishments (excluding hosiery and knit goods),	2,678	32.6	3,522	36.1	3,058	31.2
Silk Manufacturing Establishments,	3,585	55.0	3,301	66.5	1,990	58.0
(b) Children under sixteen years of age : All gainful occupations,	11,579	3.0			9,813	4.1
Manufacturing and Mechanical Establishments,	3,479	2.0	3,085	2.2	8,445	7.8
Cotton Manufacturing,	932	7.6	1,045	7.9	2,926	20.0
Wool manufacturing (excluding hosiery and knit goods),	382	4.6	476	4.9	1,067	10.8
Silk manufacturing,	166	2.6	123	2.5	653	19.1

[8] From Twelfth Census, U. S. Vol. VIII, p. 75; Vol. IX, pp. 54, 122, 212 ; Vol, on Occupations, p. CXXIX. (Most of the percentages were computed by the writer.)

Because of the child labor law of 1886 it is impossible to determine the part the law of 1887, limiting the hours of women and minors under sixteen years of age to ten a day, had on the rapid reduction in the number and percentage of wage earners under sixteen years of age between 1880 and 1890. In the case of women, however, there was but the one law. It seems to have had but little influence on the number employed. The percentage of women employed rose slightly from 1880 to 1890, and declined slightly between 1890 and 1900. This slight decline is not significant, and may be due to such a cause as the increased immigration of the last few years, with its excessive male element.

It has been shown that the law of 1887 (ch. 62) had no marked influence in restricting the number of hours worked per day. Let us assume that it did and that the reduction to the ten-hour day was due to this law. Then what economic effects has it had; have Connecticut manufacturers suffered from the effects of the ten-hour day? Before a restriction on labor can work injury to manufacturers it must (1) cause a decrease in the quantity or lower the quality of the product, and (2) it must bear unequally on different manufacturers and industries.

Does the reduction to a ten-hour day decrease the output? Plainly this is a question that must be answered for each type of industry and for each body of employees separately.

In that stage of industry in which little capital and equipment is used and in which manual labor is the chief factor in production, excessively long hours are evidently uneconomical and enhance the cost of the product. But in the stage of industry in which production is carried on by a large plant and much machinery and in which the laborer has been relegated to the comparatively insignificant position of a tender or feeder of an automatic ma-

chine, the case is different. (1) While steam is up and the machines are in motion it costs less to run them the eleventh hour than the average of the first ten. (2) When now a man works an extra hour he works not himself alone but a machine, which is probably equal to ten other men; and while his labor may not be as great as in the previous hour that of the machine may. (3) While in handiwork a man may work more rapidly if he works short hours, and *vice versa,* here usually he must keep pace with his tireless machine. (4) Under the factory system the same interest must be earned on the capital invested in the plant whether the plant be used or not. The more nearly all the time it can be kept running, other things being equal, the less will be the interest charge on each unit of the product.

But much depends on the efficiency of the employees. If highly efficient they may be able to increase their speed sufficiently to make up for any loss due to the decrease in the number of hours, without injury to themselves, or to the quality of the product. In such a case the shortening of hours is highly profitable. It gives the employee time for that intellectual improvement which increases his efficiency as a workman and incites him to a higher standard of living. This higher standard of living, in turn, makes him both a more efficient workman and a better customer, since he is now a greater consumer of goods. But if the employees have not the intelligence and efficiency necessary to higher forms of organization and discipline, and to increased speed, the case is different. Then shorter hours must result in a smaller product or in an injury to these workmen. They, to compete, must make up in time what they lack in efficiency. Longer hours may not injure them greatly, increased speed will drive them out of the industry. In any case the reduction of hours accompanied with increased speed will be hardest

on those least able to bear the burden, the inefficient, and the old. Short hours have a tendency to increase the efficiency and raise the standard of living of the better class of workmen, who can stand the strain of the increased speed and diligence, but they have a tendency to injure the efficiency and to drive to a lower standard of living those to whom this increased speed and diligence is impossible.

Have the skill, efficiency, intelligence and physical powers of the Connecticut workman been such that in the industries in which he worked he could undergo the increased speed and higher organization, made necessary by the reduction to the ten-hour day, without injury to himself and without affecting the quantity or quality of his product? The ingenuity and skill of the Connecticut Yankee is far famed. He is intelligent and strong. The cool climate in which he works is conducive to energy and rapidity. It would seem that here if anywhere a reduction to a ten-hour day were possible without a reduction in the product or injury to the workman. We have no statistical proof of the effect of this reduction on the quantity and quality of the product. That it had no disastrous effects is evidenced by the fact that in over 82 per cent. of the industries of the State the reduction to ten hours had taken place voluntarily before the passage of the law of 1887; by the fact that in those industries to which the law, in practice, applied most strongly many of the manufacturers had voluntarily adopted the ten-hour day before the passage of the law; and by the further fact that to-day employers and employees very generally approve the law and, except in rush seasons, live up to it, although nobody pretends to enforce it and although there are no prosecutions under it. There is no complaint on the part of employers that this reduction has injured them. Indeed, they have never ceased their agitation for greater reductions.

Before a restriction on labor can work special injury to manufacturers it must not only cause a decrease in the quantity or quality of the product, but must bear unequally on different manufacturers and industries. If it bears alike on all industries the relative positions of the industries and manufacturers are not affected. Competition is as brisk and relative profits are unchanged. But competition is now on a higher plane. If, however, such a restriction applies only to a part of the manufacturers in an industry, it is injurious. Competition between the different manufacturers in that industry is no longer on the same plane. Likewise, any restriction which decreases the quantity or quality of the product and which affects only a part of the local industries injures them. For example, where there is no disturbing influence, manufacturers will so distribute themselves among the different industries of a state that the profits in one industry will not differ much from the profits in another industry. But if, when capital and talent is so adjusted, a restriction is placed upon one industry, profits will no longer be the same there as in other industries and the manufacturers in that industry will be injured at least temporarily. If the restriction be strong enough, and if in selling their product these manufacturers must compete with those not hampered by such a restriction, the injury will become permanent, and may even drive the restricted industry from the State.

As the restrictions on child and woman labor in Connecticut bore alike on all the industries in which these classes worked, they had no effect on the relative positions of these industries. But if in any way these restrictions have been a tax on these industries, then they have been injured, not only in their competition with the same industry in other states, but also in their position relative to the other industries of this State.

The Cotton Industry in Connecticut and the South.—If the restrictions on child and woman labor in Connecticut have been a tax on any of its industries, they have been such on the cotton manufacturing industry in competition with the same industry in the South, where, until of late, there have been no such restrictions. A brief comparison of the industry in the two sections will not be unprofitable.

COTTON MANUFACTURING ESTABLISHMENTS AND THEIR CAPITAL[9]

	Number of Establishments			Capital	
	1900	1890	1880	1900	1890
New England,	332	402	439	$272,089,821.	$243,153,249.
Southern States,	400	239	161	124,596,874.	53,827,303.
North Carolina, South Carolina, Georgia, and Alabama,	356	191	119		
Connecticut	57	65	82	27,367,538.[9]	26,431,578.[9]

This table shows that while in New England, and especially in Connecticut, the number of establishments has been declining very rapidly, in the Southern States the number has increased even more rapidly. The percentage of increase in the Southern States was 48.4 from 1880 to 1890, and 67.4 from 1890 to 1900. This increase, it will be noticed, was almost wholly in the four States of North Carolina, South Carolina, Georgia and Alabama. In New England the percentage of decrease in the number of establishments was 8.4 from 1880 to 1890, and 17.4 from 1890 to 1900. In Connecticut the percentage of decrease was 20.7 from 1880 to 1890, and 12.3 from 1890 to 1900. In the decade 1890 to 1900, there was an increase of 131.5 per cent. in the capital invested in the Southern mills, as compared with an in-

[9] Twelfth U. S. Census, IX, pp. 28, 54.

crease of 13.5 per cent. in New England, and 3.5 per cent. in Connecticut.

NUMBER OF SPINDLES IN COTTON MILLS[10]

	1900	1890	1880
United States,	19,008,352	14,188,103	10,653,435
New England States,	12,850,987	10,836,155	8,632,087
Maine,	841,521	885,762	695,924
Massachusetts,	7,784,687	5,824,518	4,236,084
New Hampshire,	1,243,555	1,195,643	944,053
Rhode Island,	1,880,622	1,924,486	1,764,569
Vermont,	100,028	71,591	55,081
Connecticut,	1,000,574	934,155	936,376
Southern States,	4,298,188	1,554,000	542 048[11]
Virginia,	126,827	94,294	44,340
North Carolina,	1,133,432	337,786	92,385
South Carolina,	1,431,349	332,784	82,334
Georgia,	815,545	445,452	198,656
Kentucky,	66,633	42,942	9,022
Tennessee,	123,896	97,524	35,736
Alabama,	411,328	79,234	49,432
Mississippi,	75,122	57,004	18,568
Arkansas,	9,700	5,780	. . . .
Louisiana,	55,600	46,200	. . . .
Texas,	48,756	15,000	. . . .

The above table shows that from 1890 to 1900 there was an increase of 2,014,832 spindles, or 18.6 per cent., in New England; and an increase of 2,744,188 spindles, or 176.6 per cent., in the Southern States. If we consider only North Carolina, South Carolina, Georgia and Alabama, the increase in the number of spindles was 2,596,398, or 217.2 per cent.[12] In Connecticut the in-

[10] Twelfth U. S. Census, IX, Part III, p. 46.

[11] Includes 11,575 spindles reported by States other than those named.

[12] " . . . Not only has the number of spindles in the Southern States become nearly three-fold that reported in 1890, but the spindles themselves are for the most part of the latest and most efficient types."—Twelfth Census, U. S., Vol. IX, Part III, p. 46.

crease was only 7.1 per cent. Thus Connecticut is decreasing in number of establishments much more rapidly than New England as a whole, and is increasing in percentage of spindles much less rapidly. Maine and Rhode Island show an actual decrease in the number of spindles.

Of the increase in the number of employees in the cotton industry in the United States from 1890 to 1900 three-fourths of the whole was in the Southern States.[13]

The foregoing tables show that the cotton industry in the South, in number of establishments, in capital invested, and in the number of spindles operated is having a phenomenal growth; while in New England, and especially in Connecticut, the number of establishments is declining, and the capital invested and the number of spindles operated is increasing but slowly. Has this difference in the rapidity of the development of the industry between Connecticut and the South been due to legal restrictions imposed on child and woman labor in Connecticut? We have been unable to show that Connecticut manufacturers have suffered permanent injury from the effects of shorter hours or from the limitations placed on child labor. They are almost unanimous in saying that the labor of children under fourteen years of age is not profitable, and that they have not suffered from the restrictions placed on it.

Have not existing differences between Connecticut and the South, in hours of labor and in child and woman labor, come rather from a difference in the people themselves and from the different economic conditions under which they live, than from any legal restrictions? The people of Connecticut are more highly educated than those of the South, and their economic condition is better. These things combined have caused them to set up for themselves a higher standard of living than is prevalent

[13] *Ibid.*, p. 31.

in the South. The factory system has been much longer established in Connecticut and its evils are much more fully appreciated. The people have had time to adjust themselves to the new conditions. There has been time for the growth of a strong public opinion against the evils of long hours and child labor. In the South, on the other hand, the lower intelligence and the poorer economic condition of the people have resulted in a lower standard of living; the evils of child and woman labor have not yet been fully realized; the people are still in transition from the farm to the factory; and opinions in regard to the evils of factory life have not yet become crystallized into active public opinion. The Connecticut people, guided by their higher intelligence and a century of experience, and aided by their better economic condition, would naturally have set up for themselves a different standard than that of the Southern people. Were all legal restrictions removed, or had they never existed, there would still be a different standard as to hours of labor and child labor and education.

Has this higher standard the Connecticut people have set up for themselves been detrimental to Connecticut industry? We have failed to find proof that it has been permanently so. The skill and inventive genius of the Yankee mechanic are unsurpassed. These, far more than her natural resources, have won for Connecticut her present high industrial position. While in the Southern cotton mill the number of spindles to each wage earner is but 44.09, in Connecticut it is 75.84, or over one and two-thirds times as many. After due allowance is made for the larger number of children employed in the Southern mills, the Connecticut mill hand is still far in the lead in the number of spindles operated.

If the phenomenal growth of the cotton manufacturing industry in the South, as compared with its growth in

Connecticut, is not due to the legal restrictions or, primarily, to the higher standard of living in Connecticut, to what is it due? In the opinion of the writer this difference must be explained largely by the real advantages the Southern manufacturer has possessed in natural, economic and social conditions.

Before the advent of the cotton mills there was little manufacturing in the South. These mills entered practically a virgin and unbroken field. Here they found numerous suitable building sites, and abundant water power. The land was cheap. The mildness of the climate did not require that the buildings be expensive structures. In these buildings, however, with some exceptions, was installed the latest and most improved machinery.[14] So anxious were the Southern people to secure the mills that often taxes were remitted for a term of years.[14] Railroads also favored them.[14] Where fuel was used often it was cheaper than in New England. The supply of cotton was abundant and close at hand. Usually it has cost less in the South than in New England, as is shown by the following figures:

Cost per Pound of Cotton Consumed.[15]

	1900.	1890.	1880.
United States	6.67c	10.36c	11.59c
New England States...	6.67	10.60	11.67
Southern States	6.64	9.77	10.52
Connecticut	6.91[16]	10.76	11.99

In addition to these advantages, the first mills in the South found ready at hand a large supply of surplus, native laborers, anxious to try factory life. Their standard of living was low and it cost them little to live in this warm climate. Whole families were employed; and what

[14] Twelfth Census, U. S., Vol. IX, Part III, p. 29.

[15] *Ibid.*, p. 35.

[16] In 1900 Connecticut paid more per pound than any state except New York.

they lacked in skill and speed was made up by long hours, child labor, and low wages.

With all these natural advantages, with new plants equipped mainly with the latest machinery, with a cheap power and no taxes, with a low price for cotton, and with an abundant supply of cheap labor, these first cotton mills in the South were soon able to declare large dividends. This caused an increased investment and a multiplication of mills.[17] And so the process went on from year to year. It will continue so long as the South retains the advantages which have been such a boon to the industry there. Are these advantages permanent?

A glance at the advantages enumerated shows that most of them are not permanent—that they are only temporary advantages in the nature of the prizes to be picked up in any unexplored field, or in the nature of a patrimony that may be squandered. Most of the superior building sites with good water power will soon be utilized. Exemption from taxes is already a thing of the past. The machinery installed in the first mills is fast becoming old. The surplus labor has been used up. The factory has ceased to have greater attraction for the laboring people than the farm. Already labor is so scarce that manufacturers are having trouble in securing help to run the machinery now installed.[18] New mills will require new hands. At present the supply in the South is being recruited mainly from the natural increase of the native population. Northern mill hands seldom go South, foreign immigrants go to the North and to the Northwest. If the South must continue to depend on her own native population for help, the further expansion of the industry

[17] Twelfth Census, U. S., Vol. IX, Part III, p. 29.

[18] Twelfth Census, U. S., Vol. IX, Part III, pp. 32, 33; Financial Supplement, N. Y. *Herald,* Jan. 1, 1906; Marie VanVorst, "The Woman Who Toils," p. 222.

there must be much less rapid than in the past. In this respect New England with her rapidly increasing foreign immigration bids fair to have a distinct advantage.

Then, in the South, the standard of living, and the rate of wages are rising. The Southern people are beginning to realize the evils of long hours and child labor,[19] and these are being restricted by law. Public opinion is now demanding that the patrimony of health and strength bequeathed to the present generation be not all squandered in the factories. It has already become evident in many mill towns in the South that if this squandering process continues the industry will suffer a greater injury from it than any temporary advantage it may have gained by child labor and long hours.

What permanent advantages, then, has the South over the North? Mainly these three: (1) Nearness to the cotton fields; (2) less costly land for building sites;[20] and (3) the doubtful one of less costly mill buildings. The first of these is the only one of great importance, and the gradual decline in transportation rates is making it less important every day.

These permanent advantages of the South do not seem to be of sufficient magnitude finally to drive the cotton industry from New England. Are they not, and may they not continue to be, largely offset by the greater skill and efficiency of the Northern operative, and by the more elastic labor supply of the North?

Notwithstanding the wonderful development of the cotton manufacturing industry of the South, the industry in New England has kept up a steady and healthy

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[19] Marie Van Vorst, "The Woman Who Toils," p. 274; Robt. Hunter, "Poverty," pp. 229-234.

[20] From 1890 to 1900 mill site land decreased in value 13.2 per cent. in the New England States, while in the Southern States it increased in value 30.8 per cent.—Twelfth Census, U. S., IX, Part III, p. 30.

growth and is now in a prosperous condition. While the number of its mills has declined the number of spindles to the mill has increased very rapidly. There has been, also, a steady increase in the total number of spindles operated and in the amount of capital invested, and "it still remains true that the largest and densest concentration of cotton manufacturing in the United States is found in Southern New England." "In round numbers one-third of all the spindles in the United States are in the factories located within thirty miles of Providence, Rhode Island. In fact, 30.3 per cent. of all the cotton spindles in the United States were operated in 1900 in the two adjoining counties of Bristol, Massachusetts, and Providence, Rhode Island. Moreover, the spindles of Providence County, the smaller of the two, . . . outnumber . . . those of any Southern State except South Carolina."[21] In Connecticut, from 1890 to 1900, there was an increase of 7.1 per cent. in the number of spindles operated, and 3.5 per cent. in the amount of capital invested. In 1900 she held the same rank as a textile manufacturing State that she did in 1890. The industry in the State to-day is in a prosperous condition. Very few of the employers think Connecticut is suffering in competition with the South because of the restrictions on child and woman labor.

In view of the fact that the cotton manufacturing industry in Connecticut has continued a steady growth while the South has been reaping the benefits of the temporary advantages we have enumerated, there seems little reason for apprehension lest it cease to prosper after these temporary advantages are gone. But prophecies are dangerous, the unexpected often happens. How much will Connecticut be injured even if she does have to give up entirely her cotton manufacturing?

[21] *Commercial and Financial Chronicle,* Vol. 75, p. 367. (From Twelfth Census, U. S., Vol. IX, p. 29.)

RELATIVE IMPORTANCE OF THE COTTON INDUSTRY IN CONNECTICUT, 1900.[22]

	Per cent of Total of Manufacturing and Mechanical Industries
Number of establishments	0.6
Capital invested	8.7
Wage earners	5.3
Value of product	4.2
Women over 16 employed (5,348)	12.5
Children under 16 employed (932)	26.8

These figures show that cotton manufacture equals in importance about six per cent. of the total for the manufacturing and mechanical industries of the State. It is not making the progress that the different metal industries are and is not yielding such large profits.[23] It seems less able than these industries to compete in the world markets. Important as it is, were it gradually crowded out, the injury to the State would not be disastrous. The capital and labor probably would not go South so much as into the better paying industries of the State.[24] Probably its greatest injury would be the throwing out of employment the 5,348 women and the 932 children now employed in the industry. Much of the work in cotton mills seems to be adapted to their abilities, and it might be difficult for them to find as suitable employment in the other industries.

[22] From Twelfth Census, U. S., Vol. VIII, p. 75; and Vol. IX, p. 54.

[23] Twelfth Census, U. S., Vol. VIII; Reports of Conn. Bureau of Labor Statistics.

[24] See "The Present Status of Cotton and Cotton Manufacturing in the United States," Edward Atkinson, *Yale Review,* VII: 129, Aug., 1898, especially pp. 148-151.

CHAPTER III.

THE EMPLOYMENT CONTRACT AND THE EMPLOYER'S LIABILITY.

There are in Connecticut five laws protecting the employee in his right of free contract with his employer. They recognize the employee as the weaker party to the employment contract, and seek to prevent the employer taking advantage of his semi-dependent position to restrain him in the full and free exercise of all his rights.

Influencing the Vote of an Employee.—The first of these laws (1867, ch. 152, sec. 2) attempts to secure the employee in his right to vote. It provides that any employer who shall attempt to influence the vote of an operative by threats of withholding employment from him, or by promises of employment, or who shall dismiss any operative because of any vote he may have given, shall be punished by a fine of from one to five hundred dollars, or by imprisonment from six to twelve months, or both. The law is practically the same in the revision of 1875 (G. S. Title 20, ch. 9, sec. 28).[1] In 1877 (ch. 146) the time during which it was illegal to influence the vote of an employee was extended to "at or within sixty days prior" to an election. The law is essentially the same to-day (G. S. 1902, sec. 1700).

[1] "The workingmen need a secret ballot. There is altogether too much intimidation. I hear of cases of it all over the State. It is common in both parties. Men vote too often as they are told, because they are afraid to vote according to their convictions. A secret ballot would have a good moral effect in diminishing bribery."—Representative Hunie in *The New Haven Evening Register,* Dec. 22, 1886.

Connecticut's antiquated system of town representation and her loose election laws long furnished the incentive and the opportunity for much corruption at the polls. In his message to the legislature in 1877 the Governor said:

"The corrupt practices which have recently crept into use in our elections induce me to call your attention to the necessity of providing further safeguards for the protection and purity of the franchise of suffrage. I allude to the purchase and sale of votes, and the fraud and undue influence practiced upon the voter. This evil—which is too common at best—has been increasing of late from year to year. It is by no manner of means confined to the cities and large towns; my belief is that in some form or other, and to a greater or less extent, it infests nearly all the municipalities of the State. At all events the prevalence of these practices, and the silence of good men in regard to them, are a sad commentary on the morals of politics. . . . But the statutes on this subject (G. S. 1875, Title 20, ch. 9, sec. 28) have become a dead letter and are violated, in some places secretly, in others openly, and everywhere with impunity."

Special attempts illegally to influence the votes of employees as such were never common. Such attempts were usually limited to such things as instructions as to how they should vote, placed on their pay envelopes just before elections, parades in which the employees were encouraged to join, and badges which they were given to wear. Of late years there have been few complaints of intimidation. Loose ballot laws long made abuses possible and regulation necessary. Before 1889 (ch. 247) there was no secret or official ballot. About the only regulation was that the ballot be plainly written or printed on a single sheet of white paper. Ballots were made out and voted in public. The law of 1889 provided for an official ballot and voting booths.

This law, however, did not stop vote buying and corruption at elections. The Governor's message to the legislature in 1893 says of it:

"This law, while working beneficially in many respects, has upon trial been found to be defective, and there is need of further legislation to remove some of the technicalities of the law; to simplify it, so that persons of ordinary intelligence can readily understand its provisions."

In 1895 the Governor said in his message:

"The present law enables the voter to follow his own preference as to men and measures in casting his ballot without allowing any other person to know how he votes; while at the same time its provisions are such that the vote-seller can furnish fairly clear evidence to the vote-buyer that the bargain between them has been observed."

The Governor's message in 1901 said:

"If you can discover any combination of words which, enacted into a law, will stop the buying and selling of votes, you should lose no time in making such discovery, for it is, I fear, the general impression that much of the legislation now on the statute books looking to that end, in reality does little more than encourage falsehood and deception."

Notice of Intention to Leave Employment.—The second of these laws was passed in 1885 (ch. 72). It provides that:

"Any person or corporation . . . that requires from employees, under penalty of a part of the wages earned by them, a notice of intention to leave such employment, shall be liable to the payment of a like forfeiture, to be recovered in an action on this statute, if such employees are discharged without similar notice, except for incapacity or misconduct, or in cases of a general suspension of labor by such employer."

This law was very weak. The employer could still require an unjust forfeiture at his own option, and could be compelled to forfeit a like amount only after a suit in which it must be shown that the discharge was not "for incapacity or misconduct." There was little danger of a suit for so small an amount. The law was repealed the next year and it was enacted (1886, ch. 108) that no part

of the wages of an employee should be withheld because of any agreement, expressed or implied, requiring notice before leaving the employment, and the penalty for violation was fixed at fifty dollars. The law remains practically the same to-day (G. S. 1902, sec. 4694).

In a case tried under this act in 1890, an agreement between an employer and his employee that either of them should give the other two week's notice before terminating their contract, under forfeit of the amount of two weeks' wages, was held to be legal and binding.[2] This decision seems directly contrary to the law. According to it if the agreement to give notice is mutual between the employer and the employee, it is legal.

The following quotation, copied from a notice still hanging in one of the mill offices of the State, and dated July 1, 1888, shows that there were attempts to evade this law:

"Any one intending to leave the employment of the company must give the agent or the overseer at least two weeks' notice of the fact. Those who neglect to do so *are not considered as entitled to their wages.*"[3]

To-day there are few violations of the law.

Joining Labor Unions.—In 1899 (ch. 170) it was enacted that any employer who should coerce or compel, or attempt to coerce or compel, any employee to enter into an agreement, either verbal or written, that, as a condition of retaining his position, he would not join any labor organization, should be fined not more than two hundred dollars, or imprisoned not more than six months. The law is the same in the revision of 1902 (G. S. sec. 1297).

This law was secured by the representatives of organized labor. It passed the Senate without debate and met

[2] Pierce *v.* Whittlesey, 58 Conn., 107-108.

[3] The italics are mine.

but little opposition in the House. The purpose of the law is to secure laboring men in their right to organize, without being discriminated against.[4] Previous to 1899 there had been several ineffectual attempts to secure such a law. One of the bills (H. B. 103, 1897) made it unlawful, also, for an employer to require an agreement not to join a labor union, as one of the conditions of giving employment. The labor unions wish the present law to be amended to this effect.

In New York a similar law, which prohibited the employer from exacting from the applicant, as a condition of securing employment, an agreement not to become a member of a labor organization, was recently declared unconstitutional.[5] In the decision it was held that:

"The statute, however, clearly discriminates in favor of labor unions by forbidding an employer either to impose as a condition of employment that the employee shall sever his relations with the union, or, if not a union man, shall not join a union. In the making of such a contract both the employer and the employee are acting within their strict legal rights."

It is questionable whether the Connecticut law, if tested, would not meet the same fate as has the New York law. This law seems to be contrary to the legislative policy of Connecticut, not to interfere in the matter of free contract between employers and their adult male employees. The right of laborers to organize must be held inviolable, but if the men claim the right to terminate their contract unless the employer consents to make the shop union, to the employer should be granted the right

[4] "When the workmen in the South Norwalk Lock Company's Works presented themselves for their wages on Saturday, each one was asked if he belonged to a certain labor organization which was known to exist in that city. If they were truthful and courageous they said they were and six men were discharged because they said 'Yes.'"—*New Haven Evening Register,* July 13, 1885, p. 1.

[5] People *v.* Harry Marcus (1906).

to terminate the contract unless they will consent to make the shop non-union. The principle of "equal rights" applies here as well as elsewhere.

The "Padrone Law."—For several years previous to 1895 there were, in certain sections of the State, many ignorant foreign laborers. These were mainly French and Italian. They seldom came to the State on their own resources. The French often came under contract with, or influence of, employment companies. The Italians often came in rudely organized bodies under the leadership of a "padrone," who arranged for their wages and pay. Neither of these classes, or the Hungarians and Poles who came later, knew English, and they acquired knowledge of it slowly. Their poverty, and their ignorance of the language, made them very dependent on their leaders and employers. The result was that unscrupulous employers and "padrones" often took advantage of their helplessness and defrauded them of their wages. In some cases their wages were refused them outright, and if they objected they were dismissed summarily and another gang secured. In other cases the employer defrauded them by overcharging them for board, fuel and supplies.[6] They did not know enough and had not money enough to sue for their rights under the law.[7]

To remedy these conditions, in 1895 (ch. 295) the commissioner of the Bureau of Labor Statistics was

[6] "The system of charges used permits extortion of the worst kind. Each man is known by number and not by name. A man's number is entered in the day-book, and any purchase that he may make is charged. . . . The name of the article and date of purchase are not entered. When the day of settlement comes, if ever, he is confronted with this account and told that he is in debt for the full amount of his wages, or, at least, a mere pittance of fifty or seventy-five cents is given him, or possibly enough to carry him out of town."—Report Conn. Bureau of Labor Statistics, 1896, p. 270.

[7] Reports Conn. Bureau of Labor Statistics, 1885, p. 60; 1895, p. 11; 1896, p. 270.

authorized to appoint persons familiar with the languages of these alien laborers, to inform them as to their right of contract under the laws of the State and to prevent illegal advantage being taken of them by reason of their ignorance, credulity, or want of knowledge of the English language. These agents were to be temporary only, and their total expense was not to exceed three hundred dollars a year. The illegal reception and retention of money due alien laborers was made punishable by a fine of one hundred dollars or imprisonment for one year, or both. The law is practically the same in the revision of 1902 (G. S. sec. 4607).

Agents were appointed under this law and their efforts were effective of some good, but the act failed to accomplish what was expected of it. All the agents could do was to advise the alien laborers as to what their rights were, and as to what action they should take to secure the payment of their wages. They had no authority to prosecute, or to collect claims, and the laborers usually were too poor to pay a lawyer's fee. Abuses declined, but there were many bad cases the agents could not reach under the law.[8] Often agents could not be appointed when needed because of a lack of funds.[9] In 1895, and

[8] "J. B., a Pole, . . . worked for one . . . from December 23rd, 1891, to August 6th, 1895, at the rate of $18 per month. Early in the term of his employment he got some money, but latterly almost none, until at the time he left . . . owed him $282.60. This man . . . has a record for just this sort of work. About a year ago . . . he had four or five men who worked for him all summer and got no money and but poor food, and then in the fall were set adrift and were found later by some of their fellow countrymen living on fruit, etc., in the woods and almost starving. . . . hires these men to work for him, always getting very green men. When they find him out he turns them adrift." A State's attorney, speaking of this case, said, "I know of no statute upon which this man can be prosecuted. It seems, however, to be a case which calls for remedial legislation."—Report Conn. Bureau of Labor Statistics, 1895, p. 12.

[9] *Ibid.*, 1900, p. 15.

again in 1896, the Commissioner of the Bureau of Labor Statistics recommended the enactment of a law that would cover these cases. Legislation was delayed, however, until 1901, when, as a result of a very bad case in Bridgeport in 1900, a new law was passed.

This Bridgeport case is worthy of notice. Contractors on railroad improvements there had employed the city sheriff of Bridgeport and an Italian "padrone" of Boston to furnish them Italian laborers. The sheriff's men were to continue to live in their own homes. No stipulation was made as to the men furnished by the "padrone". Soon the men supplied by the sheriff began to be discharged by the bosses in charge of the gangs, on the ground that they were incompetent. The "padrone's" men were housed on the shanty plan in an old carriage shop, as many as seventy-five lodging there at one time. The "barracks" were fitted up with small plank bunks and straw bags, for which the Italians were charged $1.25 per month each. "Two men were placed in a space too small for one, and two small stoves afforded the only cooking facilities. The sanitary conditions were deplorable. The prices charged for provisions in some cases exceeded the market price by 100 per cent." "Several of the men also stated that they had been informed that if they lived in the barracks it would be easy to obtain work, otherwise not. This they found out by experience."[10]

To prevent the evils disclosed by this case a new law was passed in 1901 (ch. 68). It prohibits contractors, foremen, superintendents and supervisors of labor from exacting or receiving fees, rewards or voluntary contributions from those they employ; provides for the inspection by local health officers of all lodging places provided

[10] Report Conn. Bureau of Labor Statistics, 1900, pp. 221-224.

by employers for their employees; and imposes a penalty upon employers for overcharging their laborers for articles sold them.

There have been few complaints of violations of this law.[11] There are rumors, however, that there are still instances of foremen receiving pay for furnishing employment, but proof of this, sufficient to warrant prosecution, is difficult to secure. There have been but one or two convictions.

Company Stores and Tenements.—The law of 1901, just discussed, was passed to regulate the treatment of their laborers by contractors on railroads, bridge-building, etc. Its provisions, however, are general and apply also to the long established manufacturing companies.

Company stores, company tenements, and company boarding houses were once quite common among the establishments in certain industries of the State. Then, often, they were a necessity, as frequently the mills were isolated by having to locate where they could secure good water power. In many cases they are a necessity still, but the practice of having them where not necessary has been declining rapidly. In 1886 "one-half of all (concerns) received more or less income from rent that was deducted from wages." In 1892, 23.99 per cent. of the establishments made partial payment of wages in rent,

[11] "The aversion of the overseers to the State [free public employment] officers was at length explained in an accidental manner. It was learned that a widespread practice exists among the overseers of blackmailing the men who work under them—of compelling them to pay tribute for the privilege of employment. Investigation showed that its extent is alarming; and that the evils of this oppression are second only to those indulged in by private intelligence offices. The laborer with self-respect and manhood enough to refuse to be blackmailed is thereby placed at a disadvantage; while the mills and shops are filled with employees, not the most skilled and able, but the most easily gouged."—Report Conn. Bureau of Labor Statistics, 1901, p. 193.

5.27 per cent. partial payment in board, and 1.94 per cent. partial payment in store orders. In Windham and Tolland counties, where the textile industry is prominent, over half of the factories rented tenements, and 28.81 per cent. of those in Tolland and 22.37 per cent. of those in Windham county conducted boarding houses. In Windham county 21.05 per cent. of the manufacturers gave store orders to their employees, while in Tolland county 5.08 per cent. gave such orders. In 1860, 15.24 per cent. of the establishments reporting in the State were making partial payments of wages in store orders, in 1880 the per cent. making such payments was only 5.14, and by 1892 it had fallen to 1.94.[12]

Many of the companies in the textile manufacturing districts still have their tenements, but company stores are few and company boarding houses are not common.

In 1886 it was reported that there were many complaints against company stores. But the evils complained of were mainly those common to credit stores, and were seldom due to the fact that the store was run by the company. Yet, in cases, it was claimed that pressure was used to cause operatives to trade at the company's store; and some companies "organized systems of coupon payment, coming very close to the limit of the 'Truck Acts' of the United States."[13]

There is no complaint against the present management of the company stores, tenements and boarding houses in the State. The employees trade where they choose, and excessive prices are not complained of. The tenements are mostly plain but substantial one-story or two-story frame buildings, accommodating from two to four families. The rents seem to be lower than the rents of similar houses in the towns where they are located. A

[12] Report Conn. Bureau of Labor Statistics, 1893, pp. 56-61.

[13] *Ibid.*, 1886, p. xlvi.

number of inquiries made by the writer in one cotton mill town showed that the rents there averaged about twenty cents per week per room.[14] Some companies remit all rents when the mills close down; and often the tenements are not in themselves a profitable investment. One company furnishes board and room at $2.50 a week for women, and $3.50 a week for men. This is less than it costs the company.

Importation of Laborers.—In view of the present United States laws prohibiting the importation of contract laborers, it is interesting to find that it is only a few decades since such importation was encouraged to the extent that a State law was passed to protect the interests of those who imported laborers under contract. In 1865 (ch. 10) such a law provided, that all contracts entered into in any foreign country by which any person emigrating to this country should pledge the wages of his labor, not exceeding one-half thereof, to any person, to repay the expenses of his transportation, should be as valid and binding as if made in this State. Similar contracts entered into with immigrants after their arrival in this country were made valid in the same manner. If any such immigrant failed to enter the service of the person or corporation that had paid the expenses of his transportation, or left such service before repaying them, and went to serve another, the amount so due became a lien upon his wages. This right of lien was extended to residents of States that had enacted or should enact similar laws.

This law made its last appearance in the revision of 1866 (G. S. Title 36).

The Employer's Liability.—Connecticut has not a regular employer's liability act. For many years the labor

[14] Sixty-three cases reported by the Bureau of Labor Statistics in 1886 paid an average of $4.37 a month for company tenements.

unions have tried to secure the passage of such an act, and numerous bills have been before the legislature for that purpose, but they have always been rejected. In 1901, however, a half-way measure defining the duty of the master to his servant and entitled "An Act Concerning the Liability of Employers" was passed. Before this the many cases that arose were tried under the Common Law. As the present law is but the enactment of a few of the principles previously established by these Common Law decisions, a statement of their chief points will be given before that law is discussed.[15]

The Master's Duty.—"It is the master's duty to exercise reasonable care to provide for his servant a reasonably safe place in which to work, reasonably safe appliances and instrumentalities for his work, and fit and competent persons as his co-laborers."[16] He shall exercise reasonable care in keeping the appliances in a safe condition,[17] and shall furnish his employee with material which is reasonably safe.[18] He does not warrant the goodness of such material, but he must exercise reasonable care in its selection.[18]

Reasonable care is care proportionate to the danger.[19] "In dangerous situations ordinary care means great care."[20] "Negligence is the non-performance or the in-

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[15] Only a sufficient number of cases have been cited to show the trend of the decisions.

[16] McElligott *v.* Randolph, 61 Conn., 161; Sullivan *v.* N. Y., N. H. & H. R. R. Co., 62 Conn., 215; Wilson *v.* Willimantic Linen Co., 50 Conn., 457; Farrell *v.* Eastern Machinery Co., 77 Conn., 848; Finken *v.* Elm City Brass Co., 73 Conn., 424.

[17] Rinicotti *v.* O'Brien Contracting Co., 77 Conn., 622.

[18] Curelli *v.* Jackson, 77 Conn., 120; O'Keefe *v.* National Folding Box and Paper Co., 66 Conn., 38.

[19] Dexter *v.* McCready, 54 Conn., 172, 173.

[20] Knowles *v.* Crampton, 55 Conn., 344; Mulligan *v.* New Britain, 69 Conn., 96; Sprague *v.* N. Y. & N. E. R. R. Co., 68 Conn., 353.

adequate performance of a legal duty."[21] It signifies a want of care by one having no intention to injure.[22] It is a "breach of duty, unintentional and proximately producing injury to another possessing equal rights."[23]

Vice Principal and Fellow Servant.—The performance of a particular act which it is the duty of the employer to perform makes of the servant a vice principal as to that act, and he is not then a fellow-servant with his co-laborers.[24] Thus in some of his acts he may be a vice principal while in others of his acts he is simply a fellow-servant.[25] The act of a servant, pursuant to his master's express command, or in the regular course of his employment, is the act of the master."[26] The character of the duty determines whether the negligence of a servant was that of a vice principal or of a fellow-servant.[27] The fellow-servant rule does not apply where the master, being bound to provide a safe place and safe appliances, does not attend to it personally but employs another who does it negligently.[28] Laborers have been held to be fellow-servants if they have a common employer, are working for the accomplishment of the same general object, are acting in one common service, and receive their compensation from the same source.[29]

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[21] O'Neil *v.* East Windsor, 63 Conn., 153; Schoonmaker *v.* Albertson & Douglass Machine Co., 51 Conn., 892; Beers *v.* B. & A. R. R. Co., 67 Conn., 426.

[22] Pitkin *v.* N. Y. & N. E. R. R. Co., 64 Conn., 490.

[23] Farrell *v.* Waterbury H. R. R. Co., 60 Conn, 246.

[24] Sullivan *v.* N. Y., N. H. and H. R. R. Co., 62 Conn., 215; Kelly Admr. *v.* New Haven Steamboat Co., 74 Conn., 343.

[25] McElligott *v* Randolph, 61 Conn., 164.

[26] Santo *v.* Maynard, 57 Conn., 160; Church *v.* Mansfield, 20 Conn., 287.

[27] Brennan *v.* Berlin Iron Bridge Co., 74 Conn., 389.

[28] Wilson *v.* Willimantic Linen Co., 50 Conn., 457; Gerrish *v.* New Haven Ice Co., 63 Conn., 17; State *v.* McKee, 73 Conn., 19.

[29] Sullivan *v.* N. Y., N. H. & H. R. R. Co., 62 Conn., 214.

Master's Liability.—If a master exercises due diligence in selecting servants and furnishes them with a safe place in which to work and with suitable means and machinery for doing the work he is not answerable for an injury to one of them in consequence of the negligence of a fellow-servant, or his failure properly to use the appliances provided.[30] The master is not responsible for an injury to one workman caused by negligence of another in the operation of a machine at which both are working;[31] but he "is responsible for an injury produced by the combined negligence of himself and a fellow-servant of the injured employee."[32]

Contributory Negligence.—To be in the relation of a servant to the master the employee must be acting in the place of the employer, in accordance with and representing his will.[33] The servant must use ordinary care, but he cannot be expected to notice the latent defects of the machinery at which he is working, or any defects that are not obvious to one not an expert in machinery.[34] To be contributorily negligent an employee must fail to exercise ordinary care.[35] Contributory negligence "is the doing or omitting to do that which, under the circumstances, a reasonable man would not have done or would not have omitted to do to avoid injury resulting to himself from the negligence of the defendant."[36] "In a case for negli-

[30] Griswold *v.* N. Y. & N. E. R. R. Co., 53 Conn., 389; Nolan *v.* N. Y., N. H. & H. R. R. Co., 70 Conn., 159; McQueeny *v.* Norcross, 75 Conn., 381; Kelly, Admr., *v.* New Haven Steamboat Co., 74 Conn., 343; Burke *v.* Norwich & Worcester R. R. Co., 34 Conn., 479; Bassett *v.* N. & W. R. R. Co., 19 Law Rep., 55 (Superior Court).

[31] Leonard *v.* Mallory, 75 Conn., 433.

[32] Wilson *v.* Willimantic Linen Co., 50 Conn., 466.

[33] Corbin *v.* American Mills, 27 Conn., 279.

[34] Wilson *v.* Willimantic Linen Co., 50 Conn., 468.

[35] Daley *v.* N. & W. R. R. Co., 26 Conn., 597; Beers *v.* Housatonic R. R. Co., 19 Conn., 571.

[36] Hubbard *v.* N. Y., N. H. & H. R. R. Co., 72 Conn., 27.

gent injury, proof of contributory negligence is a perfect defense."[37] The principle is well settled that if the plaintiff has been guilty of a want of ordinary care, contributory to the production of an injury, he cannot recover, although the defendant has been guilty of gross and culpable negligence, if the act was not intentional and wanton.[38]

The employee assumes the obvious dangers,[39] and the ordinary risks of the business.[40] "All ordinary risks incident to the service, including those resulting from the carelessness of fellow-servants, are assumed by the employee, and for these the employer is not responsible."[41]

A child eight years of age is not necessarily incapable of contributory negligence; but in such cases ordinary care "means such care as may reasonably be expected of children of similar age, judgment and experience under similar circumstances."[42] Whether a child ten years old had intelligence enough to appreciate the danger from certain machinery and thus know the risk he assumed in entering into the employment, is a question for the jury.[43] It is presumed that a boy of thirteen can and ought to exercise ordinary care, and in absence of proof to the contrary want of such care will not be regarded as due to "childish instincts."[44]

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[37] Pitkin *v.* N. Y. & N. E. R. R. Co., 64 Conn., 490.

[38] Birge *v.* Gardiner, 19 Conn., 511; Rowen *v.* N. Y., N. H. & H. R. R. Co., 59 Conn., 371; Park *v.* O'Brien, 23 Conn., 345; Neal *v.* Gillett, 23 Conn., 443; Isbell *v.* N. Y. & N. H. R. R. Co., 27 Conn., 402; Williams *v.* Clinton, 28 Conn., 266; Fox *v.* Glastonbury, 29 Conn., 209.

[39] Dickenson *v.* Vernon, 77 Conn., 537; Ryan *v.* Chelsea Paper Mnfg. Co., 69 Conn., 454.

[40] Hayden *v.* Smithville Mnfg. Co., 29 Conn., 557, 558.

[41] Wilson *v.* Willimantic Linen Co., 50 Conn., 457; Sullivan v. N. Y., N. H. & H. R. R. Co., 62 Conn., 215.

[42] Rohloff *v.* Fair Haven & W. R. R. Co., 76 Conn., 691, 693.

[43] Hayden *v.* Smithville Mnfg. Co., 29 Conn., 559.

[44] Birge *v.* Gardiner, 19 Conn., 512.

The law of 1901 (ch. 155) provides that:

"It shall be the duty of the master to exercise reasonable care, to provide for his servant a reasonably safe place in which to work, reasonably safe appliances and instrumentalities for his work, and fit and competent persons as his co-laborers"; and "to exercise reasonable care, in the appointment or designation of a vice-principal, to appoint as such vice-principal a fit and competent person." "The default of the vice-principal in the performance of any duty imposed by law upon the master shall be the default of the master."

The law is the same at present (G. S. 1902, sec. 4702).

The above law being, as has been shown, but the enactment of the leading principles already firmly established by the Common Law decisions,[45] is of doubtful benefit to anyone. It is scarcely more binding on the court than were the precedents upon which it is based. It satisfies neither the employers nor their employees. Some of the employers say the effect of the law has been to cause employers to insure against liability for injury to their employees, and that this has destroyed the interest in their workmen they once had. Now, the case is largely one between the employee and the insurance company. The insurance company has no sympathy for him and his condition. They fight and win the case, after an expensive trial, where often the employer would have been willing to settle the damages out of court.

The workmen, on the other hand, say the law is of little or no benefit to them. In the first place an employer is not liable under it if he has exercised reasonable care. The employee must assume all the accidental and ordinary risks of his employment, and all danger of injuries from the acts of his fellow-servants, so long as they have been carefully chosen. In the second place they claim

[45] See 61 Conn., 161; 62 Conn., 215; 50 Conn., 457; 77 Conn., 848; 57 Conn., 160; 20 Conn., 287.

that the object of the law is thwarted in practice. The employers and the insurance companies are afraid of a trial by jury, hence, when there is a strong case against them, they let it go by default by failing to put in an appearance at the trial; and then, later, when the judge is ready to assess the damages, they appear with counsel and make a strong plea that the amount be made nominal only.

The labor union men claim that the Connecticut law is so weak and the Connecticut courts so accustomed to the injured laborer getting only nominal damages, that whenever one of their number is injured in the service of a company that has property in New York or Massachusetts, they bring suit for damages there. In these States, they say, the law is much stronger, and the juries are accustomed to injured employees getting reasonable damages, and grant much more than would a Connecticut jury in the same case.

These opinions are given for what they are worth. There is doubtless much truth in all of them. On the whole it is plain that this law is far from filling the place of an employer's liability act, as it is sometimes erroneously called. It seems to have been enacted merely as a palliative to those who had so long been demanding such an act. In reality, as we have seen, it gave them nothing they had not possessed previous to its enactment. There is much need of better provision for the indemnification of injured employees. They are often bearing burdens beyond their means and in excess of what it is economically best that they bear, burdens that properly belong to the industry. Every industry, however prosperous financially, is parasitical to the extent that it fails to make some adequate provision for those injured in its service. To this extent it is a tax upon society.

CHAPTER IV.

THE LABORER'S WAGES.

The laws of this chapter are concerned with securing to the laborer the payment of his wages without discount or delay. They extend over more than half a century and seem to recognize that it is for the welfare of society as well as that of the workman, that he be insured the full and sure payment of his wages.

Preferred Claim of Laborer.—The first law making the laborer a preferred claimant in the settlement of the estate of an insolvent debtor was passed in 1828. In 1853 (ch. 11) the laborer was made a preferred creditor to the extent of twenty-five dollars for wages due from the insolvent debtor for labor performed within six months preceding the institution of the proceedings in insolvency. In 1870 (ch. 104) the amount was raised to fifty dollars, and in 1876 (ch. 61) all limit on the amount was removed. In 1877 (ch. 50) all debts for labor performed within three months next preceding the assignment, to the amount of one hundred dollars, were made preferred claims. The law is the same in 1885 (ch. 110) and in 1902 (G. S. sec. 271).

The above laws, seemingly, did not apply to corporations. In 1875 (ch. 242) all debts due any laborer or mechanic for personal wages from any insolvent corporation, for labor performed within three months preceding the appointment of a receiver were made a preferred claim to the amount of one hundred dollars. The law seems to have been carelessly omitted from the revision

of 1888. In 1895 (ch. 242) it was re-enacted. In 1897 (ch. 40) the law was extended to partnerships, and is the same in the revision of 1902 (G. S. sec. 1051).

The writer has learned of no complaint against these laws. Their justice seems to be recognized generally.

Railroad Laborers' Wages Secured.—Contractors on railroad construction work usually shift from one contract to another, and from one state to another. They have no fixed place of abode and usually their only property is their tools, teams, etc., which they take with them. For these reasons they are apt to prove less reliable and responsible employers of labor than other contractors. To secure the employees of such contractors it was enacted in 1870 (ch. 67) that every railroad company should require sufficient security from its contractors for the payment of all labor by persons in their employ, and that the company should be liable to the laborers if, within twenty days after the completion of their labor, they should notify its treasurer in writing that they had not been paid by the contractors.

The law is the same to-day (G. S. 1902, sec. 3696). It is one of those laws governing corporations which are seldom violated, but which, nevertheless, it is well to have upon the statute books. Knowledge of the existence of such a law doubtless makes the railroads more careful in the selection of their contractors; and the law furnishes the employee a security he otherwise would not have.

Discounting Wages. — Before the enactment of the weekly payment law in 1887 it was customary to pay monthly. Many of the employees were poor. Their poverty and their inability to get credit made it necessary that they secure their pay weekly. Employers sometimes took advantage of their necessities and charged them exorbitant rates of discount for paying them before the regular pay day. The usual rate of discount was five

per cent. The following reference to this custom was found in *The New Haven Evening Register* of January 22, 1886:

"Senator Golden's bill making it an offense for employers to discount wages of employees between regular pay days, is aimed at a practice which has developed into usury in several towns in the State, especially in Meriden. In factories where the pay day is once a month employers have been in the habit for years of paying many of their men weekly, deducting for their trouble, as they allege, five per cent. Enormous profits are made in this way, and it is to put a stop to this practice that the bill is introduced."

To stop this pernicious practice a law was passed in 1886 (ch. 109) prohibiting employers of labor from making any discount or deduction from the wages of employees for payment before the regular time. The penalty for violation was a fine of from ten to one hundred dollars. The law is the same to-day (G. S. 1902, sec. 4701).

Exemption of Wages from Foreign Attachment.—The laws on this subject have been numerous and have extended over a long period. In 1838 (ch. 30) wages due the laborer to the amount of ten dollars were exempted from attachment for debt. In 1850 (ch. 1) were added to this any sick and infirm benefits allowed by any association for the support of a member. In 1867 (ch. 109) wages due a debtor having a family to support to the amount of twenty-five dollars, and benefits from any society were exempt, except for debts for personal board. In 1869 (ch. 83) the exemption was the same as in 1867, except that in suits for house rent and provisions (and in 1872 (ch. 7) wearing apparel and fuel) only ten dollars was exempt, and no exemption was allowed upon debts for the personal board of the debtor or his family. In 1875 (G. S. Title 19, ch. 16, sec. 13) a man without a

family is allowed an exemption of ten dollars.[1] From 1867 to the passage of this act the man without a family had had no exemption. In 1880 (ch. 81) the wages of a minor child under the age of twenty-one years were exempted to the amount of ten dollars, except for the personal board of the minor or his parent, and in 1883 (ch. 55) such wages were exempted wholly, when the child was living apart from the parent. In 1882 (ch. 59) it was provided that three dollars only should be exempted upon debts for personal board furnished the debtor or his family. In 1887 (ch. 132), under the influence of the Knights of Labor, the amount of exemption was raised to fifty dollars, including wages due any minor child under the age of twenty-one years. In 1895 (ch. 342) debts for the personal board of the defendant were excepted from this exemption, but all moneys due on insurance policies on property exempt from attachment and execution were exempted. In 1903 (ch. 95) the amount of exemption was reduced to twenty-five dollars. The present law (1905, ch. 195) exempts wages to the amount of twenty-five dollars, including the wages of any minor child, except on debts for the personal board of the defendant, where there is no exemption if the complaint sets forth the true cause of action and the amount due. It exempts also sick and infirm benefits allowed by any association in this State to a member unable to attend to his usual business, and all moneys due on insurance policies on property exempt from attachment and execution.

The subject of attachment of wages has always commanded much attention in Connecticut. For many years there has been scarcely a legislature in which from one to nine bills dealing with this subject have not been intro-

[1] The writer has not found the date of the enactment of this law.

duced. The merchants and landlords have opposed the exemption of the laborer's wages from attachment, claiming that it renders the collection of his debts impossible and encourages him to contract debts he has no means or intention of paying. They say it is only right that the laborer should be required to pay his debts, and that the creditor should have the means of enforcing him to pay them. This argument seems good, but there is another side to the case. Imprisonment for debt is a thing of the past. It has long been recognized that it is best for society, and in general for creditors, that the debtor be not deprived of the means of earning a livelihood. He must live and work in order to pay his debts. Then, too, it has been recognized that the creditor should be held partly responsible for the bad debts of the debtor. For these reasons bankruptcy laws have been passed which exempt from execution a certain amount of the property of the insolvent. These laws, however, are of little benefit to the workman whose only property is his labor and whose only income is his wages. For him, further protection is needed. This is found in the law exempting his wages from attachment. Even with this exemption he is less well protected than the merchant or the capitalist. Without this exemption the workman would be encouraged to go into debt and his transactions soon would be reduced to a credit basis with all its evils. He would lose his independence and his habits of saving. Instead of reducing the number of his debts, he would contract more. The credit system would take the place of the cash system, shiftlessness and extravagance would take the place of thrift and economy, and in the end both merchant and customer would suffer from the change.

Manufacturers usually have favored these exemptions, and many of them have favored making them more sweeping. They see the advantages of a cash system to

their working people. The practice of factorizing was quite common before the enactment of the weekly payment bill in 1887. Speaking of its extent in 1886, Commissioner Hadley, of the Bureau of Labor Statistics, says:

"The system of factorizing does not prevail in Connecticut to the extent which it did some years ago. . . . It is probable that the number of cases of factorizing annually amounts to about 5,000, while the cases of assignment of wages, as indicated by our storekeeper's returns, are very much more numerous,—not improbably from ten to fifteen thousand in all."[2]

Often in these attachment suits the costs amounted to as much or more than the amount sued for. In 1882 (ch. 24) it was provided that in such suits the plaintiff should not recover of the defendant, as costs, a sum exceeding one-half of the amount of damages recovered in the action (G. S. 1902, sec. 777).

In 1885 (ch. 80) it was enacted that no costs should be taxed in favor of the plaintiff unless a demand was made upon the defendant for payment not more than thirty days nor less than three days prior to the bringing of such action. The law is the same to-day (G. S. 1902, sec. 774).

Assignment of Wages. — The exemption of wages from attachment was not sufficient to do away with the evils of the credit system. The laborer could assign his future earnings to the merchant from whom he wished to buy goods on credit, or to the money lender whom he wished to advance him money. By the mock assignment of his wages to a friend an unscrupulous laborer could escape entirely the payment of his debts. Wages were assigned for all of these purposes. In 1886, as we have seen, the number of cases of assignment was estimated

[2] Report Conn. Bureau of Labor Statistics, 1886, p. lv.

to be over five thousand. The evil existed to a considerable extent in many places at that time, and its effect was "thoroughly bad in every respect."[3]

To stop these evils laws were passed regulating the assignment of wages. The first law (1874, ch. 12) requires that assignments of future earnings to be valid must be recorded in the town clerk's office within forty-eight hours after the assignment shall have been executed. In 1876 (ch. 25) the law of 1874 was repealed, and it was enacted that no assignment of future earnings should prevent their being attached, unless it was recorded before the service of process upon the garnishee. This in turn was replaced by the act of 1878 (ch. 4) which provided that to be valid against an attaching creditor the assignment must be to secure a *bona fide* debt then due, the amount of which should be stated, and the term for which the earnings were assigned be definitely limited, and the assignment be recorded before such attachment. This law was repealed in 1905, by an act (ch. 78) which provides that no assignment of future earnings made as security for a loan or other indebtedness shall be valid unless the amount of such indebtedness, the rate of interest to be charged thereon, and the term for which such earnings are assigned shall be definitely limited in the assignment, nor unless the assignment shall bear a dated certificate of acknowledgment of the assignor made before a proper authority. To be valid against an attaching creditor it must also be recorded in the town clerk's office before such attachment. There is a penalty of twenty-five dollars for intentionally dating wrongly a certificate of acknowledgment.

Weekly Payment of Wages.—The laws against factorizing of wages, regulating the assignment of wages, and prohibiting the discounting of wages were all bene-

[3] Report Conn. Bureau of Labor Statistics, 1886, p. lviii.

ficial, but they did not get at the root of the problem. Their object was the destruction of the credit system, yet they failed to make the cash system possible for many of the laborers of the State. A large number of these were foreigners. They had come here without money or property. They must of necessity live from hand to mouth. For them a cash system was impossible unless it was coupled with frequent payment of wages. If they paid cash they must get cash. The storekeeper was forced to do a credit business because his customers had no cash with which to pay.

By 1885 the evils of the credit system had come to be recognized generally. As a solution of these evils and as a means of bringing about the cash system the Knights of Labor proposed the weekly payment of wages and began a vigorous agitation for the enactment of a weekly payment law. The demand for weekly payments was extensive,[4] and public opinion was largely in favor of such payments. The following table shows the relative extent of weekly, fortnightly and monthly payments in 1886. As the investigation did not cover all the establishments in the State these figures can be taken only as approximately representative:

TIME OF PAYMENT OF WAGES IN 1886 BY PERCENTAGE OF EMPLOYEES.[5]

	Total Employees.	Men.	Women.	Children.
Weekly	38.4	41.1	34.1	27.1
Fortnightly	14.8	12.8	18.0	9.6
Monthly	41.0	40.3	42.7	62.0
Mixed or unspecified	5.8	5.8	5.2	1.3
Total	100.0	100.0	100.0	100.0

According to this table 38.4 per cent. of the employees in the manufacturing industries of the State were being

[4] Report Conn. Bureau of Labor Statistics, 1885, p. 73.

[5] *Ibid.*, 1886, Appendix, pp. 4, 5, 20, 21.

paid weekly in 1886. Weekly payments were less common in the case of women and children than in the case of men. This was due to their extensive employment in the textile industries, which were slow to give up long hours, child labor, and monthly payments. Thus, we see that the movement toward weekly payments was quite strong before the passage of the weekly payment law in 1887. But, notwithstanding the strength of the movement and the fact that most of the employers who had adopted this method of payment were highly pleased with it, there were many who questioned the desirability of making weekly payments compulsory by legislative enactment. Most prominent of these was Commissioner Hadley, of the Bureau of Labor Statistics. A large part of his report for the year 1886 was devoted to the question of weekly payments. Because of his accepted ability, and the thorough and fairminded manner in which he treated the subject, some space will be given to a review of his discussion of it.

Commissioner Hadley fully recognized the evils of the credit system. He showed that prices were uniformly higher at the credit stores. He showed, also, that factorizing, assignments, company stores, the credit system, and bad debts were most common where there was the largest per cent. of monthly payments. He recognized that the cash system was necessary to destroy these evils and to secure the independence of the workmen. He saw the necessity of frequent payments; the question was how they should be secured—whether by legislative enactment, or through the initiative and demands of the workmen. He first examines the popular arguments advanced against enforcing weekly payments by law. There were three of these:

1. It is an unjustifiable interference with freedom of contract.

2. In many cases it is impracticable, and it involves such additional inconvenience or expense as to render it undesirable.

3. It is not demanded by the better class of workmen and it would be an injury to the others.

These arguments are answered thus:

1. It is an interference with the freedom of contract, but it is not on that account unprecedented. "There is no subject with which the law habitually interferes more than with the manner of the enforcement of contracts."

2. The cases where weekly settlements are impracticable because of the unfinished state of the work are the exception. Piece-work does not render weekly payment impossible. Such payments are more frequent in those establishments which have a majority of piece hands. Weekly payments do involve an additional expense in making out weekly pay-rolls. The employer, too, may experience some difficulty in maintaining a cash reserve, but "the loss to the workman from inability to pay cash at the store is far heavier than any accommodation which his employer would have to pay for the use of the cash." It is not public policy to encourage concerns which cannot pay cash.

3. While the best workmen may not desire or need to draw their wages oftener than once a month, "it is quite different with the man who is just beginning to save, or with him whose savings have been temporarily reduced by sickness." While weekly payments are of no use to the best workmen and may be worse than useless to the worst workmen, to the large body who are neither exceptionally good nor exceptionally bad weekly payments are a positive advantage. These want cash payment and want it for good reasons. To this class belongs the large number of women workers, who suffer most from the credit system and to whom cash payment is not a matter

of indifference. They, as a rule, are paid monthly. "Arguments which apply only to a few of the best or a few of the worst workmen distinctly do not apply to the women as a body."[6]

Commissioner Hadley, having disposed of these popular objections to a weekly payment law, says that on the whole the system of weekly payment has been sufficiently tried to prove it practicable and sufficiently successful to prove it desirable. That out of deference to public opinion weekly payment is becoming more common, but that public opinion is too slow, and we must resort to legal methods. We may either (1) prescribe the manner of payment on the part of the employer, or (2) take away the power of collecting debts on the part of the store-keeper. Continuing, he says:

"The general effect would be the same from whichever end we begin. If we compel the employer to pay cash, we enable the store-keeper to charge cash. . . . If, on the other hand, we render it impossible for the store to collect bad debts we necessarily make it unsafe to give credit in a great many instances where it is now granted. We thus force the stores to charge cash for so large a part of their business as to make it indispensable for the employer to pay cash. In the long run, the abolition of laws for the collection of debts would have the same effect as the enactment of laws compelling the employers to pay cash."[7]

"On the whole we believe that the result would be better reached by doing away with laws for the collection of debt than by prescribing particular times and manner of payment." . . . "If you compel the manufacturer to pay weekly where the workman does not avail himself of the advantage, you produce the evil effects of the change without the good ones. If, on the other hand,

[6] " . . . Leaving out cases of mixed payment,—a minority of men, a majority of women and a two-thirds majority of children are paid monthly."—Conn. Bureau of Labor Statistics, 1886, p. xv.

[7] Report Conn. Bureau of Labor Statistics, 1886, p. li.

you force the employer indirectly into the change by teaching the workman to demand it, you make sure that the change shall be really effective. . . . If we attempted to legislate exactly how or when the payment should be made the serious exceptions which would arise would so strain the law as to be a serious bar to its enforcement."—*Ibid.*, p. lii.

Then a weekly payment law in the opinion of constitutional lawyers could only reach corporations, while monthly payments are most common among small concerns. "Such a law would, therefore, act with an inequality which would endanger its general effectiveness. An attempt to produce the same result indirectly, by doing away with factorizing and assignment of wages, would strike everybody alike; and it would have the additional advantage that it would undoubtedly be within the competence of the State and not be subject to the resistance which any law has to meet whose constitutionality is seriously doubted."—*Ibid.*

What answer shall we make to Commissioner Hadley's argument; was his plan a feasible one? The greatest possible freedom of action should be reserved to the individual, and legislative restriction should be adopted only as a last resort. As has been shown, the movement toward weekly payments was strong before the passage of the compulsory law. At most the law only hastened the movement and made it more general. Could the same results have been attained in the manner suggested by Commissioner Hadley? In pursuance of such a plan it would have been necessary, first, to have exempted all wages from attachment for debt, to have prohibited all assignment of wages, and to have stopped all discounting of wages. This would have required as much legislation as a weekly payment law and such laws would have been more difficult of enforcement. The collection of a debt from a workman would have been impossible. Thus a premium would have been placed upon dishonesty. Then the change to weekly payments would have been more

slow and less general, and, in the opinion of the writer, would have been attended with even greater hardships upon the workmen. Under such a scheme many employers would not have adopted weekly payments until they were demanded by the workmen. Experience has shown that it is not safe for workmen to make such demands. Such a plan probably would have caused an increase in the number of company stores, instead of a decrease, as has been the case under the weekly payment law. To deprive the laborer of his right to assign his future earnings or to discount his wages is as truly an infringement of the freedom of contract as is compulsory weekly payment.

In the legislature of 1886 there were several members who belonged to the Knights of Labor.[8] They exerted a marked influence in support of labor legislation.[9] A number of bills were carried through the House successfully only to be rejected by the Senate. One of these was the weekly payment bill. It evoked much discussion in the House, and called forth many amendments. These were all rejected and the bill was passed by a vote of 126 to 79. The Senate failed to concur and the bill was defeated.[10] The Democratic party in its platform of 1886 pledged support to the weekly payment bill and other labor measures.[11] The bill was passed by the next legislature.

This law (1887, ch. 67) provides, (sec. 1) that corporations shall pay their employees once a week, and without discount, all wages earned and unpaid up to the eighth day preceding the day of payment. Section two ex-

[8] Report Conn. Bureau of Labor Statistics, 1902, p. 346.

[9] *New Haven Evening Register,* July 29, 1886, p. 1; Representative T. H. Kehoe, of Legislature of 1886.

[10] *New Haven Evening Register,* April 1, 1886.

[11] *Ibid.,* September 28, 1886.

empts from this requirement any corporation which shall pay to its employees weekly eighty per cent. of the estimated wages earned and unpaid before the eighth day preceding the day of payment, and shall pay in full once each month, and shall give notice of the same in its printed rules and regulations.[12] The penalty for violation was fixed at fifty dollars. The law is the same in the revision of 1902 (secs. 4695-4697).

The law hastened the movement toward general weekly payments. The plan gained in favor and soon most of the corporations of the State were complying with the law. In 1886 the percentage of employees being paid monthly was 41, while in 1892 it was only 10.49. During the same time the percentage of those paid bi-weekly decreased from 14.8 to 7.93. But it is the great increase in the percentage of employees paid weekly that shows the probable effect of the law. This number increased from 38.4 per cent. in 1886 to 81.58 per cent. in 1892.[13] The following table shows the development of the movement in percentages of establishments:

[12] The notice proviso in the weekly payment law was inserted for the purpose of allowing establishments that paid by the piece and in which, owing to the character of the product, it would be very inconvenient to ascertain the exact amount of work done each week, to base their weekly payment on an estimate. "But few concerns in the State avail themselves of the 80 per cent. clause as the law intends. As a rule they prefer to make extra exertions to ascertain the exact amount due weekly, and thus save the trouble incidental to having five pay days a month. When the law first went into effect notices were posted in a number of factories stating that employees who desired 80 per cent. of their wages could secure the money by notifying the office. . . . The employees were not always satisfied that a request for 80 per cent. a week would not militate against the permanence of their employment, the notices were defaced or torn down, no effort was made to replace them, and as a rule the establishments continued on a monthly payment basis."—Report Conn. Bureau of Labor Statistics, 1893, p. 56.

[13] Report Conn. Bureau of Labor Statistics, 1893, p. 45.

METHODS OF PAYMENT IN PERCENTAGES OF ESTABLISHMENTS.[14]

	1860.	1880.	1892.
Weekly	26.54	32.18	69.79
Bi-weekly	5.50	9.96	9.50
Monthly	52.75	53.77	18.88
Irregular	15.21	4.09	1.83
	100.00	100.00	100.00

The weekly payment law only applied to corporations. Most of these complied with the law at once. Some, however, did not. They evaded the law by requiring their employees who desired to be paid weekly to notify them or to leave their names at the office. Hands who availed themselves of this privilege were notified, when a dull season came, that their services were no longer needed. The fear to ask for weekly payments at once became general. The employers excused themselves for not complying with the law by saying their employees did not desire weekly payments. Investigation showed that the employees did want their pay weekly.[15]

In 1892 71.94 per cent. of the employees of the State were employed in incorporated establishments, and 28.06 per cent. in establishments that were not incorporated. Of those employed in incorporated establishments 91.18 per cent. were paid weekly, 3.39 per cent. bi-weekly, and 5.43 per cent. monthly. Of those employed in establishments not incorporated 56.98 per cent. were paid weekly, 19.54 per cent. bi-weekly, and 23.48 per cent. monthly.[16]

Thus we see that in 1892 weekly payments were the rule in incorporated establishments and were quite common in other establishments. However, 8.82 per cent. of the incorporated establishments were violating the

[14] *Ibid.*, p. 93.

[15] Reports Conn. Bureau of Labor Statistics, 1888, pp. 20-25; 1890, p. 30.

[16] *Ibid.*, 1893, p. 48.

law still. This number has gradually decreased and at present practically all corporations and most of the companies pay weekly. But there are still a few corporations that openly violate the law. It is the business of no officer to enforce the law and the employee is not in a position to cause its enforcement.

The constitutionality of the weekly payment law was tested in 1897. It was claimed that it was "class legislation of the most flagrant kind," and that it impaired the obligations of contract. The Court[17] held that the statute applies to every corporation employing labor, and cannot therefore be said to discriminate against any class or classes of corporations; that these corporations exist solely by virtue of permission of the legislature, and have only such rights as it gives them; that their rights and freedom are not co-extensive with those of individuals; that the question whether expediency or public policy demands such legislation is one for the legislature to determine; but that "where the agreed compensation is for piece work, so called, and not an agreed rate per day, . . . the law cannot be said to have any practical application."

The extra cost of making weekly payments may have had a slight tendency to reduce wages, but any such reduction in wages was overbalanced by the increased purchasing power under the cash system. Company stores and the credit system decreased in about the ratio that weekly payments increased. Weekly payments and the exemption of a part of the wages from attachment have practically abolished the factorizing of wages. The exemption covers more than a week's wages. It has also very largely done away with the necessity for the assign-

[17] Rice *v.* Lozier Manufacturing Co., Court of Common Pleas for Hartford County.—Report Conn. Bureau of Labor Statistics, 1897, p. 229.

ment or the discounting of wages.[18] In its effect it has been one of the best laws ever enacted in the interests of the laboring classes.

Mechanic's Lien.—The legislation on this subject is voluminous and extends over a long period, but it has never been very important so far as the ordinary laborer is concerned. Contractors and those who have furnished materials have resorted to these laws most frequently.

In 1836 (ch. 76) it was enacted that whenever the sum due for the services rendered or the materials furnished by any mechanic, on any building in any incorporated city in the State should exceed the sum of two hundred dollars, the same should be a privileged lien on such building and the land on which it stood. In 1838 the provisions of this law were extended to include all buildings in any town; and, in 1839 (ch. 29), the provisions of the act were extended to the claims of sub-contractors for labor or labor and materials furnished, whenever such claims should exceed the sum of fifty dollars. An act of 1849 (ch. 33) gave any person a lien for any claim over twenty-five dollars, for services rendered or materials furnished in the construction of any building. In 1855 (ch. 76) a lien could be claimed for materials furnished or services rendered "on the construction, erection, or repairs" of any building "or of any of its appurtenances." In 1871 (ch. 137) claims for services rendered or materials furnished in the building of any railroad were made a lien upon the railroad and its property; and in 1872

[18] "Another very beneficial effect of paying wages weekly is the abolition of the practice of charging a commission for advances between monthly pay days. Five per cent. and in some instances ten per cent. and more was often charged for installments of wages earned but not due, and the necessities of workingmen often compelled them to consent to almost any discount in order that they might have ready money. The adoption of the weekly payment system always deprives this practice of any excuse for its existence."—Report Conn. Bureau of Labor Statistics, 1893, p. 44.

(ch. 7) claims exceeding the sum of twenty dollars for materials furnished or services rendered in the construction or repair of any vessel were made a privileged lien (except as to claims for mariner's services) on such vessel and its appurtenances. In 1897 (ch. 54) claims of over ten dollars for materials furnished or services rendered in the "construction, raising, removal or repairs" of any building were made liens on such building and the ground on which it stood. The same provision is found in the General Statutes of 1902 (sec. 4135).

In the case of mechanic's liens on buildings and railroads, all the above laws provided that such lien should not hold longer than sixty days after the materials were furnished or the services rendered unless the person furnishing such materials or services had filed with the town clerk a certificate of his claim. In the case of vessels the certificate must be filed within ten days after the person claiming the lien had ceased to furnish materials or render services. A lien (1881, ch. 148) continues in force no longer than two years, unless within that time action for foreclosure is commenced.

In the numerous laws passed on this subject since 1836 the mechanic has been allowed to claim a lien for smaller and smaller amounts. In 1836 he could not claim a lien if the amount of his claim did not exceed two hundred dollars; at present he may claim a lien for any sum over ten dollars. The preference given the claims of the mechanic over those of other creditors, by the mechanic's lien laws, is similar to that given the claims of the laborer in the settlement of the estate of an insolvent debtor and is justified in the same way. The mechanic, as the laborer, lives largely from hand to mouth and it is for the best interests of society that he should not have to suffer or become a burden on others because of failure to secure the prompt and full payment of his wages.

CHAPTER V.

BOYCOTTING AND BLACKLISTING.

The Anti-Conspiracy Acts.—The anti-conspiracy law was first enacted in 1877. Previous to this, however, in 1864 (ch. 57) there was passed an act which paved the way for it. This act provided that every person who by himself, or in combination with others, should threaten, or use any means to intimidate, any workman in the employ of any person or corporation to cause him to leave such employ should be punished by a fine of one hundred dollars or imprisonment for six months, or both. In the revision of 1875 (G. S. Title 20, ch. 6, sec. 14) that part of the act which refers to a "combination with others" is omitted. The act does not appear in the revision of 1888.

The act of 1877, from which has developed the present conspiracy law, "doubtless had its origin in the apprehension which prevailed throughout the country at the time and soon after the trouble on the Pennsylvania Railroad, during which there was such an immense destruction of property at Pittsburg."[1] Like similar laws enacted by other States at this time, on the same subject, it provided punishment for acts such as the striking engineers and employees on some roads had been guilty of, by heavy fine and imprisonment. The bill called forth but little comment by the papers and was seemingly considered a measure of minor importance by the legislature.

The act (ch. 77) contains five sections. Sections one, two, three, and five impose heavy penalties upon any

[1] State *v.* Glidden, 55 Conn. 69.

employee of a railroad, who, in pursuance of an agreement with others for the purpose of the furtherance of any dispute between such corporation and its employees, shall stop, delay, injure, obstruct or abandon any locomotive or train of cars of such corporation; or who shall be guilty of gross carelessness or neglect in the management or control of the same; or who shall refuse to aid in moving, loading or discharging the cars of another corporation, in dispute with its employees.

Section four is the one from which our present law came. It provides that:

any person who alone or in combination with others, in furtherance of a dispute between a gas, telegraph, or railroad corporation and its employees, shall "use violence towards, or intimidate any person in any way or by any means, with intent thereby to compel such person against his will to do, or to abstain from doing, any act which such person has a legal right to do or abstain from doing; or shall induce or endeavor, or attempt to induce such person to leave the employ and service of such corporation by bribery, or in any manner or by any means, with intent thereby to further the objects of such combination or agreement: or shall in any way interfere with such person while in the performance of his duty on the premises of such corporation: or shall threaten or persistently follow such person in a disorderly manner or injure or threaten to injure his property with said intents, or either of them, shall, upon conviction, be liable to a fine not exceeding three hundred dollars, or imprisonment in the county jail not exceeding three months."

The act of 1877 was repealed the following year (1878, ch. 92). Section one of the new law which replaced it imposes a penalty of one hundred dollars or imprisonment not exceeding six months upon any person who shall unlawfully, maliciously, and in violation of his contract, stop, delay, injure or obstruct any locomotive or train of cars. Section two of this act replaces section four of the act of 1877, and is what is commonly

known as the conspiracy law. In 1877 the law applied only to railroad, gas, and telegraph companies. The act of 1878 removed this limitation and extended the protection to all persons, natural or artificial, employers or employees, in the management and control of their own business. It provides that:

"Every person who shall threaten, or use any means to intimidate any person to compel such person, against his will, to do, or abstain from doing, any act which such person has a legal right ot do, or shall persistently follow such person in a disorderly manner, or injure or threaten to injure his property, with intent to intimidate him, shall upon conviction, be liable to a fine not exceeding one hundred dollars, or imprisonment in the county jail six months."

This section is the same at present (G. S. 1902, sec. 1296). It has become entirely separated from the section regarding railroads, and is held to have a general application.[2] But while the statute, as such, is of general application, in practice it has still retained its former use of preventing employees, in furtherance of disputes between themselves and their employers, from combining and conspiring to injure their employer's business, either by the boycott or by inducing his employees to leave his service, by means of threats and intimidation. All the cases that have arisen under the act have been of this nature. This fact, together with the construction placed upon the act by the courts, has made the laboring men of the State very bitter against it.

(1) They claim that the act, as construed, is aimed directly, and in practice solely, against them and their unions.

(2) That the act deprives them of their right peaceably to intercede with fellow-workmen and peaceably to make demands upon their employers for the just and

[2] State *v.* Glidden, 55 Conn. 69.

proper purpose of raising their wages and bettering their conditions.

(3) That by depriving them of the right of intercession and of the right to withdraw and persuade their friends to withdraw their patronage from an employer, the courts are taking from them a proper instrument of industrial warfare and subjecting them to the mercy and caprice of their employers.

(4) That the decisions under the act have made criminal acts which by nature or intention were not criminal.

(5) That the decisions were not justified by the evidence, and that too much weight was given to merely circumstantial evidence.

Whether the labor unions are justified in their bitterness against this act, and whether their criticism of its construction by the courts is correct, can be determined only by a review of the principal decisions under the act. As these decisions, besides construing the conspiracy act, define boycotting and conspiracy and determine to what extent striking employees may picket the place of business of their employers, and what constitutes intimidation, they have had a very important part in fixing the rights of organized labor in this State in its relation to and in its disputes with employers and their non-union workmen. For these reasons considerable space will be given to a review of these cases.

Two of these cases are of special importance. The first is the "Glidden Case," which arose in 1886.

The State *vs.* Benjamin F. Glidden and Others.[3]

Information:

The information, containing six counts, charged Benjamin F. Glidden and three others with conspiracy.

"The first count charged the object of the conspiracy

[3] 55 Conn., 46 (1886).

to have been (1) to compel the Carrington Publishing Company, a corporation and the publishers of a newspaper, against its will to discharge its workmen, and to employ such persons as the defendants and their associates should name; and (2) to injure and oppress the workmen then in the employ of the corporation, by depriving them of their employment; that the means to be employed to accomplish these purposes were to demand the discharge of the workmen and the employment of the defendants; and if such demand was not complied with within forty-eight hours, the defendants and their associates were to represent to and threaten the corporation, that there were associated in combination with the defendants the members in the city of divers secret and large labor unions to the number of one thousand persons, who could, by the fear and terror to be created by the secrecy and discipline of their organizations, and by the large number of the members thereof, and by the to be threatened and concerted withdrawal of the patronage of the defendants and their associates, and by stopping and preventing the patronage of others through threats and intimidations, and by other unlawful means, so control the persons dealing with the corporation as to compel them, though against their will, to cease doing business with the corporation; and who could and would boycott the business of the corporation, and so would substantially injure and destroy its business and prevent the same from being carried on; unless the corporation would discharge the workmen in question and employ the defendants. And that if the corporation did not yield to their demands, the defendants and their associates would in like manner represent to and threaten all persons dealing with the corporation; and that they could and would so control, boycott and injure the business customers of such persons as through fear, and by the to be threatened and concerted withdrawal of the patronage of the defendants, and by stopping and preventing the patronage of others through threats and intimidations, and by other unlawful means, to compel such customers, though against their will, to cease doing business with the subscribers and others, patrons of the corporation; and that the defendants

would not give up or abandon these proceedings to injure the business of the corporation until they had either destroyed said business and prevented it from being carried on, or until the corporation should comply with their demands; and should further pay to the defendants a large sum of money, viz., $500, to defray the expenses of the defendants and their associates in so carrying out the conspiracy. It was then charged that such demand was made on the corporation and was not complied with; that, thereupon, the agreed representations and threats were made to the corporation, and that the corporation still refusing to yield, the agreed representations and threats were made to the subscribers and patrons of the corporation, etc."

It was further alleged that the object of the conspiracy was to force the corporation to discharge certain of its employees, and to prevent them getting employment elsewhere; and to impoverish the corporation by destroying the circulation of its newspaper, and by inducing by threats and persuasion, subscribers, advertisers and others to desist from further patronizing its newspaper. It was charged that the defendants had induced one person to discontinue his subscription to the newspaper, and attempted to induce sundry other persons from advertising therein; also, that they had by threats and persuasion induced the corporation to discharge from its employ and thereafter refrain from employing certain of its former employees.

The defendants demurred to the complaint, but the court held it sufficient. The case was tried by a jury, and a verdict of guilty was rendered against three of the defendants, and of not guilty as to the other. The defendants who were convicted appealed to the Supreme Court of Errors, on the ground of error in the overruling of their demurrer, and in the rulings with regard to evidence, and also on the ground that the verdict was against the evidence.

The following is a summary of the finding of facts: That a controversy existed between the members of an association known as "Typographical Union, No. 47" and the Carrington Publishing Company, and that a

criminal conspiracy had been entered into by the accused among themselves and with other persons, members of the association; that two of the defendants, Glidden and McNamara, had taken the application of one Skinner, an employee of the Carrington Company, to become a member of the union; that it was attempted to induce Skinner to take part with the union in the controversy with the Carrington Company; and that during the continuance of the conspiracy and for the purpose, on the part of the conspirators, of carrying it into full effect, Skinner had several interviews with them. Skinner testified that in one of these interviews Kidd referred to the News boycott and stated that he did not believe that the Carrington Publishing Company would fight them as the News had done; that they would carry on the boycott on the Courier as they had in the News case, and appeal to the merchants to take their advertisements out, and appeal to the subscribers; and that they would not do as they had done in the News case, but if they had another battle the publishing company would have to pay the expenses of the boycott.

As one of the means to carry the conspiracy into effect the State claimed that Glidden distributed circulars like the following: "A word to the wise is sufficient. Boycott the Journal and Courier!" The State also claimed there was a conspiracy to extort money by Glidden and the other defendants, constituting a committee of the union and threatening to conduct themselves in the same manner towards the Carrington Publishing Company that they had previously done towards the News, to whose business manager they had presented the following agreement:

"Agreement between the Morning News Company and the joint committee representing the Trades Council, Knights of Labor and Typographical Union, of New Haven. The Morning News Company acknowledges the right of labor organizations to fix the price of labor for its members, and subscribes to the following articles: 1. The Morning News Company to discharge from their employ all non-union compositors, including John T. Hathaway, at the close of the present week. 2. To employ none but members of the Typographical Union, and

permit them to work under such chapel rules as they may adopt under the auspices of the Typographical Union. 3. The Morning News Company to pay the joint committee, above named, the sum of $500, as part of the expense of the strike and boycott brought on by their refusal to recognize the demands of organized labor, thereby causing a strike. 4. The joint committee, above named, agree in consideration of the fulfillment of the foregoing articles on the part of the Morning News Company, to cause to be issued official notice of the repeal of the boycott against the Morning News. 5. The members of the joint committee, representing the Typographical Union, agree to supply a proper complement of capable compositors, including a foreman. 6. Notice of the above to be published in the Workman's Advocate."

. . . . . .

"The State claimed . . . that Glidden and his associates, constituting a committee representing the Typographical Union, called upon the officers of the Carrington Publishing Company, and made certain demands in reference to the Courier office becoming a union office, and threatened in case their demands were refused to boycott the Courier, and to deal with the Carrington Company as they had dealt with the News."

The State offered to show that Glidden and his associates made a money demand of the News, and that Glidden personally was the one who made the demand, and offered Fowler (business manager of the News) as a witness, who testified that Glidden handed to him a paper containing the following communication sent to the publishers of the News and signed by a committee of the union:

"Trades' Council of New Haven, New Haven, Ct., Jan. 25, 1886.

"The Morning News Co.: Gentlemen—having received from you no answer to the terms proposed by the committee at the request of your representative, we consider the same to have been rejected, and at a meeting of the committee yesterday it was decided that you should be charged, in addition to the indemnity mentioned in said terms, fifty dollars per week after the present week

as a just share of the expense incident to the continuance of the boycott."

"The State claimed to have shown that these written and published demands upon the News Company had come to the knowledge of the officers of the Carrington Company prior to the demand made upon them by Glidden, and that Glidden knew when he made the demands upon the latter company that the officers knew of the demands before that time made upon the News."

A witness for the State testified that she overheard a conversation between five or six printers, all members of the union, and among whom was one of the defendants, in which it was stated that they were paying fifty cents a week for the expenses of the Courier boycott, and that it would be paid for by the Courier.

"One of the grounds of the appeal being that the verdict was against the evidence, the (trial) judge certified that in his opinion the evidence did not warrant a verdict of guilty against any of the defendants so far as the alleged conspiracy to extort money was concerned."

With this information and this finding of facts the case went, on appeal, to the Supreme Court. What seems to the writer the most important parts of the decision are quoted in full.

Decision, Carpenter, J.:

"We will next inquire, what is a criminal conspiracy? . . . In the first place, it seems to be generally conceded that if two or more persons confederate and agree together to commit some crime or misdemeanor, such confederation or agreement is itself an offense." (The court here quotes the statute heretofore given.) "Do the acts which, it is alleged, the defendants conspired to do, fall within the prohibition of the act of 1878? They proposed to threaten and use means (the boycott) to intimidate the Carrington Publishing Company, to compel it, against its will, to abstain from doing an act (to keep in its employ the workmen of its own choice) which it had a legal right to do, and to do an act (employ the defendants and such persons as they should name) which it had a legal right to abstain from doing. There can be but one answer to the question,—the acts proposed are

clearly prohibited by the statute. . . . We might perhaps stop here; but the argument of the case took a much wider range, and the case itself will justify, and the times in which we live seem to require, a more extended examination of the subject."

. . . . . .

"It has often been said that a conspiracy to effect an unlawful purpose or a lawful purpose by unlawful means is an offense. But this is said to be a limitation rather than a definition. . . . If the ends or the means are criminal in themselves, or contrary to some penal statute, the conspiracy is clearly an offense. . . . But suppose two or more conspire unjustly and wrongfully to deprive another of his liberty or property; then, as we shall hereafter see, the criminal law may take cognizance of the act. Of course, it is difficult, if not impossible, to define accurately and clearly in advance what would and what would not be an offense. Hence, the difficulty of regulating by statute in all cases the law of criminal conspiracy. . . . It is left for the court to determine in each particular case whether it is or is not an offense. . . . The supposed hardship is only apparent; it is not real. The danger that an innocent man will be punished criminally for a conspiracy, because the act was not forbidden by the written law, is very small. It is hardly supposable that prosecutions will be instituted and sustained by the court and jury unless the acts done or contemplated are clearly illegal and morally wrong; so much so, as to leave little or no room for a right-minded man to doubt."

"If we were to attempt to give a rule applicable to this branch of the subject, we should say that it is a criminal offense for two or more persons corruptly or maliciously to confederate and agree together to deprive another of his liberty or property. Such a rule is proximately correct and practically just."

"Now, if we look at this transaction as it appears on the face of this information, we shall be satisfied that the defendants' purpose was to deprive the Carrington Publishing Company of its liberty to carry on its business in its own way, although in doing so it interfered with no

right of the defendants. The motive was a selfish one,—to gain an advantage unjustly, and at the expense of others; and, therefore, the act was legally corrupt. As a means of accomplishing the purpose, the parties intended to harm the Carrington Publishing Company, and, therefore, it was malicious. It seems strange that in this day, and in this free country—a country in which law interferes so little with the liberty of the individual—it should be necessary to announce from the bench that every man may carry on his business as he pleases, may do what he will with his own, so long as he does nothing unlawful, and acts with due regard to the rights of others; and that the occasion for such an announcement should be, not an attempt by government to interfere with the rights of the citizen, nor by the rich and powerful to oppress the poor, but an attempt by a large body of workingmen to control, by means little if any better than force, the action of employers. The defendants and their associates said to the Carrington Publishing Company, 'You shall discharge the men you have in your employ, and you shall hereafter employ only such men as we shall name. It is true we have no interest in your business, we have no capital invested therein, we are in nowise responsible for its losses or failures, we are not directly benefited by its success, and we do not participate in its profits; yet we have a right to control its management and compel you to submit to our dictation.' The bare assertion of such a right is startling. The two alleged rights cannot possibly co-exist. One or the other must yield."

"If the defendants have the right which they claim, then all business enterprises are alike subject to their dictation. No one is safe in engaging in business, for no one knows whether his business affairs are to be conducted by intelligence or ignorance—whether law and justice will protect the business, or brute force regardless of law will control it; for it must be remembered that the exercise of the power, if conceded, will by no means be confined to the matter of employing help. Upon the same principle and for the same reasons, the right to determine what business others shall engage in, when and where it

shall be carried on, etc., will be demanded and must be conceded. The principle, if it once obtains a foothold, is aggressive and is not easily checked. It thrives on what it feeds on, and is insatiate in its demands. More requires more. If a large body of irresponsible men demand and receive power outside of law, over and above law, it is not to be expected that they will be satisfied with a moderate and reasonable use of it. All history proves that abuses and excess are inevitable. The exercise of irresponsible power by men, like the taste of human blood by tigers, creates an unappeasable appetite for more."

"Business men have a general understanding of their rights under the law, and have some degree of confidence that the government through its courts will be able to protect those rights. This confidence is the cornerstone of all business. But if their rights are such only as a secret and irresponsible organization is willing to concede to them, and will receive only such protection as such an organization is willing to give, where is that confidence which is essential to the prosperity of the country?"

"Again. If the alleged right is conceded to the defendants, a similar right must be conceded to the promoters of the Carrington Publishing Company, and those with whom they may associate; otherwise, all men are not equal before the law. It logically follows that they in turn may control the business matters of the defendants—may determine what trade or occupation they may follow, whether to work in this establishment or in that, or in none at all. Obviously, such conflicting claims, in the absence of law, can lead to but one result, and that will be determined by brute force. It would be an instance of the survival, not necessarily of the fittest, but of the strongest. That would be subversive, not only of all business, but also of law, and of the government itself. The end would be anarchy, pure and simple."

"Once more. Suppose the government should assert the right in the same manner to regulate and control the business affairs of the Carrington Publishing Company, and other business enterprises, how long would the people submit to it? And yet the exercise of such a power by government would be far more tolerable than its exercise

would be by secret organizations, however wise and intelligent such organizations might be; for government is established by the people and for the people, and is responsible to all the people. If it abuses its power, the people have the remedy in their own hands; but if a secret organization, in the management of which the people at large have no voice, abuses its power, if it is not amenable to law, where is the remedy?"

"It is further alleged that another purpose of the defendants was to injure and oppress John E. Skinner and seven other workmen of the Carrington Publishing Company, by depriving them of their employment. What we have already said applies equally well to this purpose of the defendants. The workmen named have just as good a right to work for the corporation as the defendants have, and thus are entitled to the same consideration and the same protection."

"Then there are these further considerations: It is a combination not against capital or employers, but against fellow workmen, men whose earnings are comparatively small, and who, presumably, need all their earnings for the support of themselves and their families. They are ordinarily poor men, and men whose entire capital consists in their trade and time. It is proposed wantonly to deprive them of a livelihood and practically all means of support. . . . "

"It is also a combination of many to improverish and oppress a few. The weaker party needs and must receive the protection of the law. If in any case it is criminal for many to combine to do what any one may lawfully do singly, it would seem that this would be such a case. Numbers can accomplish what one man cannot, evil as well as good; and that is the reason of the combination. The law encourages combination for good, and combinations of workmen to better their condition by legitimate and fair means are commendable and should be encouraged. But combinations for evil purposes, whether by one class of men or another, are detrimental to the public weal and cannot be regarded with favor by the courts. But combinations for good purposes may be perverted, and when their power is sought to be used to harm their

fellowmen, to deprive others of their just rights, then not the combination but the use of it becomes criminal. In such a use there is a large element of wantonness and malice. Any one man, or any one of several men, acting independently, is powerless; but when several combine and direct their united energies to the accomplishment of a bad purpose the combination is formidable. No one man can drive these workmen from their situations; numbers, if allowed their will, may do it. The intention by one man, so long as he does nothing, is not a crime which the law will take cognizance of; and so too of any number of men acting separately; but when several men form the intent and come together and agree to carry it into execution, the case is changed. The agreement is a step in the direction of accomplishing the purpose. The combination becomes dangerous and subversive of the rights of others, and the law wisely says that it is a crime."

"It is no answer to say that the conspiracy was for a lawful purpose—to better their own condition, to fix and advance their rate of wages, and further their own material interest. It is certainly true that they had a right to have such a purpose, and to use all lawful means to carry it into effect. And so a purpose to acquire property is lawful so far as it contemplates lawful means only. But if it contemplates the acquisition of money by murder, theft, fraud, or injustice, the end does not sanctify the means."

"Neither will these defendants be permitted to advance their material interests, or otherwise better their condition, by any such reprehensible means. They had a right to request the Carrington Publishing Company to discharge its workmen and employ themselves, and to use all proper arguments in support of their request; but they had no right to say—'You shall do this or we will ruin your business.' Much less had they a right to proceed to ruin its business. In such a case, the direct and primary object must be regarded as the destruction of the business. The fact that it is designed as a means to an end, and that end in itself considered is a lawful one, does not divest the transaction of its criminality."

"In considering the demurrer we would not overlook

the fact that it is alleged that one object of the defendants was to extort money from the Carrington Publishing Company. It must be conceded that the exaction of money otherwise than by legal means is unlawful in a criminal sense. . . . "

"Neither do we overlook the character and magnitude of this conspiracy, as evidenced by the wholesale boycotting contemplated of the patrons of the Carrington Publishing Company. Perhaps no new or different principle applies to this part of the case. We cannot forbear remarking, however, that it evinces a recklessness and disregard of the rights of others seldom witnessed in business affairs. Assuming, as we do, that these defendants are honest, well-meaning men, it is difficult for us to understand how they could be willing to involve the innocent patrons of the Carrington Publishing Company in embarrassment and possible ruin merely for the purpose of furthering their cause in a controversy in which these patrons were not concerned. *Primâ facie,* such conduct must be regarded as malicious and corrupt."

"We will also notice that it is alleged that the conspiracy contemplated boycotting as a means to the end sought. That word is not easily defined. It is frequently spoken of as passive merely—a let-alone policy—a withdrawal of all business relations, intercourse and fellowship. If that is its only meaning, it will be difficult to find anything criminal."

. . . . . .

"If this is a correct picture, the thing we call boycott originally signified violence, if not murder. If the defendants in their hand-bills and circulars used the word in its original sense in its application to the Carrington Publishing Company, there can be no doubt of their criminal intent. We prefer, however, to believe that they used it in a modified sense. As an importation from a foreign country we may presume that they intended it in a milder sense,—in a sense adapted to the laws, institutions and temper of our people. In that sense, it may not have been criminal. But even here, if it means, as some high in the confidence of the trades-union assert, absolute ruin to the business of the person boycotted

unless he yields, then it is criminal. Instances are not wanting in our own country where the boycott has been attended with more or less violence; and it cannot be denied that the natural tendency is, especially when applied by the ignorant and vicious, to attempt to make it successful by force. It often leads to serious disturbances of the peace and even murder. We are loth, however, to assume that these defendants intended any such consequences. Nevertheless, it is a dangerous instrumentality to use; and if those instigating and resorting to it do not of their own accord take notice of their peril and voluntarily abandon its use, as we sincerely hope they will, the courts at no distant day will be called upon to recognize its dangerous tendency and treat it accordingly."

"From these considerations it is apparent that the purpose of this conspiracy, or the means by which it was to be accomplished, or both, were not only unlawful, but, as some authorities express it, 'were in some degree criminal.' "

"We have carefully examined the evidence in this case and are of the opinion that it is sufficient to sustain the verdict. The only point we regard as debatable is that relating to the purpose to demand money to pay the expenses of the boycott; but we think on the whole the jury were justified in finding that the parties concerned were given to understand that they would be required to pay the expenses. As the boycott never reached such a stage as that such a demand could with propriety be made, there is no direct evidence that there was any intention to make it, but there were abundant intimations that such a demand would be made, and there can be little doubt that such a probability was distinctly presented as an inducement not to prolong the contest."

The balance of the opinion relates mainly to the admissibility of certain evidence, and is omitted.

The following are the opinions of the writer as to the above decision:

There is little to object to in the court's definition of what constitutes a conspiracy, and what a boycott, or in

its declaration of each man's right to carry on his own business in his own way, or in its denial of the right of labor organizations to dictate terms to their employers, or to dictate whom they shall employ. These, as general principles, are accepted. But whether, in this particular case, the evidence was sufficient to justify the decision that a conspiracy existed is open to question. The direct evidence upon which such a decision could be based was meagre. Much indirect evidence that was not at all conclusive was admitted, and, in cases, was given undue weight. For example, the jury was instructed, that from the fact that Glidden and an unknown man were seen walking up and down the street close together, and that from between them boycotting circulars were being dropped, it "might well find that Glidden distributed the circulars."[4] Probably he was guilty of distributing the circulars, but when a man is on trial for conspiracy the court should not instruct the jury to accept probabilities as facts.

During the years 1885-1887 the Knights of Labor movement in Connecticut was at its zenith. The order grew in numbers very rapidly. Outsiders knew little of them and they were thought to be much stronger than really they were. They took a deep interest in legislative matters, and both the Democratic and Republican parties were bidding for the labor vote. They took advantage of this opinion as to their supposed strength and not only made demands of the political parties for labor legislation, but were active in their demands upon employers for better conditions for the laborers. Their favorite weapon when the employer refused to accede to their demands was to threaten the boycott. The files of the daily papers for these years show that they made frequent use of this weapon. The Knights of Labor were a new and

[4] 55 Conn., 79.

secret force the growing power of which, together with the demands made by the organization, was the cause of much alarm. Did not the Court partake of this alarm and was it not influenced by it in rendering the above decision? The following quotations from that decision indicate that it may have been so influenced:

" . . . The times in which we live seem to require a more extended examination of the subject."

"The principle [of labor unions dictating] if it once obtains a foothold, is aggressive and is not easily checked. It thrives on what it feeds on, and is insatiate in its demands. More requires more. If a large body of irresponsible men demand and receive power outside of law, over and above law, it is not to be expected that they will be satisfied with a moderate and reasonable use of it. All history proves that abuses and excesses are inevitable. The exercise of irresponsible power by men, like the taste of human blood by tigers, creates an unappeasable appetite for more."

" . . . But if a secret organization, in the management of which the people at large have no voice, abuses its power, and is not amenable to law, where is the remedy?"

"Nevertheless it [the boycott] is a dangerous instrumentality to use; and if those instigating and resorting to it do not of their own accord take notice of their peril and voluntarily abandon its use, as we sincerely hope they will, the courts at no distant day will be called upon to recognize its dangerous tendency and treat it accordingly."

The other case of particular interest in this connection is "The State of Connecticut *v.* Orrin J. Stockford, *et al.*," or, as it is more commonly known, the "Teamsters' Case." This case arose in 1903, very nearly twenty years after the decision of the pioneer Glidden case, yet there is no essential change in the view of the Supreme Court

as to what constitutes a criminal conspiracy under the Connecticut statute.

State of Connecticut *vs.* Orrin J. Stockford *et al.* } Supreme Court of Errors, Third Judicial District, June Term, 1904.[5]

"Prosecution for conspiracy, brought to the Superior Court, in New Haven County, and tried to the jury before Shumway, J.; verdict and judgment of guilty, and appeal by the defendants. No error."

"The information contains six counts charging conspiracies to injure as many different parties, each of which is alleged to have been committed by the eight named defendants."

"In the first three counts the defendants are described as being the officers, agents and members of an association or labor union, known as 'Local 340 of the Team Drivers' International Union,' and in the remaining counts as the officers, agents and members of a labor union known as 'Local No. 483 Carriage Drivers' Union of the City of New Haven, Connecticut.' "

"The first count charges that said defendants and other unknown persons on the 18th of April, 1903, unlawfully and maliciously conspired and agreed together to compel The Peck & Bishop Company, a corporation located in New Haven, and engaged there in the business of trucking, etc., in New Haven, and employing a large number of teamsters, who were members of said 'Local 340,' and the officers and agents of said Peck & Bishop Company, against their will, to execute and enter into the following agreement with said association and the members thereof:

'AGREEMENT BETWEEN THE MASTER TEAMSTERS OF THE CITY OF NEW HAVEN AND VICINITY AND THE MEMBERS OF LOCAL 340 OF THE TEAM DRIVERS' INTERNATIONAL UNION.

Article I. Party of the first part agrees to employ as teamsters none but members of Local 340, or those who are willing to become members at the next regular meeting.

[5] Reported in 77 Conn., 227 (1904).

Article II. It is further agreed that no objections shall exist on the part of the employees to the conditions of this contract for a stipulated time from date herein named.

Article III. Each and every member of Local 340 shall be treated in a fair and impartial manner, and shall suffer no persecution because of his union principles, or affiliation with organized labor.

Article IV. This Local shall at all times have at heart the interest and welfare of its employer's business, and every member is expected to acquit himself in an honorable and straightforward manner, leaving as little as possible for criticism.

Article V. If any employer becomes dissatisfied with the services of any member of this Local, such member shall be given a chance to hear charges by employer, and shall be heard in his own behalf before dismissal; and any member found guilty of violating this agreement shall be fined, suspended, or expelled from Local 340, according to the option of the Local.

Article VI. Ten hours to constitute a day's work.

Article VII. All members driving one horse shall receive not less than $10.50 per week, six days to constitute a week's work. Two horse drivers shall receive not less than $12 per week, six days to constitute a week's work. Four horse drivers to receive not less than $13.50 per week, six days to constitute a week's work. All members to receive time and one-half for all over-time.

Article VIII. Under no circumstances will any member of Local 340 work July 4, Labor Day, or Christmas, unless absolutely necessary.

Teams to be taken care of on such days free of charge, if necessary. If members of Local 340 work on said holidays they shall receive double time for same.

Article IX. This agreement to remain in effect for the term of one year from the 1st day of May, 1903, unless altered by the consent of both parties affected.

. . . . . .

For Local 340.'

"It is further alleged in the first count that as a part of said conspiracy the defendants agreed together upon the

following unlawful methods and means by which to accomplish said purpose of the conspiracy: (1) That the defendants and their unknown associates would cause, induce and persuade all the employees of The Peck & Bishop Company to strike, and leave the employment of said company; (2) That they would place pickets near the places of business of said company, who would by threats, intimidation and persuasion prevent persons from continuing or entering into the employment of said company; (3) That they would threaten and intimidate the business customers of said company and force and compel them to give up all business relations with said company; (4) That they would by threats, intimidation and persuasion, compel the members of said association, and of other associations and labor unions, to refrain from employing said company and from employing or trading with those who employed said company; (5) That they would prevent said company from carrying on its business and would ruin and destroy the business and property of said company; and that in pursuance of said conspiracy the defendants and their said associates performed said acts so agreed upon as the methods of accomplishing the purpose of said conspiracy."

The remaining five counts with minor changes are similar to the first count excepting that the names of five livery firms of New Haven appear in the place of the name The Peck & Bishop Company in the first count.

"It appears from the finding that the State offered evidence tending to prove all these allegations, and to show that the team owners described in the first three counts, and liverymen described in the last three counts, having refused to sign said agreements, the acts, described in the information as the methods and means adopted to accomplish the purpose of the alleged conspiracy, were performed and carried out by the defendants and their associates, and that the defendants offered evidence to show that said allegations were not true and that neither they nor other officers or members of the union ever instructed any pickets to in any way interfere with the employees of said team owners and liverymen, or to use any threats,

intimidations or violent methods, but instructed them, that without using any violence or stopping them from their work, they might persuade non-union men to join the union."

"The State having offered evidence that the defendants and other members of the unions, had, after the commencement of the strike, endeavored, by threats, to prevent customers from further patronizing said team owners and liverymen, one Norton, an employee of The Peck & Bishop Company and familiar with its business, and one Donnelly, secretary of the Smedley Company, were permitted to testify as to the number of customers lost by said companies respectively, after the strike, against the objection of the defendants that it did not appear how said customers were lost."

"Alfred Coolman, a teamster of The Peck & Bishop Company, testified that he ceased work the first week of the strike and then resumed work; that afterwards he saw twenty-five or thirty teamsters wearing the union button, some of whom insulted and threatened him; that on one occasion a crowd of twenty or more teamsters hooted and yelled at him as he was driving a team of The Peck & Bishop Company, and three of them, who wore the union button, stopped him and talked of 'pulling him off the wagon and smashing him' and told him they would get even with him; that on another occasion while the witness was driving a wagon for said company, one Taylor, a teamster, who, it had been shown, belonged to the union, and had worked for The Peck & Bishop Company, and had, at least on one other occasion, interfered with the teams of the company, said to the witness, 'If I had you out of the wagon here I would break your bloody head and I will do it yet'; that one night while the witness was acting as a watchman for The Peck & Bishop Company, about a week after said remark of Taylor, some one shot at him, and that 'he felt the wind of it' and one of the bullets struck a wire on a bale of hay against which the witness was leaning. This testimony was received against the objection of the defendants that the shooting had not been connected with any union man."

"William Talmadge, one of the defendants, having testified on behalf of the defendants, that he was president of Local 340, and assisted in preparing the form of said agreement, that he was the business agent of the union, and presided at its meetings, and that the men were instructed not to interfere with or annoy any one, was asked on cross-examination, after he had testified that he was present at the meeting when the strike was ordered, if he did not understand that the purpose of calling out the men from those concerns and individuals, who had refused to sign the agreement, was to cripple them in their business. The witness answered, 'I knew that if they did not sign that agreement the men would be called out. That was the object of calling the men out, naturally.' This evidence was admitted against the defendants' objection that it was immaterial and improper and called for the witness' construction of an act of the union. The same witness was asked if it was not the purpose, as he understood it, that his branch of the union should be in absolute control of all the teamsters employed in New Haven. He answered that he could not state they controlled them all. The defendants' general objection to this question and answer was overruled."

"Peter Flynn, one of the defendants, having testified in behalf of the defendants that he was secretary of Local 340, that he appointed pickets and instructed them as to their duties, and that they should use no violence, and that they were so instructed at the meetings of the union, but that instances of violence had come to the knowledge of himself and other officers of the union, and having testified on cross-examination that as secretary he had employed counsel to defend men who had been arrested for using violence, was asked on cross-examination who paid such counsel. The witness answered, 'The Union.' Defendants' objection to said question and answer were overruled by the court."

"The defendant Cornelius testified upon direct examination as to instructions given to union men to use no violence, and, on cross-examination, that he had no knowledge of anyone interfering with one Joseph Kinney by insulting or abusive language or otherwise, excepting as

he had read of it, and that he did not so interfere with him and insult him. He was thereupon asked by the State's attorney if he was not the person convicted in the Court of Common Pleas of having on the 17th of May, 1903, committed a breach of the peace in New Haven streets upon said Kinney. In connection with this inquiry the State offered the record of such conviction, the defendants having before objected to the question, whether the witness had been convicted of using violence during the strike, upon the ground that the record was the best evidence. The court admitted said inquiry against the defendants' objection."

. . . . . .

Decision: Hall, J.:

"The information alleges a combination of the defendants and others; the purpose to be effected by the combination; the acts by which that purpose was to be accomplished, and the performance of such acts. . . . By these allegations but a single offense is described in each count, namely, a criminal combination to procure a certain agreement to be signed by certain described methods."

"A combination of persons for the accomplishment of a particular object may be criminal, either because the object itself is criminal in its character, or because the means by which that object is to be effected are criminal. State *v.* Gannon, 75 Conn., 206, 210."

"The agreements which the defendants sought to have signed contain no provisions which are contrary to the criminal law of this State, and if the only purpose of the combination was to procure these agreements to be entered into in order to advance the legitimate interests of the employees of the team owners and liverymen, without the view of injuring the business and property of their employers, such purpose was not criminal."

"If the alleged purpose of the combination was not criminal, were the methods to be pursued criminal? It is alleged that the defendants maliciously conspired to compel the employers to sign the agreements. It is not alleged that it was intended to directly threaten the employers to induce them to sign the agreements, nor does

it appear that they were directly threatened. The information states how they were to be compelled—and we think it is in effect alleged that they were to be compelled only by the particular methods described in the information—the first of which is by inducing the workmen, by concerted action, to strike and leave the employment of the employers named. Such a strike may be lawful, or it may be unlawful and criminal. Whether it is lawful or not depends upon its object and the manner in which it is conducted. A combination to cause a strike for the purpose of injuring and destroying the business and property of another or depriving another of his liberty or property without just cause, is both unlawful and criminal. 1 Eddy on Combinations, Sec. 521 *et seq.;* Old Dominion S. S. Co. *v.* McKenna, 30 Fed. Rep., 48; Arthur *v.* Oakes, 63 *id.,* 310; Plant *v.* Woods, 176 Mass., 492, 498; State *v.* Stewart, 59 Vt., 273; State *ex rel.* Durent *v.* Heugin, 110 Wis., 189; Doremus v. Hennessy, 176 Ill., 608; State *v.* Glidden, 55 Conn., 46, 71. A combination which contemplates the use of force, threats, or intimidation, to induce workmen to abandon together the service of their employers, is criminal (authorities above cited), and a combination for that purpose is also criminal because it is to induce the commission of an offense which is made criminal by statute."

"Workmen may lawfully combine to accomplish their withdrawal in a body from the service of their employers, for the purpose of obtaining an advance in wages, a reduction of the hours of labor, or any other legitimate advantage, even though they may know that such action will necessarily cause injury to the business of their employers, provided such abandonment of work is not in violation of any continuing contract, and is conducted in a lawful manner, and not under such circumstances as to wantonly or maliciously inflict injury to person or property. 1. Eddy on Combinations, § 521; Rogers *v.* Evarts, 17 N. Y. Supp., 264; Farmers Loan & Trust Co. *v.* Northern Pacific R. R. Co., 60 Fed. Rep., 803."

"A combination to use the second, third and fourth alleged methods of obtaining the execution of the agreements is a combination to compel workmen and others,

by threats and intimidation, to refrain from doing that which they have a legal right to do and is criminal. The use of such means is made a criminal offense by § 1296 of the General Statutes, which provides that 'every person who shall threaten, or use any means to intimidate any person to compel such person, against his will, to do or abstain from doing any act which such person has a legal right to do, or shall persistently follow such person in a disorderly manner, or injure, or threaten to injure, his property with intent to intimidate him, shall be fined not more than one hundred dollars, or imprisoned not more than six months'."

"A combination to use the fifth alleged means, by preventing such employers from carrying on business and ruining and destroying their business and property, is equally criminal, both at common law (see authorities above cited) and under the statute quoted."

"The language or conduct which will constitute the unlawful use of threats or means to intimidate, need not be such as to induce a fear of personal injury. Any words or acts which are calculated and intended to cause an ordinary person to fear an injury to his person, business or property, are equivalent to threats. State *v.* Donaldson, 32 N. J. L., 151; Barr *v.* Essex Trades Council, 53 N. J. Eq., 101; Crump *v.* Commonwealth, 84 Va., 927; Rogers *v.* Evarts, 17 N. Y. Supp., 264; O'Neill *v.* Behanna, 182 Pa. St., 236."

"Upon the trial of the present case the contest appears to have been upon question of fact rather than of law; upon the question of whether violence, threats and intimidation were the means used and directed by the defendants to be used, rather than whether proof of those facts was necessary in order to convict. The evidence is not before us, but the record shows that witnesses testified that pickets were instructed in open meetings by several of the defendants to use violence to prevent workmen from continuing in the employ of the team owners and liverymen, and that such instructions were obeyed."

"The court instructed the jury that the information charged a criminal conspiracy, and properly defined that offense, in the language of the opinion in State *v.* Gannon,

75 Conn., 206; that the right of the defendants and others to strike, or leave the service of their employer singly or in a body, even though they believed that the result of such action would be to bring the business of their employers temporarily to an end, and the right to meet together and counsel such action, were unquestioned; that if the only purpose of the strike was to procure better pay or shorter hours, the purpose was a lawful one, but that the defendants had no right to combine to accomplish such purpose by means of a crime; that if the real purpose of the strike was to ruin the employer's business by threats and intimidation it was unlawful, and that a conspiracy for that purpose was a crime; that the stationing of pickets for the purpose of obtaining information as to the extent of the business of the person whom the picket was directed to watch, was not unlawful; that it might be lawful to attempt to induce another to leave his employer's service by fair arguments, and, also, perhaps, to station pickets to ascertain how such persons might be reached and lawful means employed to induce them to leave their employers' service; that it was the right of members of these unions and other drivers to refuse to drive their carriages at any time and was lawful for the defendants to solicit the business which was being done by said team owners and liverymen, and to induce their customers by fair means to employ the defendants and their friends; but that a combination to do these things by threats and intimidation was a criminal combination, and that the placing of pickets to induce one to leave his employer's service by threats and intimidation was unlawful; but that the defendants should not be convicted for what some one else had done, but only for what they had themselves done; that the words 'threat' and 'intimidation' had their ordinary meaning in a statute, and that for the purpose of this case a threat was a menace of such nature as to unsettle the mind of the person upon whom it operated."

. . . . . .

"There is no error."

"In this opinion the other judges concurred."

These two decisions have determined what, legally, labor organizations may do and what they may not do.

They may combine to demand higher wages and better conditions, and if these are not granted they may strike; but they cannot combine to injure the employer's business, or to secure the acceptance of their demands by threats or attempts to injure it. They may withdraw their services and patronage from an employer, but they must not use force or intimidation to induce other patrons to do likewise. They may picket an employer's place of business and they may persuade and induce his employees to leave his service, but they have no right to use force, threats, or intimidation as such means of inducement, or to dictate to an employer whom he shall employ. In short the unions, lawfully, may make any reasonable demands of employers and may use all peaceful means to secure their fulfillment, but they must in no case resort to force, threats or intimidation.

The construction by the courts as to what actions or words constitute conspiracy, boycott, threats and intimidation and as to what evidence is admissible as proving such has been rigid; but probably not too much so for the best interests of the public or for that of the unions themselves. They are still able to go to reasonable lengths to secure the acceptance of their demands. In the past they have lost more than they have gained by going farther.

Organized labor has been trying since the Glidden case in 1886 to get the conspiracy act amended or repealed, but without success. The boycott in any extreme form is unpopular. The present law restrains the unions from resorting to violence and destruction of property as means of furthering their ends, and, in this respect at least, meets popular approval.

Blacklisting. — The conspiracy law restricts unions from going to extremes in strikes and boycotts. Does it render them unequal in their controversies with their

employers and place them at the mercy of these employers? This depends upon whether like or equal restrictions have been placed upon the employers.

That, in practice, the conspiracy law is not equally restrictive upon employers and employees cannot be disputed. A boycott to be effective must be somewhat general. To make it so agitation through the press or otherwise is necessary. It thus becomes more or less public, and a conspiracy of employees or unions to boycott their employers can be discovered and traced to its instigators easily. It is otherwise with a conspiracy of employers to blacklist their employees. Its success does not require agitation or publicity, but the reverse. Knowledge of it can be confined to the conspirators. Overt acts are uncalled for. Such a conspiracy is not easily detected, and when detected it is almost impossible to secure evidence that will secure conviction. Then the employee, or his union, is less able to bear the expense of a suit than is the employer.

The writer has learned of but one case in this State in which an employee brought suit against his employers for a conspiracy to blacklist him. This case arose in 1886 and was said to be the first of its kind in the whole history of American jurisprudence.[6] The superintendent of the New Haven and North Hampton Railroad Company, and the assistant superintendent of the New York, New Haven and Hartford Railroad Company, were charged with and found guilty of a conspiracy to blacklist an employee who voluntarily had left the employment of the New Haven and North Hampton Railroad Company in what the superintendent called "a mean way," and had secured employment with the New York, New Haven and Hartford Railroad Company. After a few days' work in his new position the man, Thomas F. Meany,

[6] *New Haven Evening Register,* January 8, 1887.

was laid off, not because his work was unsatisfactory, "but solely because there was a mutual agreement between the defendants that a man not approved by one should not be employed by their respective companies, so far as they had control."[7] "The Court held[7] that the defendants had a common design to hinder the complainant from doing his work and earning his pay; not for good reasons connected with his immediate employment, but for reasons originating 'from excessive courtesy' between them, and which would not have been put into operation except for said mutual understanding, which was to all intents and purposes a 'boycott' upon the individual who was the subject of the conspiracy."[8]

In the trial court the judge apologized for finding his distinguished prisoners guilty and fined them $50 each and costs.

After the decision of the Glidden case, and particularly after the decision of this case, labor unions recognized their practical inequality before the law, and began agitation for a blacklist law that would restrict employers as closely as the conspiracy law restricted them. Led by the Connecticut Branch of the American Federation of Labor, they made a fight in 1895 for the passage of a blacklist law. They presented and advocated to the Committee on Labor the blacklist law of Colorado. A substitute bill (H. B. 620) was recommended by the Committee, but it was amended in the House and was finally indefinitely postponed because the labor union men thought the amendment destroyed the purpose of the bill. In 1897 the Colorado law, with minor changes, was again proposed by the Legislative Committee of the Connecticut

[7] State *v.* Opdyke, *et al.,* Wright on Criminal Conspiracy and American Cases, by Carson, p. 176, 1887.

[8] Case not found in any of the court reports. See previous reference and the *New Haven Evening Register,* 1886, Nov. 30, Dec. 1, 10 and 21; 1887, Jan. 8.

Branch of the American Federation of Labor. The bill passed was scarcely a good digest of the Colorado law. It provides (1897, ch. 184, and 1902, G. S. sec. 1298) that:

"Every employer who shall blacklist an employee with intent to prevent such employee from procuring other employment shall be fined not more than two hundred dollars."

The law leaves it for the courts to decide what constitutes blacklisting. They have not done this. The only penalty is a fine not exceeding $200, while in the case of the conspiracy act the penalty is a fine not exceeding $100 or imprisonment in the county jail not exceeding six months. If the act prohibiting blacklisting is to restrict employers as much as the conspiracy act restricts employees, the penalties for violation should be the same. In practice the act has been of little use. Conviction of an employer is almost as difficult under it as under the conspiracy act. Usually, to convict, a conspiracy must be shown to exist. The law makes no provision for the punishment of *attempts* to blacklist. These can only be reached under the conspiracy law.

Even with this law against blacklisting the employees are not, in this respect, on an equal footing, both legally and practically, with their employers. Whether the more close restrictions are made necessary because of a greater tendency on the part of employees and their unions to go to extremes and infringe upon the rights of others is a question we are not called upon to answer in this study. The following paragraphs show that the restrictions upon employers have not been rigid enough to prevent abuses by them.

The case (State *v.* Opdyke *et al.*) in which two railroad superintendents were convicted of a conspiracy to boycott a workman has been referred to. Complaints of

understandings between employers for blacklisting purposes were made to the Bureau of Labor Statistics in 1888.[9] The report of the same bureau, for 1890 (p. 27), in speaking of the opinion of laboring men that they were being blacklisted, says:

"Their idea is illustrated by the agreement on the part of employers that they will not employ a laboring man or woman discharged from another employer in their line, or who leaves such employer without his consent and approval. It would be difficult, perhaps impossible, to find recorded evidence of such agreements. The interested parties would not be likely to permit them to come to the eye of the public. That such agreements do exist, and that they are practically carried out, is undoubtedly true."

The Report of the Legislative Committee of the Connecticut Branch of the American Federation of Labor, 1895, says:[10]

"The passage of the weaver's bill was advocated by men who are blacklisted by the manufacturers for reasons of their protests on unjust fines. . . . They also exhibited by written and printed evidence the system of blacklisting carried on by the manufacturers of Rockville, and proved beyond a doubt that they themselves were victims of that disreputable practice and were compelled to seek other employment in order to earn a living."

In 1904 was organized in Hartford what is now the "Manufacturers' Bureau of Hartford County." Its object, as read from its constitution by its secretary, is to assist employers in securing desirable help and to assist worthy employees in securing employment. There are thirty factories in the association. According to the secretary no fee is charged for furnishing employment. Briefly, the plan is this: The card system of records is used. The applicant for work fills out a comprehensive

[9] Report Conn. Bureau of Labor Statistics, 1888, p. 31.

[10] Report of Annual Convention of Connecticut Branch of American Federation of Labor, 1895, p. 57.

information card. This is filed. When an employer wants help he informs the bureau, and it furnishes the hands. When the applicant for work is placed, a card showing where he is employed, his wages, etc., is filled in the employment office. Should he leave this employment a leaving card, of which the following is a copy, is at once sent to the bureau and is there filled.

NOTICE.

Fill out blank on reverse side of this card *immediately* should any workman

LEAVE YOUR EMPLOYMENT.

Be careful to give cause for discharge or his reason for quitting if possible, and also rate paid him. Mail at once to

Manufacturers' Bureau of Hartford County,
Arthur E. Corbin, Secretary,
847 Main St., Room 38,
Hartford, Conn.

(Quit Card.) (Over)

Reverse Side of Card.

Clock No.....
name.....
address.....
.....
Has this day LEFT our employ.
Discharged, quit or laid off?.....
Rate paid.....
Cause .....
Ability?..... Steadiness?.....
Firm Name.....
Date..... per.....
(See instructions on the other side.)

By this card system the bureau keeps track of a man

and his record from the time that he first applies for employment. Should he leave one firm of the association and apply to another for work, it is said that the latter communicates with the bureau immediately and gets the man's record.

Such a bureau may be effective of much good, or of much evil. If properly administered it may be very effective in furnishing employers with desirable help and in securing employment for worthy employees. On the other hand it places in the hands of employers the most effective information and machinery for blacklisting employees. If it is used for this purpose, as union men think it sometimes is, it can be effective of much harm. It may be tantamount to saying that if an employee dissatisfies one employer of the association he cannot work for any of the others. The injustice of such an assertion is evident. At best the system places the applicant for employment at a disadvantage by informing his prospective employer what wages he received at his last place; and knowledge of the employee's past record may unjustly prejudice a new employer against him.

There is a bureau in Bridgeport similar to the one in Hartford. Others are said to be located at Springfield, Boston and Worcester (in Massachusetts), and New York. These, according to the secretary of the Hartford bureau, are loosely associated through their secretaries.[11]

The following words of Commissioner Hadley make a fitting conclusion for this chapter:

"Blacklisting by a combination of manufacturers corresponds to boycotting by a labor organization. Both are fighting measures. Both are liable to abuse, each in the same way. Each becomes an instrument of industrial tyranny the moment it is thus abused. A man who advo-

[11] Union men say these associations are members of a larger association, the "Parry Association," or National Association of Manufacturers, with its headquarters at Cincinnati, Ohio.

cates blacklisting has no right to complain if he is boycotted. A man who advocates boycotting has no right to complain if he is blacklisted. But the community cannot safely endure the irresponsible exercise of either system."[12]

[12] Report Conn. Bureau of Labor Statistics, 1885, p. 78.

CHAPTER VI.

FREE PUBLIC EMPLOYMENT BUREAUS.

Along with the growth of the factory system in the United States, and the rise of a wage-earning class, has arisen the problem of unemployment. A new invention, the closing of a factory, or a slight trade depression may throw hundreds of workmen out of employment. They are dependent upon their daily wages for bread and must have new employment or suffer. On the other hand, the introduction of an additional process, the building of a new factory, or more prosperous trade may call for additional helpers. Unless the employer finds the needed workmen, and unless the unemployed workmen find employment, there is an economic loss, not only to the employer and the workmen, but to society at large. Often these two parties will not find each other without the assistance of an intermediary agent. To supply this need private intelligence offices have sprung up all over the country, and many of the States, including Connecticut, have established free public employment bureaus.

Before beginning a discussion of the Connecticut bureau it may be well to inquire whether these States were justified in establishing free public employment bureaus. For this purpose we may divide that part of the population that has no means of support, except through its labor, into the following classes:

1. The employed,
2. The unemployed,
3. The unemployable.

Plainly the employed have no need of a bureau, public

or private. Neither have the unemployable—the men and women who are so weak mentally or physically as to be unfit for any labor. Those of the second class are the only ones who have any need of employment bureaus. What part of this class has need of a free public bureau? Evidently those who have the intelligence and means to secure employment, either through their own efforts or with the assistance of a private bureau, have no pressing need for a free public bureau. In fact, such a bureau, by rendering them less dependent on their own resources, may prove to be a harm rather than a benefit to them.

Between the unemployable—who are objects for charity, public or private,—and those who are capable and should be forced to carry on an independent existence, there is a large number of people who, because of old age, destitution, ignorance, loss of hope, lack of self-confidence, etc., are hovering between independence on the one hand and poverty and charity, or crime, on the other. They are employable but unable of themselves to secure employment. This is the class that needs the assistance of a public employment bureau. This class should not be permitted to fall to the class of the unemployable. If they are not employed there is a great waste of labor power, as well as much suffering, increased pauper expenses, and other grave social evils. It is to the interest of society to get them at work. Do they constitute a large enough portion of the unemployed to justify the institution of employment bureaus for this purpose?

A free public employment bureau is a tax upon all, while comparatively only a few—the employers and employees who patronize it—receive a direct benefit. Is the indirect benefit to society as a whole great enough to justify the imposition of this tax? As has been said, only that part of the unemployed which, without public assistance, would fall into the class of the unemployable, con-

stitutes an employment problem which it is the duty and interest of the State to solve. Unless the State is to enter upon a socialistic régime, there is no reason why it should enter into competition with private agencies in securing employment for the others.

We have no way of determining the number of such unemployed persons in Connecticut at the time of the establishment of its bureaus in 1901. In 1902 the bureaus secured 7,679 positions. Doubtless many of these applicants were repeaters. As all applicants were received, many of them would not fall within the limits of the problem as we have defined it. The number that would do so, after making proper allowances, probably did not exceed 2,500 different persons. If we divide the entire cost of maintaining the bureaus[1] among these 2,500, we find that, if our estimates are fair, it cost the State approximately four dollars each to furnish situations for them for one year. This, of course, is but a rough estimate. If it even approximates the truth, the State could well afford the outlay, to prevent these 2,500 people, or any large proportion of them, from falling, even for one year, into the unemployable class.

In the opinion of the writer the establishment by the State of free public employment bureaus, which will be patronized by only a small proportion of the people but supported by all, must be justified by the reasons given in the previous paragraphs. However, in Connecticut and in many of the other States, there was another reason which was urged as strongly as any of these and which probably had as much influence in securing their establishment. This was the corruption in the existing private agencies. Their corrupt practices were sufficient reason to license and regulate them, but hardly sufficient to justify the establishment of free public bureaus.

[1] This was $9,894.13, in 1902.—Report Comptroller, 1902, p. 115.

In 1900 there were forty-four private employment agencies in Connecticut. Corrupt practices were common among them.[2] Often exorbitant fees were charged whether employment was furnished or not. They preyed upon the ignorant and helpless and often took their last dollar without securing them employment. The Report of the Bureau of Labor Statistics, 1900 (pp. 192, 193), says:

"Many of the private institutions are so notoriously selfish that great wrongs are done the employers and employees. . . . It is a matter of common knowledge that the private intelligence offices take the last dollar a poor unemployed person has, send the party to some place which is in collusion with the office, the employment hunter is told that the vacancy there has just been filled and help no longer is needed, and the victim has lost his money and his pains."

These private offices were conducted for profit, with little heed to the public good. Their fees were high, their service poor.

The Commissioner of the Bureau of Labor Statistics, in his reports for 1899 and 1900, advocated strongly the establishment of free public bureaus. The law establishing them was passed by the legislature of 1901. There was no opposition to the bill. It was endorsed generally by the people of the State, and the labor organizations presented to the General Assembly 115 petitions favoring it.[3] The law (ch. 100) provided for the establishment of a free public bureau in each of the cities of New Haven, Hartford, Bridgeport, Norwich and Waterbury, to be under the supervision of the Commissioner of the Bureau of Labor Statistics, who was authorized to appoint superintendents for them, and fix the salaries of the

[2] Reports Conn. Bureau of Labor Statistics, 1899, 1900.

[3] Report Annual Convention Conn. Branch of American Federation of Labor, 1901.

same. The total expense for each bureau was limited to two thousand dollars a year.

The other sections of the act (secs. 2-10) relate to the licensing of private agencies. An employment agency (sec. 2) is defined as any agency where a fee is received for procuring a situation of any kind, or for procuring or providing help for any person, except procuring employment for school teachers. No person (sec. 3) is permitted to carry on such an employment agency unless he shall be licensed by the Commissioner of the Bureau of Labor Statistics. The license fee is ten dollars for the first year and five dollars for each succeeding year. Each licensee (sec. 4) is required to give bond in the penal sum of five hundred dollars for his faithful compliance with the act. He must (sec. 5) keep a register of all applicants for work, and of all applicants for help, and such register must be open to the inspection of the Commissioner of the Bureau of Labor Statistics or his agents. The fee for procuring employment must not exceed two dollars (sec. 6). A receipt must be given the applicant for this fee and, in case he does not procure employment through the agency within one month, it must be returned to him on demand. No such licensed person shall send any female to any place of bad repute, or publish any false notice, or give any false information concerning employment, or make false entries in his register (sec. 7). The Commissioner of the Bureau of Labor Statistics is required to look after the enforcement of the act and report violations to the proper prosecuting officer (sec. 8). Violations are punishable by a fine not exceeding one hundred dollars.

In the revision of 1902 (G. S. secs. 4608-4614) the law is unchanged, except that the provision of the law of 1901 which exempted from the law agencies engaged in procuring employment for school teachers is omitted.

This exception was re-enacted in 1905 (ch. 148). It is not possible to procure such positions for the two dollar fee to which the licensed agencies are limited. In 1903 (ch. 33) the Commissioner of the Bureau of Labor Statistics was authorized to establish branch public employment bureaus under the direction of the five established bureaus. None such have been started.

While the good work done by the free public employment bureaus has justified their establishment, there has always been a lack of general public interest in them and their work. They have not been liberally patronized by those looking for employment or by those looking for help. Manufacturers, especially, have refused to patronize them, and consequently they have placed comparatively few shop hands and mill operatives. The lack of interest on the part of the employing public no doubt has been due largely to ignorance of the existence and work of these bureaus. The law provides for only one man at each office. His time is taken up with the routine office work, and he has little time to visit employers personally, and interest them in the work of the bureau. The lack of patronage by manufacturers is doubtless due largely to the classes of help that can be furnished by the bureaus. But few skilled workmen apply to them for situations, and hence they can seldom furnish the class of help most needed by the factories. Then, in the case of women servants and farm hands, it must be remembered that those who are most frequently out of work and those who have the greatest need for the assistance of an employment bureau are not, as a rule, the most desirable class of help.

The following table shows the number of applications for situations, the number of applications for help, and the number of positions secured by the five bureaus for each of the years 1901-1905:

OPERATION OF THE FIVE FREE PUBLIC EMPLOYMENT OFFICES OF CONNECTICUT, 1901 TO 1905.[4]

	1901 (Five Months)	1902	1903	1904	1905
Situations wanted :					
Males,	2,820	6,761	6,165	5,350	4,504
Females,	2,922	7,437	7,043	7,374	7,227
Total,	5,742	14,198	13,208	12,724	11,730
Help Wanted :					
Male,	1,137	3,268	3,306	2,667	3,256
Female,	2,733	7,698	7,422	6,616	6,860
Total,	3,870	10,996	10,728	9,283	10,116
Positions Secured :					
Males,	1,083	2,873	3,013	2,506	2,994
Females,	2,058	4,806	5,167	5,369	5,700
Total,	3,141	7,679	8,180	7,875	8,694

It will be noticed that the number of applications for situations by males has declined rapidly, while the number of applications by females has remained more steady. There has been a gradual decline in the total number of applicants. Over two-thirds of the requests for help have been for females. The total number of such requests, on the whole, has been declining gradually. Almost two-thirds of the positions secured have been for females.

Such figures must be interpreted with care. The decline in the number of applications for situations and for help does not necessarily indicate a loss of confidence in the bureaus on the part of the public, or inefficiency of the bureaus. Such a decline may be due largely to the continued prosperity, and to the present stability of industry in the State, both of which have decreased the need of employment bureaus.

The following table shows that there has been but little change in the percentage of applicants for whom situations were secured. It shows, also, that places can be

[4] Reports Conn. Bureau of Labor Statistics, 1901, p. 232; 1902, p. 557; 1903, p. 481; 1904, p. 493; 1905, p. 205.

found for females much more readily than for males. The percentage of applicants to whom help was furnished shows a healthy increase.

SITUATIONS SECURED AND HELP FURNISHED, BY PERCENTAGE OF APPLICANTS.[5]

Year	Situations Secured			Help Furnished
	Male	Female	Total	
Five Months 1901,	38.40	70.43	54.7	81.16
1902,	42.49	64.62	54.8	70.00
1903,	48.00	73.00	62.0	76.25
1904,	46.84	72.81	61.89	84.83
1905,	66.47	78.88	74.12	85.94

The next table, giving the number of situations secured in certain occupations, shows that the work of the bureaus is confined very largely to securing situations for the different classes of women servants and for farm hands. Over eighty-one per cent. of the situations furnished women have been in these servant positions. Only four per cent. of the women placed have been shop hands. Almost thirty-six per cent. of the males placed have been farm hands. Only a small per cent. of the positions secured have been for laborers and shop hands.[6] The three classes, farm hands, laborers, and shop hands, com-

[5] Reports Conn. Bureau of Labor Statistics, 1901, p. 232; 1902, p. 557; 1903, pp. 473, 474; 1904, p. 493; 1905, p. 205.

[6] In 1903 11.3 per cent., in 1904 10.2 per cent., and in 1905 14.1 per cent. of the situations secured for males were as machine hands or at other factory work.—Report Conn. Bureau of Labor Statistics, 1905, p. 198.

prise over fifty-two per cent. of all males securing employment through the bureaus.[7]

SITUATIONS SECURED.[8]

Male:	1901.[9]	1902.	1903.	1904.	1905.
Farm hands	343	886	1,098	1,086	1,070
Per cent of total for year	31.7	30.8	36.4	43.3	35.7
Laborers	158	165	194	210	387
Per cent. of total for year	14.6	5.7	6.4	8.4	12.9
Shop hands	56	324	157	155	257
Per cent. of total for year	5.2	11.3	5.2	6.2	8.1
Total number	557	1,375	1,449	1,451	1,714
Per cent. of total for year	51.5	47.8	48.0	57.9	57.3
Female:					
Chambermaids	34	97	199	161	84
Cooks	183	409	416	449	375
General housework	1,110	2,311	2,290	2,453	2,465
Housekeepers	52	163	154	120	126
Kitchen help	127	231	219	257	417
Laundresses	55	178	181	340	356
Second girls	70	241	195	134	217
Waitresses	155	382	443	456	501
Total number	1,786	4,012	4,097	4,370	4,541
Per cent. of total for year	86.8	83.5	79.3	81.4	79.7
Shop hands	49	173	157	229	315
Per cent. of total for year	2.4	3.6	3.0	4.3	5.5

Although Connecticut is primarily a manufacturing State and although the large mass of her laboring people are employed in the different manufacturing industries, the above table shows that the free public employment

[7] "Since July 1, 1901, when the offices were first instituted, situations have been secured for 48.71 per cent. of the male, 72.18 per cent. of the female and 61.75 per cent. of all applicants for employment. During the same period help has been furnished to 78.93 per cent. of all applicants for the same."—Report Conn. Bureau of Labor Statistics, 1905, p. 205.

[8] Compiled from reports of the Connecticut Bureau of Labor Statistics, 1901-1905.

[9] For five Months only.

bureaus have secured employment for but few of these factory people. However, the classes that constitute for the State the real problem of the unemployed are not composed to any large extent of factory workers. If the public employment offices furnish situations for a large part of those who do constitute this problem, it is no reason for discouragement to find that their services are limited largely to this class.

The following table shows the cost of the public employment bureaus to the State, and the cost per situation secured:

	Year	Total cost of Bureaus[10]	Total No. of Situations Secured[11]	Cost per Situation Secured
Five months	1901.....	$2,393.56	3,141	$0.76[12]
	1902.....	9,894.13	7,679	1.29
	1903.....	9,307.20	8,180	1.14
	1904.....	8,608.70	7,875	1.09
	1905.....	8,974.87	8,694	1.03

That part of the law of 1901 which relates to the licensing of private employment bureaus has been effective of much good. The number of such offices has varied little. In 1900 there were forty-four of them,[13] in 1903 the number licensed was forty-seven, in 1904 forty-four, and in 1905 forty-three. Although there has never been a careful examination of these bureaus and their registers by the Commissioner of the Bureau of Labor Statistics or his agents, complaints against them have

[10] Comptroller's Reports, 1901-1905.

[11] Reports of Conn. Bureau of Labor Statistics, 1901-1905.

[12] The Report of the Conn. Bureau of Labor Statistics, 1901, p. 186, gives $5,412.31 as the expense of the bureaus for the first five months. This would make the cost per situation secured $1.72. This difference is due to the difference in time of closing the respective reports. It affects the cost per situation secured in 1902 also, but since then the figures given above should be approximately correct.

[13] Report of Conn. Bureau of Labor Statistics, 1900, p. 164.

been comparatively few since they have been licensed. They seem to be of a better class than formerly, and to be carrying on their business more honestly. However, an annual examination of them and their registers might be beneficial, and could do no harm.

CHAPTER VII.

MEDIATION AND ARBITRATION.

In 1895 a resolution was presented to the General Assembly calling for the appointment of a State Board of Arbitration for the consideration of labor disputes. At the hearing before the Committee on Labor the legislative committee of the Connecticut Branch of the American Federation of Labor introduced the New York State Law on Arbitration. This law provided for local and State boards. "The Committee on Labor recommended the passage of the sections relating to a State Board, believing that by simplifying the bill its chances for adoption by the General Assembly would be promoted. . . . "[1] At the hearing the bill was warmly supported by the representatives of organized labor. It passed the house without opposition, but met some opposition in the Senate.

This law (1895, ch. 239) provides:

that the governor shall appoint a state board of mediation and arbitration, to consist of three persons, each to hold office for two years; one to be selected from the party which at the last general election cast the largest vote for governor, one from the party that cast the next largest vote for governor, and the third from a *bona fide* labor organization of the State. The clerk or secretary of the board may issue subpœnas, administer oaths in all cases before the board, and call for and examine the books, papers and documents of the parties to such cases. In case of a dispute between an employer and his employees they may submit it to the board. In such case

[1] Report Annual Convention Conn. Branch American Federation of Labor, 1895.

the board shall proceed to the locality and inquire into the cause of the dispute. The parties shall submit to the board a written statement of their grievances and complaints and agree to continue in business, or at work, until the decision of said board is rendered. The board shall then investigate the case thoroughly, and take testimony in relation thereto, and shall have power to administer oaths, and to issue subpœnas for the attendance of witnesses, and the production of books and papers. The decision shall be made within ten days after the close of the investigation, and a copy shall be served on each of the parties. Whenever a strike or lockout shall occur or is seriously threatened, the board shall proceed to the locality and communicate with the parties to the dispute and endeavor to effect an amicable settlement of it. The board shall make a report to the governor annually. The members shall receive as compensation five dollars per day and expenses.

The law is the same to-day (G. S. 1902, secs. 4708-4713).

This act, with its eight sections, is quite formidable looking on the statute book. One is surprised to find that the board for which it provides has been all but a farce. In 1896 it was "called to act in an official capacity in but one instance," and failed to effect a settlement in this one.[2] In 1897 the report of the Bureau of Labor Statistics (p. 12) said:

"The State Board of Mediation and Arbitration have prepared no official report, the services of the Board not having been required for the adjustment of difficulties between employer and employed."

Nothing more is recorded of the Board until 1903, when it made its first report. In this report it says:

"No reports or records of the action of the former board have come to us, and we are informed by the Secretary of that Board that none are in existence."

Since, previous to 1903, the Board had nothing to

[2] Report Conn. Bureau of Labor Statistics, 1896, p. 14.

report except failures, we are not surprised at their continued violation of that part of the act which required them to report to the governor annually.

In 1903 the Board arbitrated its first and only case. This was a dispute between the Master Bakers' Association of New Haven and Union No. 11 of the journeyman bakers of the same place. Not a large number of men was concerned. They had struck and their places had been filled largely by non-union men. Both parties to the dispute accepted the decision of the Board, which, among other things, provided that the master bakers should employ only union men. A disagreement arose, later, over the proper interpretation of this provision. The master bakers held that it referred only to men employed in the future, while the union claimed that under this provision the non-union men employed during the strike should be discharged. The Board decided this point in favor of the union, and some of the shops withdrew from the Master Bakers' Association rather than abide by the decision.[3] The Board recognized that in this case its efforts were not wholly successful. Its report for this year says:

"Summarizing its work for the few months it has been in existence, the Board has arbitrated one important case of labor difficulty with a substantial measure of success."

"In a number of other cases it has exerted an influence, which is believed to have contributed somewhat to the settlement of controversies, and the amelioration of trouble-breeding conditions, although such influence was not conspicuous or measurable."

The report of the Board for 1904 says:

"In no instance has the Board been called upon to arbitrate any contention. . . . " "Whatever of good the Board may have accomplished this year has been by the influence it has been able to exert through suggestions

[3] Report State Board of Mediation and Arbitration, 1903.

which carry weight because of the fact that it is the representative of the interest which the general public has in any and every labor trouble."

Thus, at the end of nine years,[4] 1896-1904, the State Board of Mediation and Arbitration has to its credit the partial settlement of one small strike, and whatever of general influence it may have exerted in a few other cases. The partial settlement of this one small strike and this general influence have cost the State $889.37.[5] Plainly, mediation and arbitration in this State have failed.

Why has arbitration been so unsuccessful in Connecticut? This has been due largely to a lack of confidence in the Board. Neither employers nor employees have had confidence in it. Where the Board has tendered its services usually it has been informed that they were not desired. There has been little public interest in arbitration. The sentiment of the public has been to allow employers and employees to settle their difficulties in their own way, without public interference.

The Board has been a failure. In Connecticut employers and employees are going on, settling their disputes in the old way. This is regrettable. Strikes, boycotts, lockouts, blacklisting, etc., are war measures, and are recognized as such, even by the most radical of those who resort to them. These men do not justify the use of such measures except as a last resort. They are recognized by all as being crude weapons for civilized men to wield. How a contest between employees and their employer will be settled, where such weapons are used, often depends on which is the stronger, the anarchy on the one side or the monopoly on the other. The present tendency in the civilized world is toward arbitration, reasoning, and the peaceable adjustment of labor dis-

[4] The report for 1905 was not published when this was written.

[5] Reports of Comptroller, 1897-1904.

putes, and away from this barbaric and destructive settlement by brute force.

Another reason why arbitration has failed in Connecticut is that the people have not exerted their influence and demanded that there be an attempt to settle labor disputes in a civilized manner. They have not become convinced themselves, and hence have not tried to convince others, that they are a party to any dispute which threatens the general welfare. On this question of public right in private property, Chief Justice Waite, of the Supreme Court of the United States, held that,

"Property does become clothed with a public interest when used in a manner to make it of public consequence, and to affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but so long as he maintains the use, he must submit to the control."[6]

Whatever objections there may be to the general acceptance of this principle, there is little question but that the State, legally, may declare itself a party to every dispute in which a corporation, created by the State or doing business by permission of the State, is concerned. This legal right of the State is strengthened by a natural one, where the corporation has been granted a franchise of a monopolistic nature, such as that of a street railway company. The State may dictate the plane upon which corporations, at least, shall settle their disputes with their employees. It is very questionable whether it has any right to dictate such terms to members of a non-incorporated labor union.

The people have a right to continuous service from these

[6] Quoted in *North Amer. Rev.*, 175: 598.

quasi-public corporations. To enforce this right and to protect public interests, compulsory arbitration, theoretically, is justifiable and proper. But while, theoretically, compulsory arbitration in such cases is justifiable, practically, it should not be attempted in Connecticut at the present time. Voluntary arbitration is first in the natural order of progress. Individualism and love of personal liberty are still too strong among all classes in this country for compulsory arbitration to be acceptable. Neither employees nor employers are strongly in favor of it as a means of settling their difficulties. This lack of confidence in its justice and efficiency by those it would primarily affect would prove a formidable obstacle to its success.[7] Then, compulsory arbitration never has been fully tested. Even in New Zealand it is still in the experimental stage. It still has to withstand the test of a few lean years. Should it prove successful there, this fact would not be conclusive evidence that it would be a success under the different conditions that obtain in this country. There is great reason to doubt the ability of any board of arbitration accurately to fix wages, prices, etc. If wages and prices were fixed and enforced arbitrarily but not accurately, the result would be the destruction of industry. One of the chief objections to compulsory arbitration in this country is the impossibility of enforcing awards against non-incorporated labor unions. " . . . Compulsory arbitration implies the definite incorporation of trade unions as legal companies liable to be sued for the action of all persons who can be represented as their agents."[8]

Strict compulsory arbitration may be put aside for theorists and for the future. Our present system of voluntary mediation and arbitration has proven a failure.

[7] J. A. Hobson, *North. Amer. Rev.*, 175: 604.
[8] J. A. Hobson, *North Amer. Rev.*, 175: 604.

May we not discover a system between these two that will avoid the legal and other difficulties encountered by the one, and the inherent weakness and inefficiency of the other? Any system of arbitration which will be approved by all classes in Connecticut sufficiently to be effective, must contain little compulsion and must reserve to the disputants the final decision, and the ultimate right to fight the matter out in their old barbaric way if they deem it necessary. It must provide for an arbitration board in which the disputants will have perfect confidence. It should take account, also, of the interest the public has in all serious labor disputes. The board should be a temporary one, chosen by the disputants themselves. A permanent board cannot be sufficiently well acquainted with the conditions in all the industries of the State to arbitrate promptly and intelligently any dispute that may arise. Neither employers nor employees care to trust their interests to a board that is not acquainted with the industry; and they have little confidence in a board appointed by a political officer. They would have more faith in a board selected by themselves, and would be more frank with it, and would more readily abide by its awards. Employers and employees should be required to submit the disputed questions to such a board, and make an honest attempt at arbitration before resorting to a strike or a lockout.[9]

[9] "If society has not—formally or informally—provided adequate means of redress, no one can blame the individual for defending his own rights in his own way. But a *bona fide* offer of arbitration should always be required before society condones an appeal to force. No strike which has not been preceded by a genuine request for arbitration, and by failure of such request, should for a moment have the support of public opinion. . . . Just in proportion as keener general interest and more efficient public sentiment afford adequate means of peaceful redress, resort to strikes is unjustifiable. It is not the right to strike but the need to strike that society will seek to disprove."—Edward Cummings, *Quart. Jour. Econ.*, 9: 362, 363.

This much compulsion might not be too distasteful to the disputants, and means might be found for enforcing it, even against non-incorporated labor organizations. Such arbitration would prevent hasty action, and in many cases doubtless would obviate strikes, lockouts, etc., with their attendant evils. One of the difficulties of arbitration often is that the employees have struck and failed to force the acceptance of their demands before trying arbitration.[10] Were arbitration tried before the disputants became embittered by a strike, often it would be successful, where now it fails. By such a plan the disputants still would settle their own disputes but, if possible, on a plane and in a manner approved by society, if not by their old methods. Thus the right ultimately to fight for what they deemed their rights would not be taken from them.

[10] Edward Cummings, *Quart. Jour. Econ.*, 9: 353.

CHAPTER VIII.

THE UNION LABEL.

One of the chief elements of strength of any labor organization or movement is the sympathy with and support of its principles and demands by the general public. In order that this sympathy may be most effective there must be some means by which it can be expressed in a tangible manner. To provide such a means the union label was devised. It stands and has always stood primarily for organized labor and union conditions, as opposed to unorganized labor and unregulated conditions. In this country the union label was first adopted by the cigar makers of California for the purpose of enlisting public sympathy and patronage in the support of high-class, white labor in competition with low-class, unorganized Chinese labor. The label idea spread rapidly, and the label is now in general use by organized labor throughout the country.

Purchasers very largely believe in good conditions for workmen. They also desire that the goods they use be manufactured under sanitary conditions. With our present system of diversified industry it is impossible for a purchaser to know or to investigate these matters for himself, in regard to each of his numerous purchases. The labor union volunteers to perform this task for him as to certain lines of goods. Its seal, the union label, placed upon goods is to certify to the purchaser that it has investigated and found the goods to have been made under union conditions and by union men. If the pur-

chaser wishes to support unionism and union conditions he may do so by buying union label goods.[1]

The union label extends to the union laborer a protection similar to that granted to the manufacturer by the trademark. The trademark secures for the manufacturer that demand for his goods which he has created by reason of the peculiar nature, quality or excellence he has given them, or because of the advertisement he has given them. The label secures to the union laborer any advantage that may come to him from the demand for union label goods because of the excellence of the workmanship in their production, or because of their having been produced under union conditions, or because of any advertisement the union may have given them. The label permits a workman who has no direct proprietary interest in the goods on which he works to identify and publish to the world his workmanship on those goods, and to signify the conditions under which they were produced. The label is the workman's trademark and it may become as valuable to him as is the trademark of a successful manufacturer to its owner.

With the increased demand for union label goods the label attained a large commercial value, and it soon became the subject of imitation and counterfeit by unscrupulous manufacturers and dealers. The courts held that they could not protect the label against such infringement, because it was not a trademark and because the union was not a dealer in the goods upon which it was placed.[2] New legislation was necessary to protect it. Active agitation for such a law in Connecticut was begun

[1] The use of the label is to strengthen the union. Too often it is not a guarantee of excellence of workmanship or product, or of better pay, or of a definite improvement in the life of the worker.—J. G. Brooks, Bulletin U. S. Department of Labor, March, 1898.

[2] Cigar Maker's Union *v.* Conhain, 4 Minn., 243; Weener *v.* Brayton, 152 Mass., 101.

by the State Branch of the American Federation of Labor in 1891; and at their convention in 1892 a resolution was adopted, that their legislative committee draw up such a bill, and that each affiliated union "appoint a committee to consult the representatives in their respective districts, and use all honorable means to have them support the bill."[3] The bill (S. B. 10) was introduced in the legislature in 1893, and was referred to the judiciary committee. Many petitions favoring it were presented; and at the hearing members of the Cigar Makers' and Hatters' Unions urged its passage.[4] Although there was no opposition to the bill before the committee, when it came up in the Senate the chairman of the committee[5] moved its rejection. It was rejected, but, later, through the efforts of the legislative committee of the Connecticut Branch of the American Federation of Labor, it was reconsidered and was passed by both houses.[6]

The act (1893, ch. 162) provides that:

Whenever any person, association or union of workingmen has adopted a label, announcing that the goods to which it shall be attached were manufactured by such person, association or union or by the members of such association or union, it shall be unlawful to counterfeit such label; and such counterfeiting, or the intentional use or display of such a counterfeit, or the unauthorized use of the name or seal of any such person, association or union, or officer thereof in and about the sale of goods or otherwise shall be punished by a fine of from one to two hundred dollars, or by imprisonment from three months to one year, or both. Such label may be recorded in the office of the secretary of state, and the certificate of such a record shall be proof of its adoption, in any suit

[3] Reports Annual Conventions Connecticut Branch American Federation of Labor, 1891, p. 13; 1892, p. 17.

[4] Report Conn. Bureau of Labor Statistics, 1892-93, p. 247.

[5] Senator Fox, of New Haven.

[6] Report Annual Convention Connecticut Branch American Federation of Labor, 1893, p. 23.

under the act. The manufacture, use, display, or sale of any counterfeit or imitation of such a label may be enjoined; and the court shall award damages for such manufacture, use or display.

The law remains unchanged (G. S. 1902, secs. 4907-4912).

This law was secured principally through the efforts of the cigar makers, who wished to secure their blue label and to avoid competition with tenement-made cigars. The subject of labels has received more attention than any other in the Annual Conventions of the Connecticut Branch of the American Federation of Labor. The discussions often have become animated and such motions as the following one, passed at the convention in 1900, have not been uncommon:

"A committee of three be appointed to examine the hats, shoes, and clothes of the delegates present and ascertain if they have the union label."[7]

A committee of three was forthwith appointed and began its investigation at once, while the general discussion of union labels went on. The committee reported that the labels of all crafts were in general use by the delegates present.[8]

Union men were urged to buy only union label goods, and the convention of 1902 adopted the following resolution:

"*Resolved,* That no delegate shall be eligible to a seat in the future conventions of the Connecticut Federation of Labor unless all of her or his wearing apparel shall bear the union label."[9]

The label is used on their goods by almost all the manufacturers of cigars in Connecticut, and, it is said,[10] by

[7] Report of Convention, 1900.

[8] At a previous convention one hat found without the label was destroyed then and there.

[9] Report of Convention, 1902.

[10] Secretary, Connecticut Branch American Federation of Labor.

all but two of the hat manufacturers of the State. A large number of publishing companies use it also. The other trades have not secured its extensive use. In all approximately twenty-five different unions have filed labels in the office of the Secretary of State, since the passage of the law in 1893.[11] The hatters, cigar makers, and the printers have worked hardest to secure the general use of the label, and they have received most benefit from its use. The reports of the Connecticut Bureau of Labor Statistics for the years 1902, 1903, and 1904 bear the union label of the printers. The reports of the other State departments do not have the label on them. It is doubtful whether the State should further commit itself on this question than it has in the passage of this law.

The law plainly is one in the interests of organized labor. While its general application in phraseology prevents it being declared class legislation, in practice it is used for the direct benefit and protection of one class only—organized labor.

One important case has been decided under this statute. It is commonly known as the hatter's case, or as the label case.[12] In this case the United Hatters of North America charged C. H. Merritt & Son, hat manufacturers of Danbury, Connecticut, with adopting and using in their factory, and registering as alleged trademarks, eight different labels, all made in imitation and counterfeit of the adopted and registered label of the plaintiff's association, in violation of the label law (G. S. secs. 4907, 4910), and for the purpose of "palming off" their hats as and for union-made hats.

From 1885 to and including 1893 the defendants had conducted their factory as a union factory and had been permitted to use in their hats the label of the United

[11] Estimate made by office of Secretary of State.

[12] Martin Lawlor *v.* C. H. Merritt & Son, 78 Conn., 630.

Hatters. Since this time they had run an "open shop" and had not been authorized to use the label. On March 15, 1904, they registered with the Secretary of State eight different trademarks. Each of these "trademarks" possesses in common with the genuine label of the United Hatters, "its manilla color, its rectangular shape, its corrugated edge, its two concentric circles, with printed matter between the two circles, forming a frame for an interior space partly filled with pictorial devices; all printed in black on said manilla ground, and said printed matter and other devices indicating that the hats are union made. Each of said labels is further characterized by the fact that the word 'registered' is printed in a curved line underneath said concentric circles."[13]

The phrases or legends used on these eight trademarks resemble that used on the genuine label of the hatters,—"The United Hatters of North America,"—and yet are different. They are:

"Honest Labor—Honest Wages. Fair."
"Skilled Labor of America."
"By Industry we Thrive."
"Not made by a Trust."
"Union gives Strength. America."
"Justice, Unity, Equity. America."
"United we hold—Divided we fall."
"Hand united to Hand."

Contrary to the usual custom of manufacturers of placing their trademarks inside the crown of the hat at the top thereof, the defendants placed these "trademarks" under the sweat-band, and both pasted and sewed them on the inside of the hats opposite the bow-knot of the hat band, in the same manner and in the same place in which the label of the United Hatters of North America is placed.

[13] Brief of John K. Beach, counsel for plaintiff.

In the trial court[14] the judge held that each one of the defendant's eight "trademarks" was an "imitation" of the union label of the United Hatters. He held. also, that the defendants in adopting and using their eight "trademarks" "had no intention of deceiving or defrauding the public, or the United Hatters of North America, . . . or of counterfeiting" their label.

An injunction was granted the plaintiffs, restraining the defendants from the further use of the eight trademarks. Both parties appealed, the defendants from the injunction and the plaintiffs from the refusal of the court to find certain facts as requested.

The complaint, among other things, states that the association adopted for its protection a label to be applied to hats made by its members, to announce to the public that hats bearing that label were made by them. In the demurrer to this complaint, one of the reasons assigned is, "because said label or trademark does not announce that goods to which such label or trademark is attached, were manufactured by a member or members of the United Hatters of North America."

The following are the important parts of the decision of the Supreme Court.[15]

"The plaintiff has no right of action except by virtue of the statute on which he professes to sue. It was therefore necessary to bring this case within the terms of the statute. That statute protects, in favor of such an association as the United Hatters of North America, a label announcing that goods to which it may be attached were manufactured by a member or members of the association. The label in respect to which protection is sought by this action contains no such announcement."

"If it could be construed as announcing in any way who manufactured the hats to which it might be attached, the announcement would be that they were manufactured

[14] Superior Court of Fairfield County.

[15] Baldwin, Judge, opinion rendered March 8, 1906, 78 Conn., 630.

by the United Hatters of North America. The complaint, however, shows that such was not the intended meaning of the words used, for the recital of the objects for which the association was formed discloses that they do not include the manufacture of hats, and it is alleged that the label was adopted 'for the purpose of announcing to the public that hats bearing said label were made by the members of the association,' and is issued for the use of certain hat manufacturers who employ its members in making and finishing hats."

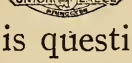
. . . . . .

"It appears from this that the association is not and never was a manufacturer of hats; that its members do not own the hats made by them; that its label was originally adopted and registered by 'The Co-operative Hat Company,' which was at the time engaged in the manufacture of hats in this State; that it was assigned to the United Hatters of North America; that the latter allows its use only by manufacturers employing exclusively 'union' labor; that it has extensively advertised and represented to the public that this label is used only on hats manufactured in 'union' factories conducted under certain rules prescribed by the association, calculated to insure good sanitary conditions and good work; that in a few cases its use has been allowed on hats made in non-union factories not conducted under these rules, when, before the hats went out of the factory, it had become a 'union' factory; and that the defendants, in adopting and using their labels, had no intention of deceiving or defrauding the public or the association or its members, nor of counterfeiting its label, and have never represented hats, to which they were affixed to be hats containing the label of the association.

"So far as the facts found vary from the facts alleged, they tend to weaken the plaintiff's case, by showing that the association has sometimes allowed the label to be used in hats not even made by its members, although sold by a 'union' manufacturer, and that the defendants have been guilty of no fraud. That the label of the United Hatters of North America has never been used nor intended for use on hats manufactured by the association remains clear.

"Under General Statutes, § 4907, a label of such a kind became the proper subject of equitable protection, and any member of the association owning it (although neither he nor the association might be a manufacturer or owner of the goods to which it was attached, nor a dealer in them) was invested with a right of action. But the label on which the plaintiff relies in this action is one of a very different character. Instead of announcing that the hat to which it may be affixed has been manufactured by a member or members of the United Hatters of North America, if it announces anything as to its origin, it is that it was manufactured by the association itself. It was not, therefore, such a label as can support his action. His complaint should have been held to be insufficient."

According to this decision the hatters' label does not state with sufficient clearness that the hats to which it may be attachel were made by members of the United Hatters of North America, that the union may claim for it protection under the label law.

The printers' label—  —seems to be deficient in the same respect. It is questionable whether many of the labels now in use in Connecticut will be able to stand this test.

In their brief in the above case the counsel[16] for the plaintiff assert that:

" . . . The Legislature, by giving trades unions the same protection in their labels as manufacturers have in their trademarks, has necessarily invested them with the rights of competitors in business, so far as concerns the drumming up of trade for union goods, at the expense of non-union goods. . . . Interference in trade by unions of workingmen is no longer necessarily an unlawful conspiracy on the broad ground that as workmen they cannot possibly have a lawful interest in diverting trade. When the law gives to a union the right to adopt 'for its protection' a trademark, and assimilates its right of property in the mark to that of a manufacturer or dealer in his trademark, or trade dress; it necessarily

[16] John K. Beach and Howard W. Taylor.

confers on the union the right, by all legitimate means, to induce third persons to buy goods bearing the union label, and to accept no others. . . . The United Hatters have an interest in diverting trade to union-made goods bearing these labels, as legitimate as that of commission merchants in diverting trade to the goods in which they deal. Means which are legitimate in the one case must also be legitimate in the other case."

This point was not touched upon in the above decision. If the courts hold this opinion in regard to the right of labor unions to "drum up" trade in the goods which bear their label to be correct, then this law becomes of far more than passing importance. It gives union men an extra weapon. They may now deal with their employer both as laborers and as competitors on the market. As the former they have the right to leave his employ and peaceably to persuade others not to enter it; as the latter they have the right to withdraw their custom from him and to solicit, by advertisement and other peaceable means, his other customers to leave him and patronize them. Under such a construction of this law, may not union men, while keeping within their legal right to solicit trade in the goods which bear their label, practically boycott the goods of their employer or another?

CHAPTER IX.

THE BARBERS' LICENSE LAW.

This law has a special interest for the two thousand or more barbers who are affected directly by it. It has an interest for workmen in general because it is the only instance in which Connecticut has required a workman to be licensed to pursue his trade. It is of interest to the general public as a health ordinance. To the student it is interesting because it is an advanced step in state regulation, because of the questioned constitutionality of such a law, and because of its monopolistic effect. It is of present interest to all because of its newness and because of the manner in which it has been administered. For these reasons the writer has made a careful study of the operation and administration of the law in this State.[1]

The barber's license law was secured through the efforts of the barbers themselves—mainly through the efforts of the journeyman barber's unions. Their reasons for wanting such a law may be reduced to three:

1. They wished to avoid competition with cheap and unskilled labor.

2. They wished to keep out the "floating" barbers from other States.

[1] For this purpose the barbers in approximately one hundred and fifty shops, scattered over the State, were interviewed. Two members of the present board of barber examiners, and two ex-members of the board were interviewed. Visits were made to the offices of the Governor, the Attorney-General, the Treasurer, and the Comptroller for special information concerning the reports and doings of the board of examiners, and copies of their reports were made in the office of the Secretary of State.

3. They wished to drive out the five-cent shops.

These three reasons are summed up in the first. The "floating" barbers who came from other States were largely of the "tramp" class. They, it is claimed, often were inferior workmen. They would work for low wages for a few days, get on a spree, and then drift on. Competition with them was injurious to the self-respecting barber, and their presence here lowered the standards of the trade. Then, the unions wished to avoid competition with the unskilled workmen turned out by barber schools, and with those who had never served an apprenticeship. They wished, also, to drive out the five-cent shops, probably more because of their tendency to lower wages and prices, and because they were usually "scab" (non-union) shops than because they were unsanitary. So long as barber schools could turn out full-fledged barbers in six weeks, or men could begin the trade without any training whatever, and so long as "tramp" and non-union barbers could come freely from other States, and so long as there was a large number of five-cent and "scab" shops it was impossible for the barbers' unions of Connecticut to gain such control over the trade as to enable them to raise the standard of prices and conditions to the point they desired.

It is the opinion of the writer that it was the hope that the proposed law would so regulate this competition as to give the unions the desired control that prompted them to strive so earnestly for its passage. Probably very few of them were really solicitous about the public health.

Agitation for such a law began as early as 1896. That year the delegate of a barbers' union of Meriden[2] re-

[2] Local No. 88 of the Journeymen Barbers' International Union of America.

ported to the annual convention of the Connecticut Branch of the American Federation of Labor as follows:[3]

"Our union believes that all barbers in the State should organize and secure legislation regulating the sanitary condition of barber shops, especially five-cent shops, as in our opinion they are on a par with sweat or tenement house cigar shops. We appeal to the Legislative Committee of this State Branch to take the matter into consideration when they meet to take action on labor legislation."

The Convention passed a resolution instructing their Legislative Committee to try to secure the passage of a law for bettering the sanitary condition of barber shops.

In 1898 a New London union[4] communicated its desire for such a law to the Bureau of Labor Statistics.[5] The benefits hoped for were stated as follows:

"Under such laws and regulations, you would have skilled workmen, which would be a benefit and protection to the patrons, as well as those who have to compete with unskilled and cheap labor."

The passage of a license law was secured in 1901 through the efforts of the Connecticut State Barbers' Protective Association, supported by the barbers' unions throughout the State. A few of the "boss" barbers supported the bill, others opposed it.

The following are the principal provisions of the act (1901, ch. 132):

All barbers shall be licensed. The Governor shall appoint biennially a board of three examiners, who shall have been citizens of the State for three years and practicing barbers for five years. "Each member of the board shall receive a compensation of five dollars per day for actual service, and three cents per mile for each mile

[3] Report Annual Convention Connecticut Branch American Federation of Labor, 1896.

[4] Local No. 136 of the Journeymen Barbers' International Union of America.

[5] Report Conn. Bureau of Labor Statistics, 1898, p. 139.

actually traveled in attending the meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board; *Provided,* that the said compensation and mileage shall in no event be paid out of the state treasury." The board shall report annually to the Governor a statement of its receipts and disbursements and of its doings and proceedings. The board shall hold public examinations at least four times in each year in at least four different cities in the State. Practicing barbers shall be registered upon payment of a fee of one dollar. All others shall pay a fee of five dollars and take an examination. The applicant must satisfy the examiners that he is above the age of nineteen years, of good moral character, and free from contagious diseases; that he has either studied the trade for three years as an apprentice or in a barber school, or has practiced the trade for three years; that he is skilled in the preparation of the tools, and in shaving and hair cutting; and that he has sufficient knowledge of the common diseases of the face and skin. Any person may serve as an apprentice or be a student in a barber school. Each person who passes the examination shall be given a license card which shall be posted in a conspicuous place in front of his chair. The board may revoke any license for "gross incompetency or for having or imparting any contagious disease." To shave and trim the beard or cut the hair of any person for hire or reward constitutes practicing the occupation of barber within the meaning of the act. Practicing without license, employing a barber who has no license, or violating any of the provisions of the act is punishable by a fine of not more than one hundred dollars.

The administration of this law has been left to the board of managers appointed under the act. The manner in which this board has administered the law has shown its members to be inefficient, incompetent, and unworthy of the trust placed in them. Their record is a disgrace to themselves and a discredit to the State. Many of those who have taken the examinations say they are not thorough and that many incompetent workmen pass them

successfully. The applicant's word as to his experience, age, etc., is accepted, and many are granted licenses who have not had the required three years' training. The secretary of a barber's union in Hartford told of two young men in that city who were granted licenses with only six months' experience. An ex-secretary of a barber's union in New Britain says he has known of men who had never worked in a shop securing licenses. Numerous similar cases have been reported throughout the State. Many are allowed to practice without licenses. For two years ten or twelve barbers of Stamford defied the efforts of the board to make them take out licenses, and were not prosecuted. A barber in Stafford Springs practiced over ten months the past year without a license. A former secretary of a barbers' union of Middletown kept a barber from Massachusetts for nine months without a license. Another barber of Middletown boasted of having worked in the State for five years without a license. One proprietor on State Street in Hartford says he employs men without licenses and intends to continue doing so.

In a number of shops barbers whose licenses have expired are practicing. In a Stamford shop a license for the year 1903-1904 is still posted "in a conspicuous place" in front of the barber's chair. The following case shows the careless manner in which the board deals out licenses: In Connecticut each license is numbered and the barber keeps the same number from year to year. His name and number are recorded in the register kept by the board. A barber may have his license renewed each year by the payment of one dollar. In 1903 a barber, who was licensed in New York, came to Connecticut to work. He never took an examination here, as the law requires in such cases, but sent his name and the number of his New York license, together with the renewal fee of

one dollar, to the board and requested that his license be renewed. The request was complied with and he was sent a renewal license for the year 1904-1905, numbered the same as his New York license, *8140*! The highest number on a genuine Connecticut license is slightly over *3000*. Evidently this renewal was granted without ever referring to the record. It was renewed again for the year 1905-1906 and is now posted "in a conspicuous place" in front of the barber's chair.[6]

Complaints have been made to the writer by barbers that they have sent money for a renewal of their licenses, and have received no reply, and that when they inquired the reason they were told by the treasurer of the board that the money had never been received. A former member of the board related a case in which two men sent their money in the same letter. One got a license, the other did not.

The board has a practice of signing a large number of license certificates at one time, even five hundred at one sitting. These are filled out and sent by the secretary as occasion demands. He does not report to the other examiners to whom they were sent.[7]

Under the law of 1901 it was not necessary to renew the licenses. Hence after the first year the only receipts were the fees paid by new applicants. These were not numerous. Therefore in 1902 the board in its annual report to the governor recommended the following amendments to the law:[8]

1. That barbers be required to use an antiseptic solution for the purpose of sterilizing their tools.

2. That the board be given power to enter and inspect the shops as to their sanitary condition and cleanliness.

[6] Case of John Czyzewski, No. 149 Colony Street, Meriden.

[7] Related to writer by a former member of the board.

[8] Report of Barber Examiners, 1902—Office Secretary of State of Connecticut.

3. That, for the maintenance of the law, in addition to the fee for examination, a license fee of one dollar a year for renewal of each license be required.

In accordance with this recommendation the board of examiners were empowered (1903, ch. 130) to adopt rules for the sterilizing of tools, and rules to improve the sanitary condition of the shops. These rules when approved by the State Board of Health were to have "full force and effect." They were given power, also, to enter and inspect barber shops as to their sanitary condition. Unsanitary shops were to be reported to the local health officer, who was to order them put in a sanitary condition or closed. It was provided that all licenses should expire each year and be renewed upon the payment of a fee of one dollar, if application for such renewal was made within thirty days after the expiration of the license. Any licensed barber who should practice after the expiration of his license, or fail to comply with the rules adopted by the board, forfeited his right to a license and was subject to a fine not exceeding fifty dollars.

Under this act the examiners have pretended to inspect the barber shops, but these inspections have never been thorough and many shops have been skipped entirely. Others, the proprietors say, have not been inspected for two years. Some of these shops, for example the five-cent shops on State and Front Streets in Hartford, are in a very unsanitary condition and should be closed or cleaned up. The law is weak in permitting, instead of requiring, the examiners to enter and inspect the shops.

The board also issued a set of sanitary rules in accordance with the act of 1903. There are nine of these. Seven of them are perfectly proper and are obeyed by most of the barbers. The other two are unpractical and are not obeyed even by the best barbers. The first of these provides that,

"No razor, pair of shears or clippers used upon any person, shall be used upon any other person until such razor or pair of shears or clippers shall be sterilized by immersion, not less than five minutes, in one per cent. solution of tricesol."

The other provides that,

"Every barber shall wash his hands thoroughly before serving a customer, and on serving another customer shall again wash his hands."

Both of these rules are mere laughing stock for the barbers. The writer found only six men, out of over three hundred, who pretend to follow the first of these rules, and only one or two who habitually follow the second.

By this law of 1903 (ch. 130) the application for renewal of a license must be received by the board within thirty days after the expiration of such license. In 1905 (ch. 89) this was changed to, "the board of examiners may renew any barber's license if application for such renewal be received by said board within two years after the expiration of such license." After this amendment went into effect the board of examiners still continued their practice of requiring barbers who had not applied for a renewal of their license within thirty days after its expiration to pay five dollars and take out a new license. Some Stamford barbers refused to pay the five dollars and were arrested. The prosecuting attorney of Stamford denounced the practices of the examiners and they appealed to the Attorney General for a construction of the law. The Attorney General held that they could charge no more than one dollar for the renewal of a license if application for such renewal was made within two years after its expiration.

The financial affairs of the board of examiners of barbers have been handled in the same careless manner as their other work. The law provides that they shall elect

a secretary-treasurer from their own number. No provision was made for an assistant and the intent of the law must have been that the secretary-treasurer should keep the accounts. For a number of years, however, this duty has been delegated to an assistant.[9] This assistant was paid $410.00 for the year 1904-1905. Even with this assistance the reports of the board made to the Governor were full of the most glaring mistakes. Those for the years 1902 and 1903 were the worst. The Comptroller undertook to audit them, but found them so full of mistakes that he decided to audit all the accounts of the board. All their books, papers, and vouchers—"a whole basketful of them"—were brought to his office. He found the accounts in almost hopeless confusion, and when finally he got them straightened out it was necessary to make out new reports for the years 1902 and 1903. The old reports made by the board are still on file in the office of the Secretary of State. The following shows the corrections made in the reports by the Comptroller:

	Reports for 1902		Reports for 1903	
	Of Board	Of Comptroller	Of Board	Of Comptroller
Applications for licenses at $1, .	$131.00	$120.00	. . . .	. . . .
Applications for licenses at $5, .	2,255.00	2,270.00	$1,035.00	$1,190.00
Cash on hand at last report, . .	326.50	326.48	326.50	105.58
Total Receipts, ...	2,712.50	2,716.48	3,077.50	3,011.58
Postage, ...	. . . .	. . . .	80.49	44.49
Sundries, ...	13.91	14.06	37.73	21.21
Total Disbursements, . .	2,610.75	2,610.90	2,441.57	2,389.05
Balance of cash on hand, . . .	101.75	105.58	635.93	622.53

The mistake of $220.92 in the amount of cash on hand at the beginning of the year 1903 was due to bringing

[9] The niece of the secretary-treasurer, who teaches school as well as keeps books for the Board of Examiners.

forward the cash balance for the year 1901 instead of that for the year 1902. The reasons for the difference in the amounts received as license fees, and the amounts expended for postage and sundries are not so apparent. In each of these reports there were five mistakes corrected, and in the report for 1903 one remains still uncorrected.[10] There is one also in the report for 1904, as is shown in the table on next page.

This summary shows that the annual income from licenses is now approximately $3,500.00, and that most of this amount is used to remunerate the members of the board for their services, and to pay their traveling expenses. For the year 1904-1905 a total of 420 days' service and 22,057 2-3 miles travel were charged. This was sufficient to have secured a careful inspection of all the shops and a careful examination of all applicants for licenses, had the time and travel been well spent. They were not. Two of the examiners often have traveled together when inspecting shops. They usually return home every night. Often the members go from their homes to New Haven and then from there on their tour of inspection. This wasteful method takes much extra time and travel, but as the examiner gets five dollars for each day he works, and three cents for each mile he travels (while it costs him only two cents on the railroad), it is not to be supposed that he is concerned about extra time and travel. For the year 1902-1903 one member charged for 126 miles travel for each day served, and another charged for 121 miles.[17] We wonder how much time they had left each day for real work, and how they were able to plan their routes so as to get in such a

[10] Each of these reports, with all its mistakes, bears the stamp of approval of a committee of the legislature.

[17] Report of Board of Examiners of Barbers, 1903.

SUMMARY OF THE ANNUAL REPORTS OF THE STATE BOARD OF EXAMINERS OF BARBERS.

	1901[11]	1902[12]	1903[12]	1904	1905
Receipts :					
Applications for licenses at $1.00,	$1,723.00	$ 120.00	$1,716.00	$ 996.00	$1,818.00
Applications for license at $5.00,		2,270.00	1,190.00	1,550.00	1,735.00
Cash on hand at last report,		326.48	105.58	622.52	100.54
Total Receipts,	$1,723.00	$2,716.48	$3,011.58	$3,168.53	$3,653.54
Disbursements :					
Services of examiners at $5 per day,	$ 780.00	$1,514.25	$1,450.00	$1,780.00	$2,100.00
Mileage at 3c. per mile,	318.21	678.48	499.10[14]	539.75[15]	661.75
Printing,	122.75	96.79	149.75	124.35	34.65
Office Rent,	24.00	75.90	48.00	48.00	49.00
Examination Expenses,		37.40	18.50	38.50	24.50
Legal Services,		26.00		51.50	117.05
Postage,	68.50	44.52	44.49	110.25	94.20
Sundries,[16]	83.07	14.06	21.21	15.64	12.30
Extra Service,		123.50			
Assistant to Secretary,			158.00	360.00	410.00
Total Disbursements,	$1,396.52[13]	$2,610.90	$2,389.05	$3,067.99	$2,503.45
Balance cash on hand,	326.48	105.58	622.53	100.54	150.09
	$1,723.00	$2,716.48	$3,011.58	$3,168.53	$3,653.54

[11] June 28th to Sept. 30.
[12] As corrected by the Comptroller.
[13] Should be $1,396 53.
[14] A mistake of $1.26 or of 42 miles.
[15] A mistake of $8.36 or of 278 2-3 miles.
[16] For convenience a few small items have been grouped with sundries.

large daily average of miles, in such a small State! We also wonder why, in 1903, when, according to the report for that year, only "about eight hundred shops" were inspected, the secretary-treasurer found it necessary to put in 117 days time, travel 3,996 miles, and, at the same time, have an assistant at a cost of $158.00! However, the next year he serves 148 days, travels 6,427 1-3 miles, and pays his assistant $360.00; and in 1904-1905 he serves 172 days, travels 6,540 miles and pays his assistant $410.00! And still some barber shops go uninspected and mistakes creep into the accounts![18]

With such a record we are not surprised that during the past year these examiners were the auditors at a meeting at which the Governor, the Attorney General, and the Deputy Comptroller were the speakers. The writer was informed at the Governor's office that the speeches were not for publication.

What has been the effect of this law upon the barber shops and the barbers? It is generally conceded that the sanitary condition of the worst shops has been much improved, yet there are many that are still very unsanitary.[19] In cities where they existed the number of five-cent shops has declined rapidly. There has been but a slight change in the number of barbers in the State since the passage of the license law. The census of 1900 gave 1,907 as the number at that time.[20] In 1901, 1,854 barbers were registered as practicing the trade when the law went into effect.[21] In 1902 there were 451 new licenses granted, making the total number in force Sep-

[18] In the report for 1902 one examiner is so conscientious that he puts in his bill for 9,881 1-3 miles traveled, and 101 17-20 days served. Most men would have reported 102 days.

[19] For example, the five cent shops on State and Front Streets in Hartford.

[20] Twelfth Census, U. S., volume on Occupations, p. 94.

tember 30, 1902, 2,305.[21] Doubtless many of these were not practicing. In 1903 there were 1,716 renewals and 207 new licenses granted, a total of 1,923. In 1904 most of the licenses were not renewed until after the report was made.[22] Many of these went to swell the number given in the last report, 2,165, so that it is impossible to determine from the reports the exact number of licenses in force September 30, 1905. The number probably was not far from that given for 1903, namely, 1,923. Thus, though since 1901 more than a thousand licensed barbers have come and gone, the number practicing in the State at any one time has not varied much from what it was at the census of 1900, namely, 1,907. While the law has the effect of keeping some barbers out of the State, it may, by bettering conditions, cause others to enter the trade as apprentices.

While the law has not decreased the number of barbers.[23] probably it has improved the quality of the workmen and workmanship by keeping out many of the floating "tramp" barbers from other States and by providing for an apprenticeship of three years. Wages are higher than when the law was passed, but probably this is due more to the general prosperity than to any influence of the law.

For some reason the barber trade in Connecticut is being given up more and more to the Italians. Very few American, Irish-American, or German-American youths are learning the trade. On the other hand, there are many Italian apprentices. Does not the three-year apprentice requirement of the law have the effect of hasten-

[21] Reports of Board of Examiners of Barbers, 1901 and 1902.

[22] Only 1,019 licenses were renewed in 1904. There were 287 new licenses granted, a total of only 1,306.

[23] There has been a practical decrease as compared with the population of the State, and, some claim, as compared with the demands of the trade.

ing this movement?[24] Long apprenticeships are not popular with American boys.

The opinions of the barbers of the State concerning the license law vary greatly. Visiting the shops, one hears almost every conceivable opinion of the law and its workings. We can best discuss these opinions by dividing the barbers into two classes, the "bosses" and the journeymen.

The "bosses," generally, are strongly opposed to the law, because it hampers them in securing help and in their dealings with their journeymen. Before the passage of the law if a "boss" needed additional men he could telegraph to an agency in New York and get them at once. Now, the New York barbers hesitate to come to Connecticut because they must take an examination, pay five dollars for a license and, in many towns, pay another five dollars to join the barbers' union. The "bosses" claim that for this reason they often find it difficult to get men when they need them, or are obliged to accept an inferior workman who lives in the State. They claim, also, that the unions take advantage of their position and dictate terms and conditions. Some of the "boss" barbers think that in the final analysis the license is a tax on their business for which they get no return. This idea caused the introduction in the last legislature (1905) of a bill which relieved the journeyman from paying a license and required each "boss" to pay ten dollars a year.[25] Under such a law, it was claimed, the "boss"

[24] The Barbers and Hairdressers of Connecticut:

Aggregate	1,834	Single and unknown	692
Native parents	225	Married	1,087
Foreign parents	489	Widowed	49
Foreign white	1,043	Divorced	6
Negro	77		

Twelfth U. S. Census, Volume on Occupations, p. 240.

[25] This bill was strongly supported by Mr. Goldberg, a "boss" barber of Waterbury. He favored the ten dollar license as being

barber would still pay the tax but would not be hampered in securing workmen.

The majority of the journeymen barbers favor the law in principle. They believe that such a law is just and proper, and that if it were well enforced it would result in great benefit to the trade. They say that it prevents the "boss" from discharging his men without cause and telegraphing to New York and securing men to take their places. They think that it has kept out "tramp" barbers, improved the sanitary condition of the shops, and raised the standard of workmanship. On the other hand, there is a very large minority of the barbers who oppose the law. They say they should not be required to pay a license for the privilege of pursuing their trade and earning their living; that there is no more reason for licensing the barber than the butcher; that the public health was never endangered; and that the law has had little if any effect on conditions as they existed prior to its passage.

On one point the barbers, both "bosses" and journeymen, are largely agreed, *i. e.*, that the law has never been carefully and properly administered. The enforcement is very frequently denounced as a "farce," and often it is said that the main use of the law is to furnish the opportunity for "graft," and a "soft snap" for three men. Even those who favor the law in principle, and who were instrumental in securing its passage, are disgusted with its enforcement. A large minority of the barbers of the State to-day would vote for a repeal of the law.

Though ostensibly a public health ordinance, the barbers' license law was a class measure. As such it has partially succeeded. It has strengthened the unions and

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an improvement upon the present license, but claimed there was no justification for either.

has aided them in securing better conditions in the trade. But it has done this largely through its monopolistic tendencies and hence cannot be defended on this ground. Monopolistic laws and class legislation are opposed to the policy of the State and are dangerous to its industries. If the constitutionality of this law is tested it must be defended as a health ordinance, and must stand or fall on its merits as such. Were conditions in the barber shops of the State at the time of the passage of this law such as to require such regulations for the protection of public health? A disease of the face, popularly known as "barber's itch," was much talked of to arouse public sympathy for the act; but in reality there were comparatively few cases of this disease and most of these were of doubtful origin.[26] The public health probably is in more danger from the carelessness of grocers than from that of barbers, yet they are not licensed. Before the law of 1903 (ch. 130) there were no provisions regulating the sanitary condition of the shops, or providing for their inspection.[27] Under this law the board of examiners can do no more than the local boards of health can do without the law. Indeed, under it, the final enforcement of the sanitary regulations devolves upon the local health officers. What was needed, if anything, was not more law and a new commission, but a better enforcement of existing sanitary regulations by the local health officers. If these officers do their duty there is little need for a special commission to look after the sanitary condition of the barber shops; and the employers and the customers are the best judges as to the skill of the workmen. In the

[26] Testimony of numerous barbers of the State.

[27] This fact and the provision in the law of 1901 that "in no event" should the compensation of the examiners be paid out of the State treasury are good evidence that the law of 1901 originated as a class measure and not as a health ordinance.

opinion of the writer this law cannot be justified as a health ordinance.

If this law is retained on the statute books,[28] it should be as a health ordinance and not as a class measure. Hence, the provisions which relate to sanitation and inspection should be strengthened and, so far as possible, those which have a monopolistic tendency should be repealed. The board should be required to inspect all shops at least once a year, and should be given power to close a shop if unsanitary or if the barber is practicing without a license. The monopolistic effect of the law might be partially obviated by the acceptance of the licenses of experienced barbers from other States after proper certification by the barber examiners of those States. Since employers, generally, acknowledge that the law works against their interests, better enforcement would probably be secured if the law provided that one of the examiners should be appointed from persons recommended by the non-union journeyman barbers, one from persons recommended by the Connecticut State Barbers' Protective Association and one from persons recommended by the "boss" barbers' State association.[29] The members of the board should be paid by the State Treasury, and their remuneration should in no sense be dependent upon the number of licenses issued or the number of miles traveled, as it is at present. The accounts should be audited annually; and the reports of the board to the Governor should be published with the other public documents. The law, at best, confers somewhat of a monopolistic privilege upon those licensed, and, hence, it is not unjust to require them to pay a small license fee, even though the law is retained as a health ordinance.

[28] A similar law in New York was repealed recently.

[29] So far all persons appointed on the board have been "boss" barbers, except one, and this one bought a shop two weeks after entering upon his duties.

CHAPTER X.

CONVICT LABOR.

The question of the proper method of employment of its convicts is one that has been debated and experimented upon by each of the older States of the Union. Some follow one system, and some another, and most of them have tried several different ones; yet all have not been able to agree upon any one system. The various interests involved make the question of the proper employment of convict labor a many sided one, and one difficult of solution. In this chapter will be given the experience of Connecticut in her attempts to solve this problem.

The Law.—In Connecticut the legislation concerning convict labor has been small in amount and its provisions have changed little since the establishment of the State Prison at Wethersfield in 1827. An act of that year (ch. 27) gave the directors of the prison "power and authority to prescribe and direct the course and manner of employment of the prisoners committed to said prison," and provided that the warden should superintend the labor and conduct of the prisoners and act as the general agent of the prison as to purchases and sales therefor, and that he should conduct the business of the prison on cash estimates only. These are the principal provisions of the present law (G. S. 1902, secs. 2900-2901).

Another provision of the act of 1827 (ch. 27, sec. 5) was that if any prisoner should be retained in prison

solely for the costs of prosecution, and in the opinion of the directors should be unable to pay said costs, and had conducted himself well or should be unable to labor, the warden might accept his note for the amount of the costs and discharge him; but if the prisoner had not conducted himself well and was able to labor he might be held in service to pay such costs; and in this case he should be allowed journeyman's wages for like service. This provision is the same in the revision of 1902 (sec. 2913), except that the warden may remit the amount of the costs if the prisoner is unable to pay them.

In 1836 (ch. 48) it was enacted that any person held in the state prison for the non-payment of a fine should be allowed fifty dollars per year for his labor. In the revision of 1875 (Title 9, ch. 1, sec. 9), and in the revision of 1902 (sec. 2914), the amount of pay is one hundred dollars per year.

Before 1880 the directors had full power in determining what industries should be carried on in the prison. Certain of the industries that had been carried on there had been objected to as being injurious to the same industries outside the prison, and to free labor. Others of these industries, it was claimed, were not suited to the reformation of the prisoners. The report of the Special Commission on Contract Convict Labor in Connecticut in 1880 (p. 43) says:

"There is also great need of some safeguard restricting the, at present, unlimited power which permits contracts to be made for convict labor without consulting any of the industrial interests of the States."

"The Commissioners . . . all recognize the necessity of adopting greater safeguards than any now provided by law; safeguards which shall limit this power by giving manufacturers and artisans an opportunity to be heard whenever new contracts for convict labor are to be made."

This Commission presented a bill for an act regulating the letting of contracts for convict labor. The act which followed (1880, ch. 70) provides:

"That whenever it shall be proposed to employ fifty or more of the prisoners . . . by contract or otherwise, at any trade or occupation, the directors . . . shall give public notice of the fact . . . in . . . the papers . . . and shall inquire into the effect of such proposed employment upon the interest of the state, the moral and physical condition of the prisoner, and upon free labor; and . . . shall give a hearing to all who may wish to be heard in the matter, and if it shall appear . . . that such proposed employment will not be for the interest of the state, or will be detrimental to the moral or physical condition of the prisoner, or will seriously injure the citizens of this or any other state engaged in such proposed trade or occupation, it shall be prohibited."

This law was in the revision of 1888 (sec. 3355), but it was carelessly omitted, or purposely excluded, from the revision of 1902. The secretary of the present Board of Directors of the prison thinks it was not omitted through carelessness, but that "it was eliminated in the interest of simplicity and condensation and that the act was regarded as superfluous." However this may be, we must question the propriety of a revision committee appointed by one legislature throwing out a law passed upon the recommendation of an investigating committee appointed by a previous legislature, especially when, as in this case, conditions have changed little in the meantime. Open and public bidding for contracts is one of the surest guarantees against injurious competition by contract convict labor.

The act of 1880, it is true, was brought into use but a few times at most. The proposal, in 1883, to contract about sixty men to make shoes, and the piece-price contract for making shirts, let in 1895, were duly advertised

as the act required. The writer has learned of no other case in which the proposal to contract convict labor was advertised, or in which a hearing was granted on the effects of carrying on the proposed industry in the prison. However, there may have been a few other cases. Several years previous to the enactment of this law there were a number of contractors in the prison and several industries were carried on there. These industries were given up one by one and the convicts that had been employed in them were contracted to certain shoemaking firms that held contracts in the prison. At the time the law was passed these firms held three or four contracts, each terminating at a different time. As these terminated they were renewed, and usually for less than fifty men each. For several years one firm has held five separate contracts for the labor of convicts at shoemaking. As each of these contracts was for less than fifty men, the law did not require that the intention to let it be advertised or that a hearing be granted. Whether, as has been suggested to the writer by one of the present officials at the prison, these contracts were purposely made for less than fifty men each, in order to evade the requirements of the act of 1880, the writer is unable to say; but it seems that the directors and wardens were never favorable to the act and preferred to have full sway in the letting of contracts.[1]

In 1895 (ch. 153) it was enacted that,

no prisoner in the state should be employed "in or about the manufacture or preparation of any drugs, medicines, food or food material, cigars or tobacco, or any preparation thereof, pipes, chewing gum, or any other article or thing used for eating, drinking, chewing, or smoking, or for any other use within or through the mouth of any human being."

[1] The five contracts in force in 1894 called respectively for 48, 46, 49, 44 and 49 men.—Report Directors Conn. State Prison, 1894, p. 70.

In the revision of 1902 (G. S. sec. 2902) the provision is practically the same.

This law, under the guise of a health measure, seems in reality to have been secured by organized labor, in the interests of the cigarmakers.[2] However, it was merely a preventive measure, so far as the manufacture of cigars was concerned, as their manufacture in the state prison, never extensive, was wholly discontinued in 1878.

An early law provided that the warden might employ the prisoners, "not exceeding ten at a time, outside the prison walls." The board of directors, in 1896, finding this number insufficient to carry on the farm work outside the prison, recommended a change in the law, and, by an amendment of 1897 (ch. 103), the warden was permitted to employ such number of prisoners as might be approved by the board of directors outside the prison walls, within two miles thereof, under the charge of some proper officer of the prison. The law is the same in the revision of 1902 (sec. 2901).

Old Newgate. — About 1705 there was discovered, about sixteen miles northwest of Hartford, a rich vein of copper ore. A company was formed in 1707 to work it, but "after being worked seventy years by free-labor, slave-labor, and the imported article, the enterprise was abandoned, having bankrupted a score of chartered companies."[3] At this time, 1773, Connecticut was in need of greater prison accommodations. The county jails, its only penal institutions, were overcrowded and insecure. It lacked the means to build a state's prison. "In this dilemma some bright spirits suggested employing the

[2] The Cigarmakers' Union secured the introduction of the bill.— See Report Annual Convention Conn. Branch American Federation of Labor, 1895.

[3] *Lippincott's, 27*: 290, 291; Noah A. Phelps, *Hist. of Simsbury, Granby, and Canton,* pp. 113-119; Richard H. Phelps, *Hist. of Newgate,* p. 23.

abandoned copper mine at Simsbury (now East Granby) as a convict hold—a suggestion received with great favor by the people and adopted by the legislature of 1773."[4] This new prison, "once the most terrible of modern prisons," was named Newgate, after the famous prison of that name in London. From 1775 to 1783 it was the national prison of the Continental Government,[5] and from 1790 to 1827 the state prison of Connecticut.

"The dungeons and cells—the prison proper—were one hundred feet beneath the ground; and it was this feature that gave the old Newgate its unique and horrible character and made it the terror of evil-doers wherever its ominous fame was sounded. The entrance to those dungeons is by a perpendicular shaft fifty feet deep. . . . At the bottom of the shaft a flight of stone steps leads down thirty or fifty feet farther to a central chamber, which contained the sleeping apartments of the convicts. On one side a narrow passage leads down to a well of pure water, above which an air-shaft pierces the sand stone for seventy feet, until it reaches the surface and admits a few cheering rays of light into the dungeon. Everywhere else a Cimmerian darkness prevails. . . . The lowest depth reached is three hundred feet." There are three parallel galleries here, eight hundred feet long and connected crosswise by passages.[6]

For a time the convicts in old Newgate were employed working the mines, but this was soon given up. They soon learned to use their picks and shovels in digging a way out.[7] Smith shops for the manufacture of nails were then operated in the caverns. In 1780 workshops

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[4] C. B. Todd, *Lippincott's*, 27: 291; Noah A. Phelps, *Hist. of Simsbury, Granby, and Canton*, pp. 120, 121.

[5] "It is interesting to note that the first commitment of prisoners of this class was made by General Washington," *Ibid.*, 292. See, also, Noah A. Phelps, *Hist. of Simsbury, Granby, and Canton*, p. 125; Richard H. Phelps, *Hist. of Newgate*, pp. 76, 77.

[6] *Lippincott's*, 27: 290.

[7] *Ibid.*, p. 291; Richard H. Phelps, *Hist. of Newgate*, p. 81.

were erected above ground for the employment of the convicts. "Their employment consisted in making nails, barrels, shoes, wagons, doing job work, farming and working on the tread mill."[8] "All were allowed to work for themselves or others after their daily tasks were finished, and in that way some of them actually laid up considerable money."[8] In 1825 a committee of the legislature, appointed to inspect the condition of Newgate Prison, said in its report:

"The prisoners are, on arriving at the prison, placed to the trade to which they have been accustomed. If they have no trade, they are employed as waiters, common laborers, and perform duty on the Tread-Mill. There are Waggon and Machine makers 9—Nailers 16—Blacksmiths 5—Shoemakers 22—Taylors 2—Coopers 11—Stone Cutters 3—common laborers 23—the others are either waiters, cooks, etc., or are old and infirm."

The industries in Newgate seem to have been carried on under the public account system. For several years before its abandonment the prison cost the State over seven thousand dollars annually for its maintenance.

Kendall, who visited Newgate in 1807, "when it was at its best estate," says:[9]

"On being admitted into the gaol-yard, I found a sentry under arms within the gate and eight soldiers drawn up in a line in front of the gaoler's house. A bell, summoning the prisoners to work, had already rung; and in a few moments they began to make their appearance. They came in irregular numbers, sometimes two or three together, and sometimes a single one alone; but, whenever one or more were about to cross the yard to the smithy, the soldiers were ordered to present, in readiness to fire. The prisoners were heavily ironed, and secured both by handcuffs and fetters; and, being therefore unable to walk, could only make their way by a

[8] Richard H. Phelps, *History of Newgate,* pp. 88, 90.

[9] Travels through the Northern Parts of the United States," 1807-1808, I: 210-216.

sort of jump or hop. On entering the smithy, some went to the sides of the forges, where collars, dependent by iron chains from the roofs, were fastened round their necks, and others were chained in pairs to wheelbarrows.[10] . . . This establishment, as I have said, is designed to be, from all its arrangements, an object of terror, and everything is accordingly contrived to make the life endured in it as burdensome and miserable as possible."

. . . . . .

"The cells are near the well, but at different depths beneath the surface, none perhaps exceeding sixty feet. They are small, rugged, and accommodated only with wooden berths, and some straw. The straw was wet, and there was much humidity in every part of this obscure region; but I was assured I ought to attribute this only to the remarkable wetness of the season; that the cells were in general dry, and that they were not found unfavorable to the health of the prisoners."[11]

"Into these cells the prisoners are dismissed at four o'clock in the afternoon, every day without exception, and at all seasons of the year. They descend in their fetters and handcuffs; and at four o'clock in the morning they ascend the iron ladder, climbing it as well as they can, by the aid of their fettered limbs. . . . "

"Going again into the workshop or smithy I found the attendants of the prison delivering pickled pork for the dinner of the prisoners. Pieces were given separately to the parties at each forge. They were thrown upon the floor and left to be washed and boiled in the water used for cooling the iron wrought at the forges. Meat had been distributed in like manner for breakfast."

" . . . Prisoners in this gaol are treated precisely as tigers are treated in a *menagerie;* and if the minds of men are influenced by education, then the education of a tiger may be expected to make a tiger of the man. From all persons in and about the gaol, you hear of nothing but the ferocious disposition of the prisoners, and of the

[10] See, also, Richard H. Phelps, *Hist. of Newgate,* pp. 86, 87; Noah A. Phelps, *Hist. of Simsbury, Granby, and Canton,* pp. 127, 128.

[11] See, also, Richard H. Phelps, *Hist. of Newgate,* pp. 83, 84; Noah A. Phelps, *Hist. of Simsbury, Granby, and Canton,* p. 132.

continual fear in which they keep their keepers. Now, nothing ought less to excite our surprise than this. Everything that human art can do, is in this instance done, to brutify and inflame the victim; and what more natural, than that this being done, he should in his own turn become an object of alarm, to those by whom he is brutified and inflamed?"[12]

Industries Carried on at the State Prison.—In 1827 the prisoners were removed from Newgate to the new prison at Wethersfield.[13] There were eighty-one prisoners brought from Newgate;[14] and the industries that had been carried on there were transferred to the new prison and continued on public account.[15] These industries were nail-making, smith work, cooperage, wagon making, and shoe making. The directors of the prison soon began hiring the labor of convicts to contractors, and the public account system was gradually replaced by the contract system. After about 1844 the State employed on its own account only those prisoners who could not be contracted or who were unfit for contract work.[16] Since 1856, with the exception of a few convicts employed during eight different years, to prevent their remaining idle, the State has carried on no industries on its own account (see table, pp. 227-233). One reason why the State gave up manufacture on its own account was the difficulty experienced in finding sale for the products.[17] This was the direct cause for abandoning the industries brought from

[12] See, also, Noah A. Phelps, *Hist. of Simsbury, Granby, and Canton,* p. 134; Richard H. Phelps, *Hist. of Newgate,* p. 89.

[13] "When the prisoners arrived from Newgate, irons were found upon many of them, which they had constantly worn."—Report Directors Conn. State Prison, 1828, p. 5.

[14] Noah A. Phelps, *Hist. of Simsbury, Granby, and Canton,* p. 129. Richard H. Phelps in his *Hist. of Newgate,* p. 130, gives 127 as the number removed to Wethersfield.

[15] Report of Legislative Investigating Committee on Conn. State Prison, 1842, p. 9.

[16] Report Directors Conn. State Prison, 1876.

Newgate and employing the convicts at making chair seats.[17] Another important reason for giving up the public account system was that the contract system had proven to be more profitable. For the seventeen years next preceding its abolishment $125,081.06 was drawn from the State treasury to support the Newgate prison. The profits of the new prison for the same length of time were $93,146.48.[18]

In 1828 there were five industries carried on in the prison, in 1836 there were eight, in 1842 ten, in 1846 five, in 1856 nine, in 1863 three, from 1879 to 1895 one, and from 1895 to the present there have been two. (See table, pp. 227-233). A varied assortment of things have been manufactured during this time, but many of them only for short periods. A few, however, were manufactured for a long term of years, as shoes, rules, chairs, and chair seat frames. Until 1857 the custom was to have many industries and a small number of men in each industry. Before this time the average number of men to an industry was less than twenty-five and the largest number in any industry had not exceeded fifty. Since 1857 the number of industries has decreased rapidly, and the number of men in each industry has increased as rapidly. In 1880 the manufacture of boots and shoes was the only industry, and it employed two hundred men. This number had risen to 248 before the manufacture of shirts was begun in 1895. At present (1905) 245 men are employed in the shoe shops and 110 in the shirt factory. The decline in the number of industries has been due largely to the complaint that the industries carried on in the prison were injurious to similar industries outside the prison, or to free laborers. It has been due partly to contractors abandoning their contracts.

[17] *Ibid.*, 1830, p. 5.

[18] *Ibid.*, 1844, p. 7.

In order to discuss intelligently convict labor in its relation to the reformation of the prisoner, and in its relation to competition with free labor and with industries carried on outside the prison, it is necessary that we know what and how many industries were carried on in the State prison at the time of which we speak, how many men were employed in each, and under what system. The writer, learning that in Connecticut there was a great lack of information on these points on the part of those most interested in the question of convict labor, and even on the part of the prison officials themselves, and finding that this information was not easily accessible, determined to construct a table which would give this information for each year since the establishment of the prison at Wethersfield in 1827. In constructing the table the reports of the directors of the prison and the reports of special legislative investigating committees on prison matters were relied on mainly for data. A number of the early reports of the directors are missing,[19] and the few found for the years before 1836 give little information on these points. The information for these years was gleaned from the report of a legislative investigating committee appointed in 1841. This report does not give the number of men in each industry each year. The reports of the directors and those of the legislative investigating committees differ in some of their statements. The table indicates the industries carried on and the men employed in each at the time of closing the report for each year, hence a few industries that were carried on for only a few months between reports do not appear in the table. The table, too, shows only the number employed producing for the market. For all these reasons the table must be offered with this apology and explanation. It is approximately correct.

[19] From the Yale University library, from the Connecticut State library, and from the State Prison.

INDUSTRIES CARRIED ON IN THE CONNECTICUT STATE PRISON

Year	UNDER CONTRACT			ON ACCOUNT OF STATE			Grand Totals		NET PROFITS OF PRISON TO STATE
	Goods Manufactured and Men Employed	Total Trades	Total Men	Goods Manufactured and Men Employed	Total Trades	Total Men	Trades	Men	
1828	shoes 10[20]	1		wagons ; nails 15-20 ; cooperage ; smith work	4		5		$1,017.
1829	shoes ; chair seating	2		wagons; nails 15-20; cooperage; smith work	4		6		3,229.
1830	shoes	1		chair seating 30-55 ; chair seat frames; clock carving, wagon making; nails 15-20; cooperage, smith work	5		6		5,068.
1831	shoes; shovels and forks	2		chair seating, 30-55; chair seat frames, clock carving, wagon making; nails 15-20; cooperage	4		6		7,824.
1832	shoes; shovels and forks	2		chair seating 30-55; chair seat frames, clock carving, wagon making; cooperage	3		5		8,713.
1833	shoes; hammers, chisels and screw plates	2		chair seating 30-55; chair seat frames, clock carving, wagon making; cooperage	3		5		2,277.
1834	shoes; hammers, chisels and screw plates; rush chair seating; cane chair seating 30-34	4		chair seating 30-55; chair seat frames, clock carving, wagon making	2		6		3,985.
1835	shoes; rush chair seating; buffing spoons; cane chair seating 30-34	4		chair seating 30-55 ; chair seat frames	2		6		5,268.

[20] Shoes may have been manufactured on account of state for a few years after 1827.

INDUSTRIES CARRIED ON IN THE CONNECTICUT STATE PRISON.—(Continued).

Year	UNDER CONTRACT			ON ACCOUNT OF STATE			Grand Totals		NET PROFITS OF PRISON TO STATE
	Goods Manufactured and Men Employed	Total Trades	Total Men	Goods Manufactured and Men Employed	Total Trades	Total Men	Trades	Men	
1836	shoes 20; chisels, hammers, screw plates, carriage springs 27; Brittania spoons 52; buffing spoons 13; whips 3; hames 3; waiter 1	6	119	chair seat'g 40; chair seat frames 8	2	48	8	167[21]	6,505.
1837	shoes 24; chisels, hammers screw plates and carriage springs 32; Brittania spoons 26; buffing spoons 12; whips 26; hames 3; waiter 1	6	124	chair seating 47; chair seat frames 11	2	58	8	182[21]	7,438.
1838	shoes 24; chisels, hammers, screw plates and carriage springs 16; rifles and pistols 25; whips 18; spectacles 15	5	98	chair seating 29; chair seat frames 38	2	67	7	165	5,015.
1839	shoes 28; chisels, hammers, screw plates and carriage springs 20; rifles and pistols 28; spectacles 12	4	88	chair seating; chair seat frames	2	69	6	157	3,060.
1840	shoes 25; chisels, hammers, screw plates, and carriage springs 23; spectacles 18	3	66	chair seating 48; chair seat frames 11; knotting and splitting cane 20; clock carving 2	4	81	7	147	4,511.

[21] Does not include females a few of whom may have been employed.

INDUSTRIES CARRIED ON IN THE CONNECTICUT STATE PRISON—(Continued)

Year	UNDER CONTRACT			ON ACCOUNT OF STATE			Grand Totals		NET PROFITS OF PRISON TO STATE
	Goods Manufactured and Men Employed	Total Trades	Total Men	Goods Manufactured and Men Employed	Total Trades	Total Men	Trades	Men	
1841	shoes 25; carriage springs 16; rules 12; chairs 25; varnishing and finishing chairs 12	5	90	chair seating 47; chair seat frames 12; knotting and splitting cane 22; nails 3	4[22]	84	9	174	8,282.
1842	shoes 25; table cutlery 25; rules 12 chairs 25; varnishing and finishing chairs 10	5	97	chair seating 50; chair seat frames 12; knotting and splitting cane 20; palm leaf hats 5; cigars 2	5[23]	89	10	186	8,065.
1843	shoes 25; table cutlery 50; rules 12 chairs 18; varnishing and finishing chairs 7	5	112	chair seating 23; chair seat frames 10; knotting and splitting cane 9; palm leaf hats 8; nails 12	5	62	10	174	6,069
1844	shoes 25; table cutlery 50; rules 15 chairs 25; varnishing and finishing chairs 10	5	125	chair seating 17; chair seat frames 4; knotting and splitting cane 10	3	31	8	156	6,808.
1845[24]									6,173.
1846	shoes 23; table cutlery 42; rules 15; chairs 34	4	114	chair seats 39	1	39	5	153	7,029.
1847	shoes 21; table cutlery 33; rules 11; chairs 31	4	96	chair seats 32	1	32	5	128	3,472.
1848	shoes 18; table cutlery 32; rules 13; chairs 33	4	96	chair seats 29; binding boots (females) 2	2	31	6	127	1,508.
1849	shoes 20; table cutlery 29; rules 14; chairs 33	4	96	chair seats 33; binding boots (females) 4	2	37	6	133	2,209.

[22] From June 1840 to February 1841 the State manufactured nails, carriage springs, sledges and iron doors.
[23] The palm leaf hats and cigars were made by women convicts.
[24] Figures for this year not given in report of directors.

INDUSTRIES CARRIED ON IN THE CONNECTICUT STATE PRISON—(Continued)

Year	UNDER CONTRACT			ON ACCOUNT OF STATE			Grand Totals		NET PROFITS OF PRISON TO STATE
	Goods Manufactured and Men Employed	Total Trades	Total Men	Goods Manufactured and Men Employed	Total Trades	Total Men	Trades	Men	
1850	shoes 24; table cutlery 33; rules 18; chairs 39	4	114	chair seats 35; binding boots (females) 4	2	39	6	153	1,832.
1851	shoes 15; table cutlery 32; rules 16; chairs 40	4	103	chair seats 36	1	36	5	139	1,669.
1852	shoes 17; table cutlery 31; rules 16; chairs 43	4	107	chair seats 39	1	39	5	146	3,775.
1853	shoes 6; table cutlery 25; rules 20; chairs 46; school apparatus 20; planes 35	5	117	chair seats 38	1	38	6	155	1,926.
1854	shoes 4; cooperage 17, smith's work 16; rules 20; chairs 35 school apparatus 20; planes 35	7	147	chair seats 17	1	17	8	164	4,182.
1855	shoes 3; carpentry 18; smith's work 15; rules 17; chairs 26 school apparatus 14; cooperage 15; planes 25	8	174	chair seats 12	1	12	9	186	1,952.[25]
1856	shoes 2; carpentry 20; smith's work 17; rules 15; chairs 28; school apparatus 19; cooperage 15; planes 19	8	135	chair seats 14	1	14	9	149	2,544.
1857	smith's work 17; rules 20; school apparatus 19; burnishing silverware 37; planes 69	5	162				5	162	2,728.

[25] For eight months only.

INDUSTRIES CARRIED ON IN THE CONNECTICUT STATE PRISON—(Continued)

Year	UNDER CONTRACT			ON ACCOUNT OF STATE			Grand Totals		NET PROFITS OF PRISON TO STATE
	Goods Manufactured and Men Employed	Total Trades	Total Men	Goods Manufactured and Men Employed	Total Trades	Total Men	Trades	Men	
1858	shoes 35; smith's work 18; rules 23; burnishing silverware 38; planes 70	5	184				5	184	3,058.
1859	shoes 34; smith's work 19; rules 24; burnishing silverware 34; planes 63	5	174				5	174	1,871.
1860	shoes 54; smith's work 17; rules 18; burnishing silverware 29; planes 37	5	155				5	155	1,667.
1861	shoes 59; rules 16; burnishing silverware 32; planes 37	4	144				4	144	422.
1862	shoes 58; rules 18; burnishing silverware 32; planes 33	4	141				4	141	45.
1863	shoes 87; burnishing silverware 32	2	129	picking hair, etc. (females) 3	1	3	3	132	961.
1864	shoes 72; burnishing silverware 27	2	99	picking hair and assorting seeds (females) 3	1	3	3	102	657. (loss)
1865	shoes 68; burnishing silverware 24	2	92	picking hair and assorting seeds (females) 4	1	4	3	96	5,770. (loss)
1866	shoes 90; rules, bevels, etc., 16; burnishing silverware 46	3	152	sticking hair pins and assorting seeds (females) 4	1	4	4	156	702.
1867	shoes 80; rules, bevels, etc., 27; burnishing silverware 49	3	156	sticking hair pins and assorting seeds (females) 4	1	4	4	160	1,078.
1868	shoes 79; rules 46; burnishing silverware 27	3	152				3	152	1,706.

INDUSTRIES CARRIED ON IN THE CONNECTICUT STATE PRISON—(Continued)

Year	UNDER CONTRACT			ON ACCOUNT OF STATE			Grand Totals		NET PROFITS OF PRISON TO STATE
	Goods Manufactured and Men Employed	Total Trades	Total Men	Goods Manufactured and Men Employed	Total Trades	Total Men	Trades	Men	
1869	shoes 82; rules 39; burnishing silverware 29	3	150				3	150	$2,812,
1870	shoes 99; rules 52; burnishing silverware 33	3	184				3	184	5,977.
1871	shoes 86; rules 53; burnishing silverware 26	3	165				3	165	2,657.
1872	shoes 80; rules 41; burnishing silverware 27	3	148				3	148	1,202.
1873	shoes 85; wire goods 24; rules 30	3	139				3	139	1,511.
1874	shoes 93; wire goods 21; rules 31	3	145				3	145	2,114.
1875	shoes 114; wire goods 20; rules 30	3	164	cigars 9	1	9	4	173	2,712.
1876[26]	shoes 140; rules 25	2	165	cigars 20	1	20	3	185	2,874. (loss)
1876	shoes 124; slippers 47	2	171	cigars 20	1	20	3	191	1,387. (loss)
1877	shoes 219	1	219	cigars 5	1	5	2	224	3,022. (loss)

[26] There are two reports for 1876, one for the year ending March 31st, and one for the eight months ending November 30th, 1876.

INDUSTRIES CARRIED ON IN THE CONNECTICUT STATE PRISON—(Concluded)

Year	Under Contract	Under Piece-Price	Grand Totals		NET LOSS OF PRISON TO STATE
	Goods Manufactured and Men Employed	Goods Manufactured and Men Employed	Trades	Men	
1878	shoes 237		1	237	$1,417.
1879	shoes 200		1	200	692. (gain)
1880	shoes 190		1	190	3,048.
1881	shoes 180		1	180	5,259.
1882	shoes 168		1	168	7,073.
1883	shoes 206		1	206	3,403.
1884	shoes 195		1	195	3,108.
1885	shoes 218		1	218	5,792.
1886	shoes 197		1	197	2,401.
1887	shoes				4,184.
1888	shoes 221		1	221	7,567.
1889	shoes				
1890	shoes 211		1	211	23,106.[27]
1891	shoes				
1892	shoes 239		1	239	14,963.[27]
1893	shoes				
1894	shoes 248		1	248	27,944.[27]
1895	shoes 235	shirts 47	2	282	30,830.
1896	shoes 231	shirts 50	2	281	18,036.
1897	shoes 236	shirts 70	2	306	49,780.
1898	shoes 240	shirts 92	2	332	30,961.
1899	shoes 260	shirts 89	2	349	
1900	shoes 241	shirts 84	2	326	21,020.
1901	shoes 238	shirts 85	2	323	36,654.
1902	shoes 234	shirts 104	2	338	21,183.
1903	shoes 253	shirts 108	2	361	30,251.
1904	shoes 243	shirts 98	2	341	23,943.
1905	shoes 245	shirts 110	2	355	24,913.

[27] This includes preceding year also.

The Contract System.—While in the early history of the Connecticut State prison the industries were carried on under the public account system, and while in recent years a large number of the convicts have been employed on the piece-price plan, the general policy of Connecticut has been to employ her prisoners under the contract system (see table, pp. 227-233). Is this the proper system for attaining the objects sought by imprisonment? These objects should be (1) to protect society, (2) to reform

the criminal, (3) to punish crime, and (4) to force the criminal, where he has not done so, to earn his own living and cease being a burden on society. The safety of society should be first considered and next the reformation of the prisoner. The profitable application of the convict's labor should always be held subsidiary to his reformation; and, hence, that form of prison labor should be adopted which will best work the reformation of the prisoner. Is this the contract system?

It is often claimed against the contract system of prison labor, that the presence of the contractor in the prison is a foreign and not desirable influence; that his interest is almost of necessity in antagonism with the higher interests of prison discipline and reform; that his only care is to get as much work out of the men as he can for the price paid; and that these interests of the contractor must somewhat interfere with the proper government of the prison. It is said, also, that the contract system takes the convict from under the supervision and control of the prison officials; that it affords them opportunity to shirk their responsibility for the care, discipline, punishment, and reformation of the criminal; and that it is a bar to any progressive, scientific treatment of the criminal classes. It is further urged that the contract system is opposed to that diversity of industries which will allow a distribution of labor, based upon the various capacities and abilities of the prisoners.

Has the contract system in Connecticut been open to these objections? A distinguished French commission which visited the Wethersfield prison about 1830, in their report to the French government, assigned to it the first place among American prisons; and a New York commission, in 1844, after inspecting various prisons of the country, referred to it as "the pattern prison" of the Auburn plan, where silence, order and industry were

completely exemplified, and where "the discipline of the convicts would satisfy the most rigid tactician."[27] A Connecticut commission in 1842 recommended the substitution of the piece-price system of labor for the contract system. A similar commission in 1872 failed to discover any abuses in the contract system at Wethersfield,[24] and another in 1880 found no "ground for the complaints made against the Connecticut State Prison or the Contract System."[28] Yet these same reports recognize that the contractor has not the same interest in the reformation of the convict that officers of the State should have. The overseers of the labor of the convicts are State officers, and they have full authority over the discipline of the prisoners in the work rooms; but until after 1872 these overseers were dependent for their pay on the contractors. The investigation commission of 1842 reported a case of an overseer being interested in the contract, and the report of the commission of 1880 (p. 8) says:

"Under former administrations it was the custom to allow contractors to use inducements of money or gifts to make the prisoners do a greater amount of work, and the abominable practice prevailed of contractors feeing both officers and convicts. This practice is utterly subversive of discipline, puts those who pay and those who receive the bribe in the power of each other, and makes the contractor the master of the prison."

Such abuses seem to have been rare. Would they not have been as frequent under any system of State account? The overseers would have remained about the same, and the past experience of the prison shows that under such a system the warden would have been prompted by the

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[27] Report of Commissioners on State Prison Matters, to General Assembly of Conn., 1872, p. 4.

[28] Report of Special Commission on Contract Convict Labor, 1880, p. 41.

same desire to make the industry pay as is the contractor under the contract system, and that probably he would have worked the prisoners with as little thought of their reformation.

Under the contract system the warden is not at full liberty to regulate the number and kinds of industries according to the abilities of the prisoners, or to distribute the prisoners among the different industries according to their abilities and capacities. Usually he must make what contracts he can in order to keep all the men employed. The results in Connecticut have been that before 1857 there were too many industries in proportion to the number of prisoners. Many of the contracts were short lived (see table, pp. 227-233) and the men were continually shifted from one trade to another, not remaining in any one long enough to learn it.[29] Often the industries were chosen without regard to their suitability. In the "forties" the policy was to manufacture only those articles commonly imported into the United States, and which would not come into direct competition with the industries of the State.[29] This policy, never closely followed, was directly opposed to the present prevalent idea that the prisoner should be taught in prison a trade he can pursue on leaving the prison. Since 1875 the industries have been too few. With only one or two trades it is impossible to find suitable employment for all classes of prisoners, and it is doubly difficult for the men to secure employment at their trade on leaving the prison, particularly if, as in Connecticut, the one or two industries of the prison are not carried on extensively in the State.

Competition with Convict Labor.—In Connecticut, as elsewhere, convict labor has been objected to most seri-

[29] Report of Committee on Connecticut State Prison, 1842, pp. 33, 34.

ously because of its alleged injurious competition with free labor. Much of the discussion of this question has been highly illogical, and many erroneous opinions still exist in regard to the proper regulation of the labor of convicts.

It is the right and duty of every able-bodied man to support himself by his own labor. In this struggle for existence every man comes into competition with every other man; but this competition is seldom injurious, and it is never wrong, so long as it is unrestricted competition between equals. In this antagonistic co-operation it is for the welfare of society and the individual that each employ his productive powers in the manner that will secure the greatest product.

If we apply these self-evident principles, and other similar ones, to the convict and his labor, we may say:

1. Every convict should support himself by his own labor.

2. This labor should be employed in the most productive manner.

3. Each convict as a free man competed, or should have competed, with every other laboring man, and the fact that he is now a prisoner is no reason why this competition should cease.

4. Such competition will not wrongly injure free labor so long as it is freely competitive, is not subsidized, and is not restricted to certain trades.

5. So far as it is possible to prevent it, the employment of convict labor should not change the relative positions of the industries outside the prison before its employment.

6. The extent to which the sudden employment of x convicts in any industry may result in real competition or injury to free labor in that industry depends not only upon the proportion x is of the total number of free laborers in that industry in the State, the United States,

and abroad, but also upon the extent of the market for the products—whether it be local, state, or international in extent.

7. The more diversified the industries carried on in the prison and the more they are limited to large industries with broad markets and many workers the less the danger of injurious competition.

8. It is the sudden shifting of convict labor from one trade to another that is most harmful to free labor in competing industries. If the prison trades, even though injuriously competitive at first, are made stable and permanent, labor outside the prison will adjust itself to the new conditions and, when once adjusted, will no longer feel injurious effects from the competition.

9. Convict labor is least hurtful when its products are left to go where they are most wanted, scattered abroad; and it is most hurtful when the sale and consumption of the products are restricted to localities or classes of consumers.[30]

Since the establishment of the State prison at Wethersfield there have been numerous complaints that free labor and industries were being injured by competition with the labor and industries of the prison. Several legislative committees have investigated these complaints and, usually, have found that they had little or no foundation in fact. However, some cases of real injury were reported. The commission of 1842 found that three of the ten industries carried on in the prison at that time were injurious in their effects on competition with free labor. These were the manufacture of chairs, carriage springs, and carpenter's rules. The market for carriage springs and rules was small, and for the former it was local. The product of the sixteen convicts employed in

[30] U. S. Industrial Commission Report, 1900, Vol. III, p. 126.

making carriage springs, and of the twelve employed in making rules, in 1841, might have had an appreciable effect on this market. In the same year one hundred and nineteen of the one hundred and seventy-four convicts (68 per cent.) producing for the market were employed on the different parts of chair manufacture. This was a very large proportion and might easily have injured the local industry, particularly as the market at that time was limited because of the lack of means of transportation, and because of the custom of each neighborhood supplying its own needs. The chair industry was continued, however, until 1857, and the manufacture of rules until 1877. Before 1857 the large number of industries, an average of six, and the few men to an industry, an average of less than twenty-five, rendered serious injury from their competition impossible. What injury there was probably came more from the frequent changes of industries and from the custom of shifting the men from one industry to another, than from other causes.[31]

At this time, 1842, there was opposition to the teaching of trades to convicts and to their use of labor-saving machinery. Even the legislative committee said:

"If the steam engine was not already in use at the prison the Committee could not recommend its introduction. . . . The Committee would prefer employments carried on by hand labor, instead of those requiring machinery."[32]

In 1879 the legislature was petitioned to abolish the contract system of convict labor in the State prison. It was alleged that the competition with contract convict labor and its products was having a disastrous effect upon the free labor and industries of the State. But "A Special Commission on Contract Convict Labor," appointed

[31] See Report of Committee on Connecticut State Prison, 1842, p. 33.

[32] *Ibid.*, pp. 35, 36.

to investigate the matter, reported, in 1880, that it had "failed to discover any ground for the complaints made against the Connecticut State prison or the Contract System."

Some of its conclusions were:

"That there are no *favored* contractors in this state."

"That the price paid for convict labor is not greatly below its value."

"That the profit of contractors as a rule is not larger than the profits of ordinary manufacturers. . . . "

"The claim that, except in the hat trade,[33] one man who desired to work has been deprived of employment, or that workingmen, except hatters, have had their wages reduced, or that *any* have been reduced to want or crime, has not been sustained by one item of proof, and it is not believed that any proof exists."

"That, with the exception of the hatting trade, . . . the industries of this state are (not) affected by competition with prison industries or by speculation or corrupt competition between prison contractors of this or any other state."

"That prison-made goods do not as a rule undersell free manufactures. . . . "

"That there is justice in the demand for a greater diversity of industries in the prison. . . . "

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[33] The complaint was against the prison made hats of the State of New York. None were manufactured in the Connecticut prison. The complainants say:

"It is estimated that one-fourth of the whole number of people in the United States engaged in the manufacture of fur and wool hats are employed in this State, and that the value of their product will rather exceed that proportion."

"The business is confined almost entirely to the towns of Danbury, Bethel, Norwalk and Bridgeport in Fairfield County."

"The 725 convicts contracted for making hats (in New York) are just about five per cent. of the whole number . . . engaged in the trade in the whole country. . . . It will thus be seen that we have to bear fully *twenty-five times* our fair share of the burden."—Report of Special Commission on Contract Convict Labor, 1880, pp. 103, 104, 108.

At this time, 1879, the only industry in the prison was the manufacture of boots and shoes. But since this industry had been so long and firmly established in the prison and since it was an industry employing large numbers of men all over the world, and with a world market for its products, and particularly since the industry was of minor importance in Connecticut,[34] the products of the 237 convicts employed in it in 1879 could not have had a very injurious effect on the industry in Connecticut. However, the fact that so many convicts were taught the same trade may have had an injurious effect on the workmen in that trade outside the prison.

This, probably, is the only valid objection that can be made to the contract system in Connecticut to-day, so far as injurious competition with Connecticut industries or laborers is concerned. The same is true of the piece-price contract for making shirts. It is in competition with the released convicts and not with those in prison that the free workmen of Connecticut are most liable to suffer.

The claim that competition with the contractor is more injurious than competition with the State would be is not well founded. The contractor is governed by the same instincts and interests as the manufacturer outside the prison. He must make a profit or close down; and it is to his interest to maintain prices and to get a high price for his goods. Every discount affects him directly. The State, on the other hand, would not be governed by any such human instincts. It has no soul, and would not hesitate to cut prices or to sell without a profit. Its

[34] In 1880 it was estimated that there was one convict working in the shoe industry in the state prison to each fifteen free laborers in the same industry outside of the prison in Connecticut; and that about five and one-half per cent. of the boot and shoe product of the State was manufactured in the prison.—Report of Special Commission on Contract Convict Labor, 1880, p. 8.

capital is not so limited as is that of an individual, and it could continue to manufacture without profit, or even at a loss. The State is not limited by the things that influence and limit the private manufacturer, while the contractor is. Competition with the contractor is competition with an equal, competition with the State is not.

The claim that the contractor pays much less for convict labor than its real worth and is getting rich at the expense of the State must be questioned also. Most convicts have never learned a trade. They are weaker physically and intellectually than free workmen. Often their terms of imprisonment are short, and they are discharged almost as soon as they become proficient in their work. Their training is expensive, and often much material is wasted. The quantity of the product of a convict laborer is estimated at from one to two-thirds that of a free laborer. In 1886 it was estimated by the United States Commissioner of Labor that 95 free workmen would be required to perform the amount of labor performed by the 205 convicts in the prison shoe shops of Connecticut that year;[35] and in 1903-4 it was estimated that 108 free laborers would be necessary to perform the labor of the 215 convicts reported as employed under contract at shoe making, and that 30 free laborers would be necessary to perform the work of the 72 convicts employed making shirts under the piece-price contract.[36] Then, prison contracts are for short terms, usually limited to five years. During this time the contractor must keep the convicts constantly employed and pay for their labor, regardless of the state of trade; while his competitor outside the prison can shut down or reduce the

[35] Second Annual Report of the Commissioner of Labor, 1886, p. 174.

[36] Twentieth Annual Report of the Commissioner of Labor, 1905, pp. 234, 235.

number of his hands in a dull season. Often the prejudice against convict-made goods forces the contractor to sell them at a low price.

In Connecticut the contracts are let to the highest responsible bidder. It would seem that if the labor of the convicts is so profitable, there would be many bidders; but, as a matter of fact, the warden often has had to search for contractors who would employ the convicts. A further proof that the employment of convict labor is not highly profitable is the fact that so many prison contractors fail. The report of the Special Commission on Contract Convict Labor (1880, p. 7), in speaking of the changes in industries and contractors in the prison between 1827 and 1880, says:

"All of the above industries (21 in number) have been abandoned but one, all of the above contractors (15 in number) are out of the prison but three, and in every instance the contract has been abandoned voluntarily, and not because the State desired it; and the contractors have failed, or being too rich to suffer beyond recovery from an ordinary loss, and too shrewd to continue an unprofitable business, have given up their contracts, because their profit was so small they could not compete with free labor. Some of them are still in business, employing free labor."

In a number of other cases the warden had to reduce the contract price to prevent the contractors giving up their contracts.

In Connecticut there has been, on the whole, little cause for complaint against the contract system because of its injurious effects on competition. Where injury has resulted under this system more often it has been due to the injudicious selection of industries, or to the frequent shifting of convicts from one industry to another, than to anything inherent in the system itself. These mistakes could, and probably would, have occurred under another

system. Before 1878 the system lacked stability, and in this way possibly led to injurious competition by the frequent introduction and withdrawal of trades, and by the consequent shifting of the convicts from one trade to another. This is always a danger under the contract system and is probably its weakest point so far as competition is concerned. The present industries, however, are stable and the number of men employed in each varies little.

The Financial Success of the Contract System.—In general the financial success of the contract system depends on the ability of the State to contract the labor of its convicts at a fair price and regularly. If this is done the system, financially considered, is the surest of any except the lease system. It throws upon the contractor all risks in buying the stock and selling the product, and in making the collections. It requires little State capital and little labor and responsibility on the part of the warden. It gives a steady, sure, and definite income. The State is paid whether the convicts are worked or not. Bidding for contracts insures that the State will receive approximately what the labor is worth. However, the system sometimes lacks stability; and in times of trade depression the State is often forced to reduce the contract price in order to hold the contractors.

In Connecticut the contract system, on the whole, has been successful financially. From the time of its removal to Wethersfield in 1827, to 1876, with the exception of two years, the prison was run at an annual net gain to the State (see table, pp. 227-233). The figures for this period, however, are open to question. Often the accounts were kept very loosely;[37] frequently needed improvements were not made; and the prison and prisoners

[37] Reports Directors Conn. State Prison, 1846, 1851, 1852, 1855; Report Committee on State Prison, 1878, p. 6.

were not so well cared for as in later years. The wardens often gave more attention to making the prison pay than to the reformation of the prisoners. The report of the "Commission on State Prison Matters" of 1872 (p. 9) says:

"Connecticut having once a system far in advance of its neighbors, and a prison which was regarded as a model at home and abroad, has stood still in the matter ever since, until it is now far behind most of the states in its treatment of convicts."

Since 1876 the prison has been run at a loss to the State. This has not been due to a lower contract price paid for convict labor. In 1842 the prices ranged from 37½ to 45 cents a day per convict. In late years the usual price, except in times of trade depressions, has been 50 cents a day per convict. This loss has been due partly to the percentage of the prisoners employed producing goods for the market. For the five years, 1838-1842, inclusive, 86 per cent. of the prisoners were so employed; while for the five years, 1894-1898, inclusive, only 68 per cent. of the prisoners were employed in this manner.[38] But since, during the latter period five per cent. of the prisoners were employed productively outside the walls of the prison, raising vegetables, etc., for use in the prison, this number should be added to the 68 per cent. The cost per capita of maintaining the prison has more than doubled since 1840. For the six years 1835-1841 the total expenses of the prison averaged only 20.85 cents a day per convict;[39] in 1903 the cost for maintenance was 44.92 cents a day per capita of the convicts.[40] This increased expense has been due largely to improve-

[38] Computed from Reports of Directors of Connecticut State Prison, 1838-1842, 1894-1898.

[39] From Report of Committee on Connecticut State Prison, 1842, p. 26.

[40] Report Directors Conn. State Prison, p. 24.

ments made in the care and treatment of the convicts and to the higher prices paid for provisions. There is no longer any attempt to make the prison self-supporting. Needed improvements are made and much more attention is given than formerly to the reformation of the prisoners. In no case can the excess of expenditures over receipts be attributed to the contract system.

The Piece-Price System.—In 1895 the piece-price system of contracting convict labor was first introduced in the Connecticut State prison. This is a modification of the contract system. The superiority claimed for it over the contract system is that under it the State retains full control and charge of the convicts while they are working. The contractor or his men have no position in the prison. The officers of the State are left free to arrange the labor of the prisoners in the manner they deem best for their reformation. They, it is claimed, have not the same interest as the contractor in swelling the product by rushing the men.

The piece-price contract of 1895 was with the New York Shirt Company. The company equipped the shop with machinery, furnished the raw materials, and did the cutting. The State manufactured the shirts at fifty cents a dozen. The contract called for from sixty to one hundred men; but in 1895 only forty-seven convicts were available. In 1898 ninety-two were employed on the contract, and in 1905 there were one hundred and ten. This contract was entered into by the State under assurances from the contractors that each convict could manufacture one dozen shirts a day; but for the year ending September 30, 1897, after the men had had two years' experience, their average earnings per day per capita were only 37.23 cents.[41] For the year ending September

[41] Report Directors Conn. State Prison, 1897, p. 28.

30, 1905, the average earnings per day per capita were slightly over 53 cents.[42] If the year 1905 were not an exceptional one the piece-price contract at present is more profitable to the State than the pure labor contract for the convicts who work in the shoe shops. The writer, in visiting the two shops, noticed little difference in the manner in which the prisoners worked. Those in the shirt shop seemed to be working more rapidly than those in the shoe shop, but this was due, probably, to the nature of their work.

For a time there was fear from competition with the convict-made shirts, and in 1897 one of the shirt manufacturers of the State introduced a bill (H. B. 542) in the legislature, providing that all convict-made goods should be so stamped. A substitute for the bill, which confined the provision to convict-made shirts, was rejected. This same manufacturer informs the writer that the prison-made shirts are sold mainly to New York firms and are then retailed throughout the country; and that he cannot say that enough of them come back to Connecticut to affect the local markets materially.[43] He says that the labor to manufacture one dozen shirts costs him $1.50, while the State manufactures shirts at fifty cents a dozen. This difference in labor cost may be due to the difference in the quality of shirts manufactured. Those made in the prison are workmen's shirts.

The Public Account System.—Since the public account system for the employment of convict labor is gradually gaining in favor and use in the United States, and since many favor its adoption in Connecticut, it may be well to

[42] Computed for the writer by the prison clerk.

[43] For the year 1903-4, 80.4 per cent. of the boots and shoes and all the shirts manufactured in the State Prison were sold without the State.—Twentieth Annual Report U. S. Commissioner of Labor, 1905, pp. 420, 421.

review that system in general, and Connecticut's experience with it in particular.

In theory the public account system is the ideal system of the prison reformer, the workingman, and the manufacturer. They claim that under this system whatever profit is made from the labor of the convicts goes to the State and not to enrich a subsidized contractor; that it gives no one manufacturer an advantage over his competitors; that it places the foremen, officers, and convicts entirely under State control; and that, by placing the whole management of the industries and labor of the prison under control of the officers of the State, it offers the best opportunities for the reformation of the criminals.

However beautiful the public account system may be in theory, in practice it has many defects. Its success depends very largely upon the honesty and ability of one man, the warden. It is difficult to secure a man as warden who is at once a reformer, a disciplinarian, and a successful manufacturer and business man, and who can properly combine and attend to all three duties at the same time. This difficulty increases with the diversity of industries. Under this system the stability of the industries is liable to frequent disturbances because of the periodical changes in wardens and directors. Experience has shown that there is great danger of fraud and neglect on the part of the management. In seeking for an industry which will not compete and which will have the best reformatory effects upon the convicts, the State is liable to select one for the products of which there is not sufficient demand. In practice the State may prove a dangerous competitor. It may not have chosen its industries because there was a demand for more such industries in the State. The State is a subsidized competitor. Its capital is not limited. It is not forced to make a profit,

but can continue to manufacture at a loss and when there is no real demand for its products. It can sell its products below market price and even at a loss and still continue to produce and compete. In competing with the State the manufacturer is in no sense competing with an equal.

In her experience with the public account system Connecticut met most of the above difficulties. The wardens often proved inefficient and lacking in ability. The welfare and reformation of the prisoner often were neglected in the attempt to make a good financial showing. The accounts of the prison were juggled to show large profits or to cover fraud.[44] Wardens have been changed frequently and often for political reasons rather than because of their inability, though this was too often apparent.[45] In the seventy-nine years since the removal of the prison to Wethersfield there have been seventeen regularly appointed wardens, and a few temporary ones. Leaving the temporary wardens out of account the average term of a warden has been but four years. The longest term has been eight years, and there have been several one and two year terms. Note the following changes in wardens:

Amos Pilsbury removed and Elisha Johnson appointed, 1845. Elisha Johnson removed and Leonard R. Welles appointed, 1850. Leonard R. Welles removed and Elisha Johnson re-appointed, 1851. Elisha Johnson removed (second time) and Leonard R. Welles re-appointed (second time), 1852. With such frequency in change of wardens, stability and success in prison industries carried on under public account are impossible. It is equally

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[44] See Reports Directors Conn. State Prison, 1846, 1851, 1852, 1853, 1855.

[45] Report Directors Conn. State Prison, 1851, p. 15.

impossible where each new board of directors reverses the acts and decisions of the preceding one.

Connecticut has furnished us with an example of the State as a competitor.[46] In 1852, in accordance with authority given by the legislature, the directors contracted the labor of twenty convicts for the manufacture of common school apparatus. The pay, at forty-five cents a day, was to be taken in school apparatus *at fifteen dollars a set.* The State was to receive 180 sets of apparatus each year, at *twenty per cent. below their market value.* In 1853 the legislature, following the recommendation of the directors of the prison, authorized the warden to sell the sets of apparatus to towns *at fifty per cent. discount,* where they should buy for all the schools of the town, otherwise *at a discount of twenty-five per cent. below the actual cost to the State.* But even at this total discount of sixty per cent. below market price the sets of apparatus sold slowly, and, therefore, the legislature ordered them sold at *three dollars per set* to any school districts of the State. Still, in 1859, though circulars and advertisements had been resorted to, one hundred and seventy-six sets of the apparatus remained unsold. Finally, to relieve the prison of the "burden," the directors were permitted by the General Assembly to dispose of the apparatus as they thought proper. In his report of 1860 the warden states that the school apparatus has been disposed of and the proceeds placed in the State Treasury; and in his financial statement we find this item:

"Paid into State Treasury amount rec'd for balance of School Apparatus on hand, Dec. 1, 1859 [176 sets], $213.00."

Where could be found a worse miscalculation in estimating the demand for a class of goods than was made

[46] Reports Directors Conn. State Prison, 1853, 1854, 1859, 1860.

by the State in this case? What subsidized prison contractor ever "slashed" market prices so unmercifully and with so little regard to cost? In 1853 the market price of these sets of apparatus was $18.75 each. The State began selling them at $7.50 a set—*a discount of sixty per cent. on the market price.* Later they were reduced to $3.00, a discount of eighty per cent. on the market price of 1853, and in 1860 the remaining sets were sold *at $1.21 each, a discount of ninety-four per cent. on the market price of 1853.* These sets, sold at $1.21, cost the State $15.00 in convict labor at forty-five cents a day per convict. After waiting several years for its pay the State received, in actual money, .0363 cents a day for the labor of its convicts. Yet the manufacture of this school apparatus continued after it was demonstrated that there was no active market for the product even at a discount of sixty per cent. below the market price.

On the whole, the experience of Connecticut with the public account system is not inviting. It does not show that more attention would be paid to the reformation of the prisoners under this system than under the present one. It does indicate that under such a system there would be greater danger from corruption, incompetency, and injurious competition; and that the revenue to the State would be smaller and more uncertain.

CHAPTER XI.

THE FACTORY ACTS.

I. The Factory Inspection Laws.

The Act of 1887.—The campaign for a law creating a factory inspection department was begun by the Knights of Labor in 1885. From the discussions on the proposed law it seems that the prevailing idea was that the chief duty of the factory inspector was to be to secure better protection against accidents. The opposition to the passage of such a law was by two classes, (1) the manufacturers who opposed it largely because of personal interests, and (2) those who thought there was little need of inspection, and that any system of inspection by State officers would be a failure and would be attended with dangers to the interests and rights of the manufacturers.

Most prominent of those of the latter class was Commissioner Hadley, of the Bureau of Labor Statistics. In his report for 1885 (pp. 87-91) he comes out boldly in opposition to inspection by State officers. He says:

"We are warranted in saying that factory accidents are not an evil of the very first prominence, and that the chance for them, although it is a grievance, is not a grievance of the first rank. There are a great many other things that produce more evil and demand speedier attention. Those who desire a system of factory inspection do not desire it solely as a means of preventing accidents."

. . . . . .

"In the first place, no system of compulsory government inspection is likely to be as rigid or as well enforced

as an inspection by private companies. There are a great many things which a man will submit to voluntarily, but which he will denounce as tyranny if he is compelled to submit to them by government. . . . Second, if we have a system of inspection which is not thoroughly efficient, we simply lessen responsibility, without doing any corresponding good."

"To show how badly this works, let it be observed that we have a choice of two remedies for evils of this kind: either to prevent the employer from doing things wrongly, by a rigid system of inspection; or to hold him responsible for the consequences, by a stricter enforcement of liability. *We cannot have both.*"

. . . . . .

"Shall we commit ourselves to the policy of inspection or of responsibility?—bearing in mind that whichever we take, we reject the other. Our own opinion is in favor of increased responsibility and against inspection. We hesitate to say so, because the weight of authority seems to be on the other side. But when we look at the results from private inspection as far as it goes, and compare them with the slight results which government inspection in this country has usually produced, we cannot help thinking that increased responsibility enforced by law is likely to do more good than any system of government inspection."

In the legislature of 1886 the first bill for a law creating a factory inspection department was introduced. This bill (H. B. 27) provided that the Governor should appoint one or more inspectors in each judicial district, who should inspect all buildings where machinery was used, twice a year. They were to be paid by the towns, at rates determined by the selectmen, and were to make reports to the selectmen. The bill also provided for guards to machinery, safety appliances, etc. Another bill introduced at this time (H. B. 135) provided for automatic doors on elevator wells, etc. The Committee on Labor, to which the bills were referred, reported a substitute for the two of them.

In the House this substitute called forth much discussion. Some of the objections to the bill brought out by the discussion were as follows:[1]

1. The inspection would require several men and the expense to the State would be great.

2. Private machinery and secret processes are kept in private rooms. In many cases the success of the business depends on keeping these processes secret. "Manufacturers of the Naugatuck Valley protest against the enactment of a law which will give any man the power to enter their private rooms and to become possessed of secrets concerning their business which they have jealously guarded. It would be an outrage on private property interests to permit such an exposure or invasion of private rights. Much evil might result from such a law. It will be seen without long argument that corruption and blackmail would be more than possible in the execution of such a law."

3. Injury to skilled workmen would result from the discovery of the skilled processes through which they have been able to reap high wages.

4. Manufacturers are now liable to employees for injury to them, and they endeavor to make their factories safe and comfortable. A "system of government inspection of factories would to a great extent remove this feeling of personal liability for negligence by factory owners and managers." The enforcement of an inspection law "would not improve the condition of those whom it is designed to benefit," and "the execution of it would be attended with great expense to the State and it would most surely do great injustice to many manufacturers."

In accordance with the above fears and objections many amendments to the bill were adopted. One of these

[1] Hartford *Daily Courant*, 1886, March 24, p. 1.

excepts from inspection "such rooms or places where the owner or owners may have valuable machines or processes, the value of which depends on safe keeping." Another amendment provides that any employer shall not be liable for damages to employees caused by "any machine or fixture on the premises, in relation to which the requirements of the State inspector shall have been and continue to be, fully complied with."

Finally the whole matter was indefinitely postponed.

In the legislature of 1887 a new bill (H. B. 42) for a factory inspection law was introduced. This bill was thoroughly discussed in both houses and passed by both. Attempts to secure a reconsideration of the bill failed and it became a law.

This act (ch. 152) was substantially a copy of the law then in force in Massachusetts. It furnished the basis for the later legislation on this subject. The following is a digest of its provisions:

Sec. 1. The governor shall appoint an inspector of factories for a term of two years.

Sec. 2. The inspector, as often as practicable, shall inspect all places where machinery is used. He shall receive a salary of fifteen hundred dollars a year; and shall report to the governor annually.

Sec. 3. All factories shall be ventilated and kept as clean as the nature of the business will permit; belting, shafting, gearing, etc., where dangerous, shall be securely guarded; and the inspector may prohibit the cleaning, while running, of all machinery except engines.

Sec. 4. The inspector may order the openings of all hoistways, hatchways, elevator wells, etc., to be protected by trap doors, self-closing hatches and safety catches.

Sec. 5. Where more than five persons shall be employed in a factory the employer shall provide suitable water-closet accommodations, and keep them in sanitary condition.

Sec. 6. The factory inspector shall enforce this act by giving notices to owners or operators of the buildings

inspected; and he shall also make complaint to the state's attorneys of all violations.

Sec. 7. Any owner, lessee or occupant of a building included within the provisions of this act shall, for any violation of sections three, four, or five thereof, forfeit to the state not less than fifty nor more than five hundred dollars, and shall also be liable to any employee for all damages suffered by him by reason of such violation. Four weeks shall be allowed in which to comply with an order of the inspector.

Sec. 8. The orders and notices of the inspector shall be signed by him and served on the person ordered to make a change, and then filed in the office of the town clerk of the town in which the factory is located.

Sec. 9. The inspector shall keep copies of all notices and orders given by him, and a record of all inspections made by him.

Sec. 10. The inspector may from time to time employ special agents to assist him in his inspections, who shall be paid only for the time employed. Not over fifteen hundred dollars a year shall be expended under this section.

No attempt will be made to discuss separately and chronologically each of the laws relating to factory inspection, passed since the act of 1887. The different subjects to which these laws relate will be discussed in turn and the legal provisions on each subject will be given. This method will give a less perfect idea of the separate laws, but it will give a clearer idea of the legal development along certain lines.

The Factory Inspector.—His term, salary, duties, and deputies.—The act of 1887 (ch. 152) provided for the appointment of an inspector by the governor, fixed his term of office at two years, and his salary at fifteen hundred dollars. This law made it his duty, as often as practicable, carefully to examine all buildings where machinery was used; and authorized him to appoint from time to time "special agents to assist him in his examina-

tions." These agents were to "receive compensation for the time actually employed in such service only," and the total amount of such compensation was limited to fifteen hundred dollars a year. In 1893 (ch. 206) these special agents were given "the same power and authority as the inspector subject to his approval," and the maximum limit of their compensation was raised from fifteen hundred to three thousand dollars. But, in 1903, three thousand dollars was not a sufficient amount to keep the two deputies at work all the time at fair wages. Therefore, although there was sufficient work for them to do, they were laid off part of the time. They were being paid five dollars a day. The chief inspector, according to one of the deputies, proposed that they work at four dollars a day and put in more days in the year. Thus, they would do the needed inspection and draw the same total amount of wages as before. The deputies objected to this and decided between themselves that they would secure a change in the law. They worked silently among senators, representatives and influential men, and secured many promises of support of their proposed change. When the legislature of 1903 met they drew up their bill and laid it before their chief. He told them they were asking too much, that they could never carry it, and that he would have nothing to do with it. They assured him that its passage was assured, and, finally, he went before the Committee on Labor and urged its enactment. There was practically no opposition and the bill was passed without a dissenting vote.

This law (1903, ch. 97) lengthened the term of the factory inspector from two to four years, raised his salary from fifteen hundred to twenty-five hundred dollars a year, fixed the pay of the deputies at the definite amount of five dollars a day and necessary expenses, and raised the amount that might be expended for this pur-

pose from three thousand to seven thousand dollars a year. This is the present law.

While the practice of public officers securing the passage of bills lengthening their own terms of office and raising their own salaries cannot be commended, the changes secured by this law were all needed. A factory inspector, before he can do thoroughly efficient work, must learn his business and become acquainted with the employers and the conditions in the different industries in the State. This takes time. Hence short terms and frequent change of inspectors is detrimental. A good inspector must be not only a practical mechanic, but also a man of tact, judgment, and administrative ability. A salary of fifteen hundred dollars a year will not secure such a man. Neither will a less amount than five dollars a day, with steady employment, secure an efficient and reliable deputy inspector.

The Inspector's Orders.—The act of 1887 (ch. 152) provided that the inspector should enforce its provisions by giving orders or notices to the owners or operators of the factories or buildings inspected by him, and that he should also make complaint to the State's attorneys of violations of the act. The penalty for violation was a forfeit of from fifty to five hundred dollars. Persons notified were given four weeks in which to make the changes indicated, before suits could be brought for violation of the act. The orders and notices of the inspector were to be signed by him, served upon the person required to make a change, endorsed by the officer serving the same, and then filed in the office of the town clerk in which was located the factory or building to which such notices appertained. Such notice, so filed, was to be *prima facie* evidence that the notice was given. The inspector was further required to keep copies of all no-

tices and orders given by him, and a record of all inspections made.

In 1889 (ch. 225) the penalty for violation was extended to any attempts to hinder the inspector in his inspections; and in 1895 (ch. 206) the penalty for violation of the general provisions of the act, or for obstructing or hindering the inspector in carrying out the duties of his office, was reduced to "not more than fifty dollars." The penalty was extended to other sections of the inspection laws by an act of 1903 (ch. 53). Section two of the law of 1895 provided that any person aggrieved by any order of an inspector of factories might appeal to the superior court of the county, stating the facts and reasons of appeal, and citing the inspector of factories to appear before the court. The court was given power to review the doings of the inspector and confirm or set them aside, and to make such order in the premises as it might find to be proper and equitable.

All these provisions are still in force (G. S. 1902, secs. 4520, 4522-4525).

That part of the law which requires the inspector to make complaint to the State's attorneys of all violations of the act has always been a dead letter. So, also, for the most part, has the provision requiring the inspector to serve notice on persons required to make changes, and to endorse the same and file them in the office of the town clerk. For the inspector to serve these notices personally would require much extra time and travel. To pay an officer the usual fees for serving them, as may be done under the statute, would be a large expense to the State. To avoid this trouble and expense it has been the custom of the factory inspection department to get the person notified to waive legal notice by signing and returning to the inspector an acknowledgment of receipt of the order.

If trouble is anticipated the notice is filed with the town clerk in legal manner, otherwise not.

Both of these provisions are superfluous and should be repealed. They are examples of the custom in Connecticut of creating an officer with power to give orders and then making it the duty of some other officer, often no higher or no more competent, to enforce those orders; and of the equally bad custom of rendering an otherwise good law cumbersome and unpractical by crowding it with a mass of useless detail. The result is, in the first case, that the orders often are not enforced by either officer, and neither of them feels responsible for their non-enforcement. The result in the latter case is that either the officer is hampered in his service by these useless provisions, or else that he ignores them and loses a proper respect for the authority of the law which is laid down for his guidance.

Reports of the Factory Inspector.—The law of 1887 (ch. 152) provided that the factory inspector should report to the Governor annually "the condition as respects safety to life and health, of the factories, buildings and places visited by him," and that such report should be printed for the use of the General Assembly. In 1889 (ch. 173) the comptroller was authorized to cause to be printed annually five thousand copies of the report.

The first report of the factory inspector, that for the year 1887, was not published until 1900.[2] It contains only seven pages. Since 1889 there has been little change in the reports, except in size. The subject matter, and the arrangement, is practically the same. From ten to fifteen pages are taken up with a review of the work of the department, and with brief notes on such subjects as safety, ventilation, elevators, exhaust systems, etc. This

[2] The report for 1888 likewise was not published until 1900.

is followed by a record of all inspections made and all orders given, written out in full. This record occupied sixty-seven of the ninety-one pages of the report of 1895, ninety-four of the one hundred and twenty-eight pages of the report of 1900, and thirty-three of the one hundred and thirty pages of the report of 1905. The reports since 1901 have contained a directory of "Connecticut Manufactures and Products." This covered fifty-nine pages of the report of 1905. For a number of years the reports have contained the factory inspection laws.

The reports of the factory inspector have been unsatisfactory. There has never been much in them that would interest the ordinary citizen or the manufacturer. This should not be so. The inspector is in a position to learn much that is of general interest to the public and of special interest to manufacturers and laborers. Instead of devoting a few pages of the report to a brief mention of a few subjects he might well devote a large part of it to giving valuable information on these subjects and others. It is difficult to understand why the long record of inspections has been included in each report. It shows that the inspectors have visited so many factories and made so many inspections, it is true, but why take sixty or eighty pages to tell this? A few representative orders, together with a table showing the total number of factories inspected, the number in good condition, the number in which orders were given, the total number of orders given, and a thorough and comprehensive classification of the orders given would not take up over a page or two and would be much more instructive than is the long list of unclassified orders. The inspection laws are very properly included in the report. The directory of "Connecticut Manufacturers and Products" probably is little referred to except by drummers and traveling men. However, it gives a comprehensive view of the industries

carried on in the different sections of the State and is useful for reference. On the whole there is much room for improvement in these reports.

Guarding Dangerous Machinery.—The act of 1887 (ch. 152) provided that the "belting, shafting, gearing, machinery and drums" in factories, when so placed as in the opinion of the inspector to be dangerous, as far as practicable, should be securely guarded; and that no machinery in a factory, other than steam engines, should be cleaned while running, if forbidden by the inspector. This is the present law (G. S. 1902, sec. 4516).

The first inspection of factories in 1887 showed that much of the machinery had been manufactured fifteen or twenty years prior to that time and was wholly unprotected by safeguards. Projecting set screws, and unguarded gearings and shaftings were common. Accidents to fingers and hands were of frequent occurrence, and fatal accidents were not uncommon. The inspector's report for 1890 (p. 9) says:

"During the year an effort has been made to collect statistics in regard to accidents to factory operatives. . . . The whole number of accidents reported was fifty: ten persons were killed, and some of the remaining forty were seriously injured. . . . In some cases the accidents would not have occurred if suitable safeguards had been provided."

For several years most of the time of the inspector was occupied in inspecting and giving orders for guarding dangerous machinery. In 1890, 489 factories were inspected. Orders were given in only 292 of these, the total number of orders being 710. Of these 710 orders, 531 were for guarding dangerous machinery and set screws. In 1890 "of 710 changes ordered during the year [in 242 factories], 531 were for the better protection of dangerous machinery."[3]

[3] Report Conn. Factory Inspector, 1890, p. 9.

Relatively, the proportion of orders given for the guarding of dangerous machinery has declined rapidly since 1887, although the inspections have become more careful, and although more careful guarding has been required by law. In 1890, 531 of the 710 orders given were for the guarding of dangerous machinery and projecting set screws. This was one such order to each 1.09 factories inspected. In 1895, 402 of the 918 orders given, or one for each .84 factory inspected, were for guarding dangerous machinery and set screws. In 1900, 190 of the 496 orders given, being one for each .13 factory inspected, were for this purpose. And in 1905, 101 of the 376 orders given, being one order for each .05 factory inspected, were for the same purpose. Most of the new machinery is now fairly well guarded when it is manufactured. However, many orders for the guarding of machinery are still necessary and accidents from unguarded machinery still occur. New machinery often is installed and the belts and shafting are not promptly and properly guarded. Then, flush set screws are sometimes carelessly replaced by the old-fashioned projecting kind.[4] The operatives sometimes remove the guards that have been provided for their protection, claiming that they hinder them in their work.

Elevators.—The act of 1887 (ch. 152, sec. 4) empowered the factory inspector to order the openings of all hoistways, hatchways, elevator wells, and wheel holes in factories to be protected by "good trap-doors, self-closing hatches, and safety-catches or other safeguards." At this time many of the elevators in the factories were of cheap construction and out of date. Many had but a single cable, most of them were without guards about the openings, and scarcely any of them had safety clutches to catch the car in case the cable broke. Many of them were

[4] Report Conn. Factory Inspector, 1904, p. 15.

run by mere boys, and it was customary for the employees in factories to ride on the freight elevators. Accidents were of frequent occurrence, and many of them were fatal. Some improvement in closing the openings of elevator wells were made under the law of 1887; but the inspector claimed that this law did not authorize him to require safety clutches on elevator cars.[5] It did not require him to make a special inspection of all elevators in the factories, and, hence, many of the old defects were not remedied and accidents continued.

The factory inspector recommended further legal restrictions,[6] and in 1893 these were enacted. Chapter 59 of the public acts of 1893 prohibited the employment of any person under sixteen years of age to operate an elevator; and chapter 118 extended the provisions of the law of 1887 (ch. 152, sec. 4) to mercantile establishments, and provided that all elevator cabs or cars, whether used for freight or passengers, should be provided with some suitable safety clutch to hold the cab or car in the event of accident to the shipper-rope or hoisting machinery.

With these changes in the law the employment of boys to operate elevators practically ceased, and much improvement was made in the way of safety appliances and guards. Inspections were more frequent and accidents became less common.[7] However, the law still did not require special inspection of elevators, and they were not inspected carefully and often. In 1896 the inspector reported[8] that some elevators were not provided with safety clutches, and that the safety appliances on others were so rusted that they would not work in case of an accident

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[5] Report Conn. Factory Inspector, 1890, p. 5.
[6] *Ibid.*, 1890, p. 5; 1891, p. 12.
[7] Report Conn. Factory Inspector, 1894, p. 13.
[8] *Ibid.*, 1896, p. 8.

to the shipper-rope or hoisting machinery. Since 1896 there has been a much more careful and systematic inspection of elevators,[9] and accidents have been comparatively infrequent. Automatic hatches have gradually replaced the bars or chains which formerly were placed across the openings to the elevator wells.

Before 1903 there was no inspection of the elevators in public buildings and dwellings, unless they were insured by employer's liability companies. An act of that year (ch. 97) provides for the inspection by the factory inspectors, of all elevators in factories, mercantile establishments, store-houses, work-houses, dwellings, or other buildings. Many of these elevators were found to be in bad condition and without safety devices. On others the safety devices were broken or rusted so that they would not work.

At present it is the custom of the factory inspectors to inspect all elevators every four months. But notwithstanding the frequent inspections of the last few years, elevators are found here and there over the State with bars or ropes, in place of automatic gates to close the openings to the elevator wells. These bars or ropes are sometimes found out of place and the wells left unguarded.

Accidents still occur, but they are due mainly to such carelessness as operatives riding on freight elevators, the leaving of elevator wells unguarded, and the use of the automatic hatches over elevator wells as passage ways between the different rooms.

Ventilation and Sanitation.—The law of 1887 (ch. 152, sec. 3) provided that all factories and buildings where machinery was used should be ventilated and kept as clean as the nature of the business would permit. This

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[9] *Ibid.*, 1896-1905.

provision is the same in 1899 (ch. 119) and in 1902 (G. S. sec. 4516). In 1887 the ventilation in many of the work rooms was very poor. Most of the factories had been built without any special provision having been made for ventilation. The report of the inspector for the year 1891 (p. 13) says:

"In the early days of manufacturing but little attention was given to ventilation. Most factories therefore were not constructed with special arrangements for letting in fresh air. On the contrary, there is abundant evidence to show that, except in hot weather, every precaution was taken to keep it out. Many of the old workshops of this state bear testimony to the correctness of these statements. They are low studded, the rooms are small, they are crowded with machinery and have no means of ventilation except the doors and windows, which, especially in cold weather, do the work poorly at the best. Not until recent years has due attention been given to ventilation by considering it when the plans for new buildings were in process of preparation. Even now the subject is frequently lost sight of in the desire to be economical. Some of the newer factory buildings in this state were constructed with some mechanical means of ventilation, and some of the old structures have been improved by putting in fans, blowers and other appliances. A still larger number depend entirely upon natural ventilation as furnished by the doors and windows."

The ventilation that could be required under the general provision of the act of 1887 was found insufficient to protect the health of employees in certain industries, and in 1893 (ch. 204) it was enacted that whenever the inspector of factories should find it necessary for the preservation of the health of the employees, in any place where buffing, polishing, or grinding metals was carried on, or in any place where excessive dust was generated, that such excessive dust be removed from the room, he might order the introduction and operation of such appli-

ances as might be necessary to remove such dust, so far as the nature of the business would permit.

This law was much needed. In the grinding of minerals and in buffing and polishing and in certain kinds of wood work a very injurious dust is made; and in certain other manufacturing processes very injurious gases are generated. Before 1893 the workmen in most of the factories were inhaling this dust and these gases. It was very injurious to their health. A few of the factories, however, had put in exhaust systems to remove the dust and gases. These were expensive and manufacturers were slow in putting them in after the law was passed. Some of the first systems put in did not work well; but they were gradually improved and more and more of them were put into the factories. For several years they have been in general use in those factories where dust is created or gases generated. Ventilating fans are also found in many of the factories, where they are needed and the nature of the business will permit of their use.

The question of proper ventilation is now receiving more attention, and is considered when the plans for new buildings are being prepared. A number of the old factories are still inadequately ventilated, and a successful system for ventilating cotton, woolen, and shoddy mills, without carrying away the cotton, wool or shoddy, has not come into use. Some of the factories are not "kept as clean as the nature of the business will permit."

Light.—Before 1899 there was no law in Connecticut requiring that workrooms be well lighted. Many of the factories, especially the old ones, were not sufficiently well lighted. Complaints were made to the factory inspector in 1898 that the eyesight of the employees in some of the factories was being injured from want of sufficient light while at their work. The report (p. 9) says:

"These complaints were investigated, and there is no doubt in the minds of the Inspector and the expert oculist employed, that there were just grounds for complaint, but there is no way under the present law whereby the owners can be compelled to make any improvement."

The inspector recommended that the law be extended to cover this point, and the next year (1899, ch. 119) the law (G. S. 1888, sec. 2265) was so amended as to require that factories be well lighted (G. S. 1902, sec. 4516). The new factories of the State are well lighted. Some of the old factories were never provided with many windows; often, now, they are crowded with machinery in such a manner as to shut off the light from workmen in the middle of the rooms.

About 1900 corrugated glass was often put in the windows of new factories. The reason for using this glass was to keep employees from looking out of the windows and neglecting their work, and to keep persons on the outside from looking into the work rooms. It was claimed, also, and correctly, that in wide rooms this glass distributed the light more evenly about the room than the ordinary clear glass. But because of the corrugated surface the rays of light passing through this glass at different points on its surface are refracted at different angles and in different directions, thus causing the numerous rays to cross each other within the room. This crossing of the rays of light before they have proceeded far enough into the room to become thoroughly diffused produces numerous focal points. A large number of such foci dazzles and injures the eye. Experience in using such glass in the factory windows showed that if the men were working at fine work, such as fine tool making, within the distance from the windows at which the rays of light became diffused (twelve to fifteen feet) their eyes were injured. The report of the factory inspector for 1900 (p. 10) says:

"At one factory . . . fourteen men out of sixteen men stated that this light had injured their sight. An expert oculist was called into the factory, who stated that in his opinion the light from this glass was the cause of the trouble the operatives had with their eyes. This company changed the glass by substituting a clear light in the sash and no trouble has been experienced since."

To prevent the further introduction and use of such glass, with the consequent injury to the eyes of the employees, a law was passed in 1901 (ch. 97) which provided that any firm or corporation using stained, painted, or corrugated glass in factory windows, where its use was injurious to the eyes of the workmen, should remove it upon the order of the inspector of factories. This glass has been removed where its use was deemed injurious.

In the opinion of the writer, the use of such glass is always injurious to the eyes of any person working near the windows, whether the work be fine work or not, and should be replaced by clear, smooth glass. A casual observation of the eyes of any large group of factory operatives as they pass in or out of the factory will convince any fair-minded person that they should be provided with the best light possible, and that they should not be prohibited, by the use of stained, painted, or corrugated glass in the windows, from resting their tired eyes by looking for an instant away from their work into the outside world.

Far too little attention has been paid to the proper lighting of work rooms. We are too apt to think of the work of the factory operatives as being coarse, manual labor, which does not tax their eyes. Often this is not so. Much of the work is fine, as, for example, inspecting needles; much of it requires constant and close attention; often the work upon which the operatives' gaze is riveted all day long is in constant and rapid motion. These things, together with the dust, and sometimes gases, of

the factory, often make the work of a factory operative especially trying to the eyes. The glassy eye, the listless eye, the staring eye, and the watery eye are far too common in any group of our factory operatives.

In the winter afternoons artificial lights are necessary. Often these are placed so as best to light up the work, and with little regard to the operatives' eyes. In one work room visited by the writer one hundred women were at work spooling thread. A few inches in front of each operative and about on a level with her eyes was an electric light, so placed that almost the full glare of it would come into her eyes. With a few exceptions the women were young, most of them but girls, yet an actual count showed that twenty per cent. of them were wearing eye glasses. The writer attributed this large per cent. to the nature of their work and to the position of these lights.

Water Closets.—The matter of the provision of proper water closet accommodations in factories and workshops is one that concerns directly the health and morals of the operatives. Common decency should cause employers to provide sufficient accommodations and to keep them in a sanitary condition; yet this subject has given the factory inspectors more trouble than any one point of seemingly similar importance, and they have been less successful in securing thorough and lasting reform along this line than any other. The difficulty has been due mainly to the defective law; to the carelessness and stinginess of employers in incurring expenditures which do not increase, directly, the profits of the business; and to the filthy habits and destructive tendencies of a part of the operatives, and to the fact that the others are not in a position to demand better conditions.

The only law on the subject is that contained in the act of 1887 (ch. 152, sec. 5). This provided that in

every factory or other building where more than five persons should be employed, "suitable water closet accommodations for the use of the persons employed" should be provided and kept in "good sanitary condition." The law is the same in the revision of 1902 (sec. 4519).

This law was very inadequate. The employers insisted on calling whatever they happened to have "suitablt water closet accommodations." When the law was passed, and until long afterwards, some of the factories had no accommodations whatever. Often the closets were few in number, and, in many cases, separate ones were not provided for the different sexes. They were of the gravity kind and were without traps. Often they were neglected and foul, and endangered the health of the operatives.[10] Many of them were earth closets and at a distance from the factories.

These conditions, endangering both the health and morals of the operatives, were remedied slowly. Employers continued to interpret the word "suitable" to suit the conditions in their factories. In 1894 there were still some failures to provide separate closets for men and women, closets with doors which would shut, and closets that were properly drained. The report of the factory inspector for 1899 (p. 10) says:

"The word 'suitable' is sometimes looked at in different ways by employers of labor. In one instance a factory was found in which seventy-five operatives were provided with one closet. It was learned that there were two

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[10] "The water closets in some establishments were found in very bad condition. Many of them have no traps, and foul air has free passage to the rooms where the operatives are employed. The number of cases of ill-health caused by these filthy places cannot be easily estimated. Local physicians of long experience attribute a large share of the sickness amongst factory operatives to this one cause."—Report Conn. Factory Inspector, 1889, p. 7.

closets for this room originally, but the lessee had torn out one to make more room."

Even to-day accommodations in many factories are not what they should be. In cases the water-closet accommodations were built years ago when the factory was small and the employees were few. Additions have since been built and the number of employees largely increased, but the water-closet accommodations remain the same. Some factories have not yet put in flush closets; some still have earth closets at a distance from the factories; and in some the sanitary condition of the closets is not properly looked after.

The factory inspectors have time and again insisted on the necessity of a more explicit law, and one under which a negligent employer would not have four weeks in which to comply with an order to clean an unsanitary closet, as he has under the present law.[11] In 1889 the report of the inspector (p. 7) says:

"In about one-fourth of the establishments in which changes were ordered, it was necessary to give notice that the water closets must be kept in better condition."

The report of 1895 (p. 10) says:

"The law in regard to the sanitary conditions of water closets especially is often violated. Several extremely bad cases have been found which would be condemned by any Board of Health."

Much of this failure to provide suitable water closet accommodations is due alone to the carelessness and stinginess of the employers. The provision of such improvements has no direct effect on the product and hence they are improvements for which employers get no direct return. Therefore, they are slow about incurring an expense of several hundred dollars to put a system of flush closets in their factories. But the employers are not always wholly

[11] Reports Conn. Factory Inspector, 1888, 1891, 1892, 1893, 1894, 1896, 1899.

to blame for their slowness in providing better water closet accommodations. Often where they have provided a nice system of flush closets at an expense of several hundred dollars, they have been rewarded in the course of a week or two by finding the covers torn off, the doors broken or cut full of holes, the lead pipes with holes bored in them and the walls defaced—all by the employees for whose accommodation they were built. A number of such cases were pointed out to the writer.

Dressing Rooms.—Connecticut has never had a law requiring employers to provide dressing rooms for the use of their employees, and comparatively few of the factories have such rooms. The wraps, hats, lunch boxes, etc., of the operatives are exposed to the dust of the working rooms, and usually no provision whatever is made for their changing their clothing before going onto the street. Dining or lunch rooms are almost unknown in the great mass of the factories of the State.

Toilet Rooms in Foundries.—In 1905 (ch. 140) the first law in regard to toilet rooms was passed. It applies only to foundries and provides that:

"The factory inspector shall have power . . . to require the proprietor of any foundry . . . in which ten or more men are employed . . . to provide for the use of such employees a toilet room of such suitable dimensions as such inspector may determine, containing wash bowls or sinks connected with running water, with facilities for heating the same, such room to be directly connected with the foundry building, properly heated, ventilated, and protected from the dust of said foundry."

The penalty for refusal to obey such order is a fine of not more than fifty dollars.

This law was proposed and its passage secured by the organized foundrymen of the State. The moulders' unions of the State worked for its passage, and the foundry owners opposed it. The unions were defeated

once and brought the bill up a second time and secured its passage.

Such toilet rooms are especially needed in the foundries. The moulder's work is dirty to begin with. When he is "pouring off" he works rapidly and perspires freely. The molten iron gives off a peculiar and very disagreeable odor which thoroughly scents his clothing. For these reasons he should not go on the street or get into a car until he has taken a bath and changed his clothing.

The law calls only for "wash bowls or sinks." What is needed are shower baths, with dressing rooms containing separate lockers for the men's clothing. The factory inspectors are inducing the foundry owners to provide rooms with properly drained sink floors of cement, and with hot and cold water. Some of them are putting in shower baths and dressing rooms. The law should be so amended that it would not be necessary for the inspector, in order to secure the kind of bathing facilities needed, to interpret the word "sinks" to mean a room with an impermeable sink floor, as he does now.

Health.—In 1869 it was enacted that whoever should employ in the manufacture of paper any person who had not had the small-pox or been vaccinated, should pay to any town all expenses caused it by the sickness of such person with small-pox, contracted while so employed. This law is still on the statute books (G. S. 1902, sec. 4693). So far as the writer has learned it has always been a dead letter. It was passed as a protective measure. The paper mills handled foreign rags, and it was believed that the women employed sorting these were in danger of catching this disease.

Fire Escapes.—The first law in Connecticut regarding the means of egress from factories in case of a fire was delayed until 1881. There was much need for such a law many years sooner. In 1850 there were 3,737 manufac-

turing and mechanical establishments in the State, employing a total of 50,737 wage earners; and in 1880 there were 4,448 such establishments with a total of 112,915 wage earners. In only a few of the new factories had any provision been made for the protection of these employees in case of fire. In the few cases where fire escapes were provided they were usually iron ladders parallel with the wall of the building. They might have been of use to men and boys in case of a fire, but they would have been almost useless to excited and frightened women and girls. The stairways, particularly in the old buildings, were few, narrow, tortuous, and steep.

The act of 1881 (ch. 72) was as follows:

Sec. 1. "Every story above the second story, not including the basement, in any workshop or manufactory on which floor more than ten operatives are employed, shall be provided . . . with more than one way of egress by stairways on the inside, or fire escapes on the outside of the building, and such stairways and fire escapes shall be kept free from obstruction, and shall be accessible from each room in said story."

Sec. 2. "It shall be the duty of selectmen of the town or of the fire marshal of any city in which such building is situated to examine all buildings referred to in the first section of this act, and if on examination they find that such building is provided with fire escapes equivalent to two sufficient stairways and furnish the owner thereof with a certificate to that effect, said owner shall not be liable under this act."

Sec. 3. "Every owner of such building who shall violate the provisions of this act shall, on conviction, be fined fifty dollars."

In 1883 the act of 1881 was replaced by a new law (ch. 125). The only changes, so far as the law applied to factories, were the inclusion of the warden of the borough with the first selectman of the town and the fire marshal of the city as inspectors of buildings for proper

means of egress, and the provision that where a building was found provided with proper means of egress a certificate to that effect should be given the owner.

The acts of 1881 and 1883 were very inadequate and indefinite. The report of the factory inspector in 1888 (p. 7) says:

"There is no law that defines what shall constitute a proper fire-escape. In some cases a straight wood or iron ladder runs from the roof or upper story to the ground with either no balcony or, where there are landings, they oftentimes have no guard or railing around them to prevent falling off if crowded, as they would be in a panic caused by a cry of fire. Some assert that it answers the law if a common wooden ladder is put up against the building, to be moved from place to place as an emergency may arise. To descend some of these ladders from a high building would require a practiced acrobat, to say nothing of frightened and timid women and children in peril of their lives attempting it."

Often where fire escapes were provided they were rendered almost useless by being placed where they were not easy of access and by being obstructed. The law, in fact, did not require that there be any fire escapes. The report of the factory inspector for 1891 (p. 9) says:

"It is practically a matter of choice with the owners of factories whether they will equip them with fire escapes. Those who mean to be upon the safe side put them on their buildings, and those who merely consider the cost rather than the safety do not. It follows, therefore, that the chief protection which operatives get from possible fires comes from the liberality of their employers rather than from any requirement of the law. The existing law provides that there shall be two ways of egress from buildings, but does not necessarily require fire escapes at all. If there are two doors it answers the requirements no matter how high or how large the building may be. One door and one escape would answer the terms of the law."

But what the law required or did not require made little difference, for it was not enforced. With few exceptions the local officers seem to have neglected to inspect the factories. The report of the factory inspector for 1893 (p. 8) says:

"But in many towns, and especially as to factory buildings, the law is practically obsolete, and no examinations are made."

The following is from the report for 1894 (p. 7):

"In the course of my examination of factories throughout the state, I have found that there are comparatively few places where the local authorities have complied with the law. They do not appear to regard the examinations as incumbent upon them, and there is no exaggeration in saying that the law is practically obsolete throughout Connecticut to-day."

In 1893 (ch. 105) the mayor of a city where there was no fire marshal was placed on the list of those whose duty it was to inspect the buildings as to proper means of egress, and in 1895 an attempt was made to strengthen the fire-escape law in several of its weak points. That part of the act of 1895 (ch. 254) relating to factories and workshops was as follows:

Every workshop or manufactory which shall be more than two stories in height and in which more than twenty persons shall be employed above the first story, "shall be provided with at least one fire escape, of iron or other incombustible material, on the outside of said building; and if such building shall be more than one hundred and fifty feet in length, then it shall be provided with one such fire escape for every one hundred and fifty feet, or fractional part thereof exceeding fifty feet in length of such building; and such fire escapes shall be conveniently accessible from each story of said building."

The failure of the owner of every such building to provide such fire escapes within three months after he shall receive notice to do so from the building inspector shall be punished by a fine of five hundred dollars, or imprisonment for not more than six months, or both.

"It shall be the duty of the building inspector of each city, the warden of each borough, and the first selectman of each town not having a building inspector, . . . to inspect all of the above-named buildings at least once each year . . . and to see that the provisions of this act are complied with. . . . And said city, borough or town shall fix and pay the compensation for all services under the provisions of this act."

(1883, ch. 125; G. S. 1888, secs. 2645-2647; and 1893, ch. 105, are repealed.)

This act, passed by the General Assembly of 1895, was still weak in that it still accepted as a legally constructed fire escape a narrow iron ladder built parallel to the wall of the building; and especially in that it still left the enforcement of the law in the hands of local officers who had already shown that they could not be depended upon to enforce a fire escape law. The act was further weakened by an amendment (1895, ch. 346) passed by the same General Assembly before its adjournment. This amendment provides that fire escapes as required by the act need not be built if "it shall be made to appear to the building inspector or other proper authority . . . that said building is already supplied with a sufficient number of safe and proper means of egress." This amendment was passed to satisfy those who, at an additional expense, had built what they termed fire-proof buildings. They claimed that it was unjust and unnecessary to compel them to go to the additional expense of placing fire escapes on their buildings.

The law of 1895 is the law of to-day (G. S. 1902, secs. 2628-2631). It has never been efficiently enforced. The building inspectors of some cities inspect the factories and attempt to enforce the law, but most of them do nothing until they are notified by the factory inspector that violations exist. Only the larger cities have building inspectors, and even such cities as New Haven and

Waterbury had no such officers until the last few years. "In some cities the building inspectors devote their entire time to their work, and order changes to be made by property owners to comply with the law, but in other places, very little inspection work is done, and the conditions are not bettered much each year in this respect."[12]

The other local officers generally have done nothing about enforcing the law, and where they have, usually it has been only after the factory inspector has notified them of violations, and informed them of their duty in the matter. Even then some of them are loath to take any action. "Sometimes the inspector is told 'I shall get out of office in a short time and I will leave that for the other fellow.' "[13] In one bad case complaint was made to the local officers by the factory inspector for over three years before anything was done by them.[14] The inspector's report for 1900 (p. 14) says:

"In other places, where the factories visited do not have suitable fire-escapes, the selectmen are notified at once, but often fail to do anything in the matter except to show the complaint received from the inspector of factories, and nothing more is done."

The report of the factory inspector for 1903 (p. 12) says:

"It is safe to say that only a part of the selectmen of the different towns of the state know that it devolves upon them to perform the duties of building inspector."[15]

The truth of this statement was verified by personal inquiries by the writer.

The factory inspection department must be given the credit of having secured most of what enforcement of this law there has been. Neither the fire escape law nor

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[12] Report Conn. Factory Inspector, 1903, p. 12.

[13] Reports Conn. Factory Inspector, 1899, p. 9; 1900, p. 14.

[14] *Ibid.*, 1900, p. 14.

[15] See also Report of 1897, p. 8.

the factory inspection laws make it the duty of the factory inspector to enforce this law, yet for several years it has been the custom of the inspector, whenever he finds a factory with insufficient means of egress, to notify the local officer whose duty it is to enforce the fire escape law. For the years 1895-1897 over sixty cases of factories having insufficient means of egress were reported to the local authorities. Through this medium these local officials often first learn what their duties in the matter are; and, as the factory inspector keeps press copies of the notifications sent them, they often find it advisable (in order to escape a predicament should a fire occur after they have been notified of the existing conditions) to enforce the law in these cases. In most other cases ignorance of their duty, negligence, and local feeling and politics prevent them from forcing the manufacturers of their town to make an expenditure of several hundred dollars each to provide their factories with fire escapes.

The factories that have been constructed in Connecticut during the last few years usually are either fire-proof or slow-burning buildings, and they are mostly provided with fire escapes, or with broad, well-lighted stairways at either end of the rooms, and shut off from the rooms proper by fire-proof doors. Many of the old factories, however, are not yet properly supplied with means of egress. There are yet many fire escapes of the iron ladder variety, built parallel with the wall of the building, and some of them without platforms at the different floors. A few of the old wooden fire escapes are still in use; and some factories have only the stairways. The fire escapes are not always ready for use. The report of the factory inspector for 1903 (p. 10) says:

"In several factories visited, the fire escapes on the outside and one of the inside stairways were found so obstructed that they could not be used. The tenants of

such buildings were crowded for room, and were using the iron fire escapes and inside entry ways, which contained stairway leading to another floor, for storage purposes."

On the following page the same report continues:

"Windows and doors providing an entrance to fire escapes are sometimes found securely fastened. . . . In a new platform to a fire escape the opening through which the ladder passed to the floor below was found to be too small to allow any person to pass through except a small boy."

In most of the factories the doors do not open outward, and in many of the old factories the stairs are dark, narrow, steep, tortuous, and frequently are not shut off from the working rooms by fire-proof doors. In such cases a fire on the first floor soon would so fill the stairways with smoke as to make them almost useless.

It is evident that the thing needed in Connecticut to secure the proper observance of the fire escape law is to place its enforcement in charge of the factory inspectors. These officials visit the factories at least once a year for the purpose of inspection on other points and can easily, and really do now, inspect them as to means of egress. Were they made responsible for such inspection, and were they given power to enforce the law where they now make complaint to the local officers, there is reason to believe that there would be a marked improvement in the means of egress from factories. The factory inspectors in their reports always have complained of the non-enforcement of the fire escape law by the local officers, and they have recommended, time and again, that its enforcement be placed in charge of the factory inspector. Several bills to this effect have been before the legislature, but the opposition to them by the owners of buildings has always been strong enough to defeat them.

Seats for Female Employees.—In 1893 (ch. 77) it was enacted that employers of females in mercantile,

mechanical or manufacturing establishments should provide suitable seats for the use of such females, and should permit them to use such seats when not necessarily engaged in the active duties for which they were employed. The penalty for violation was a fine of from five to fifty dollars for each offense. The law is the same in the revision of 1902 (sec. 4703).

This act makes no provision for its enforcement. The factory inspector at different times has reported that the law was very generally complied with in the factories,[16] and the Bureau of Labor Statistics in its report for 1897 (p. 180) says:

"personal investigation was made whether or not the statute . . . was complied with. No cause for complaint was found in any case."

Notwithstanding these statements, personal observation by the writer in a large number of the factories of the State showed that, except in the cases where the women sit at their work, only in a minority of the factories are the female employees furnished with "suitable" seats. Many of the girls sit on boxes, some sit crowded in the windows, or on the steam pipes, while some are provided with suitable stools or chairs. Often the number of seats is insufficient. The investigation of the writer did not extend to the stores, but from several inquiries made the law seems to be complied with there more carefully than in the factories. The enforcement of this law, too, so far as it relates to factories, should be placed in charge of the factory inspector.

II. Tenement House Workshops.

New York City and Boston have long been centers for sweat shops and tenement house workshops of the worst sort. The sweat shop laws of New York and Massachu-

[16] Reports Conn. Factory Inspector, 1893, p. 15; 1895, p. 12.

setts have been made more stringent from time to time and inspections have become more and more careful. Sweat shops cannot thrive where there are strict regulations and close inspections, and it was claimed that to escape restriction and regulation the sweat shops were moving from New York and Massachusetts into Connecticut, and practicing there the same system of sweating they had carried on in New York City and Boston.

As a protective measure against these threatened evils the Connecticut legislature of 1899 passed a tenement house workshop law.[17] This law (ch. 199) provides that:

"The inspector of factories shall as often as practicable carefully examine all buildings, apartments, rooms and places in any tenement or dwelling house used for residential purposes and used in whole or in part other than by the immediate members of the family therein, for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, skirts, shirts, ladies' waists, artificial flowers, purses, cigars, cigarettes, or any article of wearing apparel intended for sale."

"It shall be the duty of persons engaged in the manufacture of such goods in such premises within thirty days after beginning such manufacture . . . to notify said inspector of the location of said workroom or workrooms, the nature of the work carried on, and the number of persons therein employed."

Such workrooms at all times shall be kept "in a thoroughly clean and sanitary condition" and be "properly lighted and ventilated and fit for the occupancy of the persons engaged in work therein."

The inspector shall notify the owner of such workrooms and the person using the same to provide ample means for lighting and ventilating them, and to put them

[17] "At the public hearing this bill was strongly advocated by John F. Kenefick, a member of the Cigar Makers' Union, No. 42, who represented the Hartford Central Labor Union, W. W. Ives, chief clerk of the Bureau of Labor Statistics, and others."—Report Annual Convention Connecticut Branch American Federation of Labor, 1899.

in a thoroughly clean, sanitary, and fit condition for occupancy for said work.

Any violation of this act shall be punished by a fine of not more than five hundred dollars.

The law is the same in the revision of 1902 (secs. 4527-4530).

This act, as has been said, was passed merely as a protective measure. It is far less strong than similar laws in New York and Massachusetts. According to it a tenement house workshop is a room "in any tenement or dwelling house used for residential purposes and used in whole or in part other than by the immediate members of the family therein" for the manufacture of certain specified articles. This does not include shops in buildings not used for residential purposes. It does not prohibit the manufacture of sweat shop goods by the immediate members of the family, even in their own living rooms; and it is questionable whether it prohibits such manufacture in the living rooms by others than the immediate members of the family. The law (secs. 1 & 3) seems only to provide for the inspection, proper lighting, ventilation, and cleanliness of such places when they are used by other than immediate members of the family. The law does not reach such persons as those who, in the sweat shop districts of large cities, as New York, Boston, and Chicago, are the most oppressed and helpless and whose products most endanger public health—the ignorant and poverty stricken tenement house worker, who works alone or with her children, in her own dirty tenement, for long hours every day, trying to eke out a miserable existence at the starvation wages paid her. Fortunately, Connecticut has few of this class.

Many places in Connecticut which would be called sweat shops or tenement house workshops in New York City are not such under the Connecticut statute. Ladies'

wrappers, knee pants, etc., are made in small, crowded shops, and tailors very often send out suits to be finished in the homes, but the law does not extend to such cases.

In 1899 and in 1900 the reports of the factory inspector state that investigations were made to discover whether or not the statement that sweat shops were moving from New York and Massachusetts to Connecticut was true. No cases of such removal were discovered, and only one case of a tenement house workshop that came under the law was found. The report of 1900 (p. 12) says:

"One hundred and one places where clothing and cigars are manufactured have been visited during the past year. Only in one instance could a place be called a sweat shop. In the manufacture of clothing several different modes of manufacture were noticed. In some places the manufacture of clothing was carried on in mercantile buildings, the upper stories of which were filled with numerous small shops containing one or two rooms where ready-made clothing was turned out. It was found that such tailors lived in different localities and did not reside in buildings where shops were located. These men were mostly union men. No small children were found employed at any of these places, and the rooms were not crowded, as usually only from three to seven persons were employed. Another class found were located in dwelling houses, where one room was set apart as a workroom. No children were found employed in any of these places. Usually a man would start in business for himself who had been working in some larger concern. Seldom over three or four persons were found employed in such workrooms. They were usually as clean as any ordinary tailor shop. In some such places visited the plumbing of the building was found out of order and the plumbing inspector of the city was notified. In other places visited, it was found that the goods manufactured came from the large tailor shops, who sent out vests and pants to be made. It was sometimes the sole means of support of persons making them. No outside

help was employed. It is doubtful if there exists in Connecticut any such conditions as are reported by the inspectors of large cities like New York or Boston. It is possible, however, that a few such places are in existence."

The foregoing is fairly descriptive of present conditions in the State. There are very few shops that come under the law, and the limited investigation which the writer has been able to make has not disclosed any.

III. The Regulation and Inspection of Bakeries.

In 1893 the first attempt was made to secure a law providing for the regulation and inspection of bakeries. The bill introduced in the legislature that year (H. B. 498) prohibited the establishment of cellar bakeries, and provided that all bakeshops should be well lighted and ventilated, and that they should be inspected by the factory inspector. At the hearing the journeymen bakers' unions appeared with counsel favoring the bill, and the employers came with counsel to oppose it. The attorney for the employers claimed the bill was so drawn that, if passed, it would compel a number of employers to go out of business. The chairman of the Committee on Labor, before which the hearing was held, recommended that the labor organizations take hold of the matter themselves and report any unsanitary places to the Board of Health.[18] The bill was reported unfavorably and rejected.

The bakers' unions did not stop their agitation for a law, as is shown by the following quotation from the report of the Connecticut Bureau of Labor Statistics for 1896 (p. 261):

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[18] Report Annual Convention Connecticut Branch American Federation of Labor, 1893; Report Conn. Bureau Labor Statistics, 1893, p. 258.

"At the solicitation of the Bakers and Confectioners International Union, made through their organization in this state, an inspection has been made by agents of this Bureau in the cities of the state."

The bureau "with zeal and energy made minute and thorough examination into the prominent evils attending the unsanitary conditions of the Cellar Bakeries" which abounded in the State. The following quotations from the report of the bureau[19] show the very bad conditions of many of the cellar shops at this time:

"While the investigation has been comparatively limited in scope and duration, it has developed the fact that the condition of most of the shops demand sanitary improvement and imperative legislation in that direction is needed."

"Of the 181 shops inspected, ninety-seven were reported clean, fifty-seven as dirty, and twenty-seven as filthy. The term 'dirty' used signifies that the surroundings and tools were not in such a condition as to conduce to a clean product. 'Filthy' means about all the word signifies. Places were found which were swarming with vermin, and, even while bread was being kneaded, cockroaches were holding high carnival on the kneading board."

"And yet the agents sent out to look into this subject, have found bakeries in which filthy, foul and ill-smelling water closets were maintained in the room and in close proximity to where the bread was being prepared."

"Much carelessness was found in the protection of the materials used from contamination. In one place butter, lard, sugar and flour were found standing in a stable but a few feet from a horse. Some of the cases were uncovered and were absorbing the odors of the stable. It was not uncommon to find leaky sewer pipes running over kneading boards and barrels of supplies."

"Of 181 shops inspected, ninety-five were situated in cellars. . . . In all of this class of shops the ventilation

[19] Report for 1896, pp. 261-268.

was found to be of the poorest. . . . In some of these shops it was necessary to use artificial light all the time."

"When to the damp cellar is added the fact that some of them are less than six feet in height, it can readily be understood that the lot of the journeyman baker is not an enviable one."

"As a matter of fact, the average cellar bakery breaks every law of sanitation, and presents a state of affairs that would not be tolerated for a moment in any other industry. Put the matter in another way: A large part of the output of bread is prepared on premises that would not be passed as fit for slaughter houses."

"The investigation has shown that nearly all the cellar bakeries are overrun with rats, mice, cockroaches and other vermin. Then the moist and heated air is favorable to the rapid decay of vegetable matter, and this takes place in the scraps of dough and refuse flour which collect in the hollow sides and beneath the kneading troughs. Moreover, when the loaf is brought out of the oven into a foul bakery, its surface is exposed to any germ disease that may be at hand."

"In thirty shops water closets were found in either the work or store room; they were in varying degrees of cleanliness, some of them being untrapped and filthy in the extreme."

"Forty-six shops were reported which had sewage pipes in the work or store room. Of this number, sixteen were noted as being in a bad condition and a menace to health and clean products."

"In three shops it was found that the employees slept in the shop after working hours were over."

The securing of the above investigation was a strong move on the part of the bakers' unions of the State. In the fall of 1896 they drew up a bill for a bakeshop law and presented it to the Connecticut Branch of the American Federation of Labor, then in convention, for its consideration. The legislative committee of the Federation was instructed by the convention to secure the passage of this bill. The bill was published and its passage

advocated by the Bureau of Labor Statistics in 1896.[20] Besides providing for the regulation and sanitation of the bakeshops, the bill provided for a ten-hour day with six work days a week.

This bill was introduced in the legislature of 1897 and referred to the Committee on Public Health and Safety. The history of the bill in the legislature is described in the report of the Annual Convention of the Connecticut Branch of the American Federation of Labor of 1897 as follows:

"At the hearing . . . the proprietors of nearly all the principal bakeries of the state, who were thoroughly organized, appeared with counsel before the committee, and made a desperate fight against its passage, and their lawyer was a daily visitor at the capitol for several weeks lobbying against the bill. . . . The Bakers' Unions were also represented at the hearings by counsel. . . . About fifty journeymen bakers, members of unions, also appeared at the hearings, . . . in support of the bill, and the evidence presented by them on the filthy and unsanitary condition of the bakeshops was disgusting in the extreme. . . . "

After several weeks the committee reported a substitute bill. This substitute was very unsatisfactory to the bakers' unions, and their representatives offered four amendments to it. These were accepted and the bill passed. The provisions of the act (1897, ch. 174) are as follows:

"Every building, room or place, used in or in connection with the manufacture for sale of any article of food composed wholly or in part of flour or meal from cereals, shall be known under this act as a 'bakeshop.' "

"Every bakeshop shall be properly drained, plumbed, ventilated and kept in a clean and sanitary condition, and conducted with proper regard to the health of the operatives and the production of wholesome food."

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[20] Report of Bureau, p. 268.

"Every bakeshop shall be provided with a proper washroom and water closet or water closets, apart from the bakeroom or rooms where the manufacturing of such food products is conducted, and no water closet, earth closet or privy shall be within the bakeroom of any bakery."

"The sleeping places for persons employed in a bakeshop shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored."

"The factory inspector shall examine all bakeshops as frequently as may be necessary . . . and shall . . . report in writing to the local health officer . . . every bakeshop . . . not found kept and conducted as herein provided; and such health officer shall thereupon investigate . . . such unsanitary conditions so reported to him and if found to exist, shall cause the same to be removed. . . . "

When, in 1897, the factory inspectors began to inspect the bakeries, they found their condition fully as bad as it had been reported by the Bureau of Labor Statistics in 1896. Their orders mainly were for the cleaning up of filthy and unsanitary shops, the removal of water closets from the bakerooms, and the repairing of the plumbing. In 1898 only about half as many complaints were made to the health officer as in the year previous, and the orders in number and kind indicate that much better conditions existed.

The inspections of 1897 and 1898 showed that the former bad conditions were due mainly to three causes: (1) Underground shops, many of which could not be kept well lighted or well ventilated and were liable to overflow from sewers and tide water; (2) the failure of landlords to keep rented buildings in proper repair; and (3) the filthy habits of the employees. In 1898 the factory inspector recommended the gradual abolishment of low, cellar shops, and in 1899 (ch. 140) the following amendment was passed:

The owner of a building used as a bakeshop shall cause it to be properly drained, plumbed, lighted, and ventilated; and the occupant shall keep it in a clean and sanitary condition.[21]

"No cellar not now used as a bakery shall be hereafter used and occupied as a bakery, and a cellar heretofore so used and occupied shall, when once closed, not be reopened for the purpose of use as a bakery. Every room hereafter used for the manufacture of flour or meal food shall be at least eight feet in height."

"The word cellar as used in this act shall be construed to mean any room wholly or in part underground, except such rooms or basements as shall, in the judgment of the inspector of factories, be properly drained, plumbed, lighted and ventilated."

It was the intention by this amendment gradually to close the cellar shops, but the owners usually were careful, after the amendment was passed, to keep them running all the time. In 1900 the factory inspector, in his report, complained that in cases where shops had been closed for months and then reopened the local health officer, when notified, apparently did nothing to enforce the law and the shops were allowed to run. The inspector asked that the law be changed and this was done in 1901.

The act of 1901 (ch. 83), with its amendment of 1905, is the present law (G. S. 1902, secs. 2569-2572). Its provisions are as follows:

"All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained and plumbed in a manner conducive to the proper healthful and sanitary condition

[21] "This bill was drawn by Mr. Parker, special agent of the Bureau of Labor Statistics. Introduced in the House by Mr. Freeman, of Hartford, and referred to the Committee on Public Health and Safety. At the public hearing . . . it was advocated by Factory Inspector McLean, Mr. W. W. Ives, Chief Clerk of the Labor Bureau, Jacob Reiss, of New Haven, Secretary of the Connecticut Branch of the Bakers' and Confectioners' Union, and others."—Report Annual Convention Connecticut Branch American Federation of Labor, 1899.

thereof, and constructed with air shafts and windows or ventilating pipes, sufficient to insure ventilation, as the inspector of factories shall direct; and no cellar or basement, not now used as a bakery, shall hereafter be used and occupied as a bakery, and a cellar heretofore used as a bakery shall, when once closed, not be reopened for use as a bakery."

"Every such bakery shall be provided with a proper wash room and water closet or closets, apart from the bake room or rooms where the manufacturing of such food products is conducted; and no water closet, earth closet, privy, or ash pit shall be within or communicate directly with a bake shop."

"Every room used for the manufacture of flour or meal food shall be at least eight feet in height; and the side walls of such rooms shall be plastered or wainscoted, the ceiling plastered or ceiled with lumber or metal, and, if required by the inspector of factories, shall be whitewashed at least once in three months; the furniture and utensils of such room shall be so arranged as to be easily moved in order that the furniture and floor may at all times be kept in proper healthful sanitary condition."

"The manufactured flour or meal food products shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves, and all other facilities for storing the same can be easily and perfectly cleaned."

"The sleeping places for persons employed in a bakery shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored."

"AFTER an inspection of a bakery HAS been made by the inspector of factories and it is found to conform to the provisions of this act, said inspector may issue a certificate to the owner or operator of such bakery that it is conducted in compliance with all the provisions of this act; . . . "

"The owner, agent, or lessee of any property affected by the provisions of this act, shall, within thirty days after the service of notice upon him of an order issued by the inspector of factories requiring any alterations to be made in or upon such premises, comply therewith, or cease to use or allow the use of such premises as a bakeshop; . . . "

"Any person who violates the provisions of this act or refuses to comply with any requirement of the inspector of factories, as provided herein, shall be guilty of a misdemeanor, and . . . shall be fined not less than twenty nor more than fifty dollars for the first offense; shall be fined not less than fifty nor more than one hundred dollars or imprisonment not more than ten days for the second offense; and shall be fined not less than two hundred dollars and imprisoned not more than thirty days for the third offense."

"No employer shall require, permit or suffer any person to work in his bake shop who is affected with pulmonary tuberculosis, or with scrofulous diseases, or with any venereal diseases, or with any communicable skin affection, and every employer is hereby required to maintain himself and his employees in a clean and a sanitary condition while engaged in the manufacture, handling or sale of such food products."

"Chapter CLXXIV of the public acts of 1897 and chapter 140 of the public acts of 1899 are hereby repealed."

In this act of 1901 the provision requiring the factory inspector to report cases of violation to the local health officer was wisely omitted. The conditions of the bakeshops improved gradually under the new law. The inspector required many of the shops to be whitewashed and cleaned up generally. However, the bakeshop law had failed in one of the things expected of it—the closing up of cellar shops. As will be shown later the number of such shops had actually increased since the first law was passed in 1897. There was much difference of opinion as to what, under the law, constituted a legal closing of a bakeshop, and as to what was a "cellar" and what a "basement." In his reports for 1903 and 1904 the factory inspector recommended that an amendment be passed defining clearly what should constitute a legal closing, and what a "cellar" and what a "basement." The amendment of 1905 (ch. 13) followed. The new provisions in this amendment are as follows:

If the factory inspector finds on inspection that a bakeshop is conducted in compliance with the law, he shall issue a certificate to that effect, which certificate shall be kept posted in a conspicuous place in the bakery.

"No room or rooms either wholly or partly underground, not now used as a bakery, shall hereafter be used as a bakery. No room or rooms wholly or partly underground, now used as a bakery, which shall hereafter be closed, shall be again used as a bakery."

"No room or rooms wholly or partly underground which shall have been closed on account of fire, attachments, observance of religious ceremonies, or quarantine regulations, shall be deemed to be closed within the meaning of this act."

"A bakeshop shall be deemed to be closed whenever, for any reason except those specified in section three, the business of baking for the public shall be suspended therein."

The following table, prepared for the writer by the Factory Inspection Department,[22] shows roughly the changes effected by the enforcement of the different laws concerning bakeries:

BAKERIES OF CONNECTICUT.

Year	Number Inspected	Basement or Cellar	Above Ground	In Good Condition	In Which Changes Were Ordered
1897.....	254	152	102	135	119
1898.....	211	114	97	152	59
1899.....	214	129	85	114	100
1900.....	291	147	144	192	99
1901.....	331	158	173	212	119
1902.....	343	146	197	237	106
1903.....	254	105	149	195	59
1904.....	401	150	251	277	124
1905.....	381	118	263	293	88

The above table indicates that in some years all the bakeries were not inspected. The number inspected varies too largely between successive years to be attributed wholly to the real change in the number of bakeries in

[22] Also published in the Factory Inspector's Report of 1905, p. 14.

operation in those years. For example, note the marked difference in the numbers between the years 1897 and 1898, 1899 and 1900, and 1903 and 1904. Probably the number of basement and cellar bakeries inspected does not correspond either with the actual number in operation. Without knowing the numbers in operation in the successive years it is impossible to measure correctly the decline in the number of such bakeries. In 1897, 152 such shops were inspected; and in 1904 there were still 150.

In the percentage of the bakeries inspected in which changes were ordered there has been a gradual decline. In 1897 changes were ordered in 47 per cent. of the shops inspected, while in 1905 changes were ordered in only 23 per cent. of the shops inspected. In other words, in 1897 only 53 per cent. of the shops were found to be in good condition, while in 1905 77 per cent. were in good condition. To appreciate properly the great change that has taken place in the condition of the bakeries one must consider the rapid decrease in the percentage of shops in which orders were given in connection with the higher standards set by the new laws. For example, in 1905 one-half of the orders were for changes (such as whitewishing the walls) that were not required under the law of 1897. That is, according to the standards of 1897, 88 per cent. of the bakeries were in good condition in 1905, as compared with 53 per cent. in the former year.

The conditions in the bakeshops in Connecticut to-day, on the whole, are good. However, as some cooks still have dirty kitchens, so some bakers still have dirty shops. The worst conditions are still found in the cellar shops. Under the present law the number of such shops is decreasing very slowly. It might be well to enact a law providing that all such shops should be closed at the end of ten years, or even sooner. The shops are inspected twice a year.

IV. Enforcement and Effects of the Factory Inspection Laws.

The foregoing discussions have shown that in many respects the factory acts have always been inadequate properly to deal with existing conditions in the factories. Nearly all of the laws were delayed until long after they were needed, and, when passed, often they were lacking in definiteness. Several of them did not provide properly for their enforcement by giving the inspector sufficient enforcing power. On many points where legislation was needed no law was enacted.

All the factories of the State were not inspected each year until about 1896. The first inspector, in his report for 1888 (p. 6), says:

"The appointment of a deputy was left to the judgment of the Inspector. None has been appointed, the fifteen hundred dollars appropriated for the purpose has not been drawn from the state treasury."

Whether this failure to appoint a deputy was due to a desire to please the class that had held that an inspection department would be a needless drain on the treasury of the State, by leaving the fifteen hundred dollars in the treasury, is not known; certain it is that there was sufficient work to keep two inspectors busy. In 1890 the inspector says:[23]

"It is impossible for one inspector to make an annual examination of all the buildings and places where machinery is in use. . . . Within a period of seventeen months, I have inspected 744 manufactories. . . . There are still many factories which have not been visited but they will be reached as rapidly as possible during the coming months."

The report for 1895 (p. 6) says:

"The state of Connecticut, though small in area, contains 1801 factories and workshops in which over five

[23] Report, p. 10.

persons are employed, and in which power is used. It has been impossible to inspect them all in any one year."

During the year in which the above statement was made only 1091 factories were inspected in the ten months covered by the report, and never before 1902 were as many as 1801 factories inspected in one year.

The following table shows the number of factories inspected each year, the number of these that were in good condition, the number in which changes were ordered, the number of orders given, and the number of operatives in the places inspected:

FACTORY INSPECTION IN CONNECTICUT—1887–1905[24]

Year	No. of Factories Inspected	No. in Good Condition	No. in which Changes were Ordered	No. of Orders Given	No. of Operatives in Places Inspected
1887 (6 mos.)	250	164	86		
1888[25]					
1889 (5 mos.)	255	128	127	206	42,098
1890	489	197	292	710	63,141
1891	435	193	242	579	55,922
1892	414	221	193	482	51,996
1893	476	220	256	566	68,098
1894	1,154	379	775	1,789	93,428
1895 (10 mos.)	1,091	600	491	918	93,467
1896	1,461	1,002	459	769	135,909
1897	1,426	1,094	332	463	131,700
1898	1,425	1,223	202	270	132,180
1899	1,466	1,227	239	328	151,125
1900	1,485	1,125	360	489	152,409
1901	1,313	1,066	247	329	124,744
1902	1,801	1,448	353	468	187,854
1903	1,690	1,427	263	358	187,585
1904	1,916	1,572	344	447	193,025
1905	1,912	1,653	259	346	196,499

The above table, in addition to showing that for the first nine years after the establishment of an inspection

[24] Part of the material for this table was found in the reports of the factory inspector, 1887–1905; for the balance I am indebted to the factory inspector.

[25] The figures for 1888 are not given in such a form that they can be included in the table. In sixteen months in 1887 and 1888, 1,973 mills were inspected and 813 changes were ordered. Report Conn. Factory Inspector, 1888, p. 14.

department only a part of the factories were inspected, shows that the proportion of factories found in good condition has increased gradually from fifty per cent. in 1888 to eighty-six per cent. in 1905—and this notwithstanding the fact that the standards have been raised materially since 1888 by the enactment of a number of new laws. The large proportion of the factories in which changes were ordered in 1894 is very likely due to the passage of new laws in 1893. The relative number of orders given has likewise declined gradually. The number of operatives employed in the places inspected is the number of persons directly protected and benefited by the factory laws and their enforcement. This number has increased very rapidly.

During the first years after the establishment of the department, the factory inspection laws were not rigidly enforced. This was due partly to the desire, on the part of the inspector, to overcome the existing opposition to the bureau, and partly to the inability of one man to cover the field. The thoroughness and efficiency of the inspection has been improving gradually. At present there are three deputy inspectors, in addition to the chief inspector.[26] Although the inspection of bakeshops and elevators, and the changes required by new laws, have increased vastly the work of the department, the four

[26] In 1907, mainly through the efforts of the women's clubs of the State, a law (ch. 241) was passed which provides that "The factory inspector shall . . . appoint . . . on the recommendation of an advisory commission of three women appointed by the governor . . . a female deputy inspector . . . " who "shall inquire into the enforcement of the laws regulating the employment of women and girls in any manufacturing, mechanical, or mercantile establishment, investigate the conditions relating to the health and welfare of women and girls employed in such establishments, and report thereon to the factory inspector; provided, however, that she shall have no power or authority over and no duty concerning any machinery, appliances, or fixtures except sanitary fixtures."

inspectors are able to cover the field fairly well. They inspect all manufactories employing over five persons and using power. Their custom is to inspect elevators three times, bakeshops twice, and factories once a year. The inspection, on the whole, is fairly efficient and careful, but there are some factories in the State that are not up to the standards set by the law, nor to the standards to which the best factories in the same line of industry conform. There is room for a more rigid inspection and a more careful enforcement of the law in these factories.

According to the reports of the factory inspector, the manufacturers of the State, with a few exceptions, always have been in hearty sympathy with the work of the department. For the first few years, particularly, these statements were doubtless over-optimistic. The manufacturers opposed strongly the passage of the law, and the writer has been informed that during the first few years some of them opposed, rather than encouraged, the inspector in his work. They have now become accustomed to the law and its enforcement, and have overcome their first prejudice and fear against it; yet it is the factory operatives, and not the factory owners, who insist most strongly on the careful enforcement of the factory inspection laws.

The factory legislation of Connecticut is inadequate. It is far less complete than is the factory legislation of New York or Massachusetts. There are no laws providing that stairs shall be screened, or that doors shall open outwardly, or that automatic belt shifters shall be provided, or that separate water closets shall be provided for the different sexes, or that dressing rooms shall be provided where needed. There are no provisions against overcrowding, or against children being permitted to operate dangerous machinery, or against women or chil-

dren being employed at night. Every factory inspector has urged the passage of a law requiring that accidents be reported to the factory inspection department, and numerous bills to this effect have been before the legislature, but none of them has passed. The employers have opposed such a law for fear that it would place them at a disadvantage in damage suits for injury to their employees. Too often they have sought to keep accidents quiet. This is a short-sighted policy. Were every serious accident, with its cause, carefully reported to the factory inspector, he would thereby be aided in devising ways and means to prevent further accidents from the same piece of machinery or from similar machinery in other factories. Thus by the prompt and careful reporting of present accidents the number and possibility of accidents in the future would be greatly diminished. There would be fewer damage suits and both employers and employees would be gainers.

CHAPTER XII.

THE CONNECTICUT BUREAU OF LABOR STATISTICS.

The first bill for a law establishing a Bureau of Labor Statistics was introduced in the legislature of 1873. There was no active opposition to the bill. The people generally were in favor of the establishment of such a bureau,[1] and the measure was said to have the endorsement of leading men in both the political parties of the State.[2] However, there was some fear of the powers the proposed law would give the Commissioner of the Bureau to send for persons and papers and subpœna witnesses, and in the House a motion to amend the bill by striking out this part was carried.[3] But the bill, as finally passed, gave the Commissioner these powers. The debate on the bill was short and the subject did not create much interest or call forth much comment from the newspapers. The law evidently was not considered a very important one. It provides (1873, ch. 82):

"That the governor of the state biennially shall appoint a chief and a deputy, who together shall constitute a bureau of labor statistics.

The duties of the bureau shall be to collect statistics relating to labor in the state, and to report them, annually, to the legislature.

"The said bureau shall have power to send for persons and papers, to examine witnesses under oath, to take depositions, and cause them to be taken by others by law authorized to take depositions; and said bureau may

[1] Report Conn. Bureau of Labor Statistics, 1889, p. 24.

[2] New Haven *Register*, July 11, 1873.

[3] *Ibid.*

depute any indifferent person to serve subpœnas upon witnesses, who may be paid the same fees as witnesses before the superior court."

The salary of the chief shall be eighteen hundred dollars per year, and of the deputy twelve hundred dollars per year, and one thousand dollars per year shall be allowed for office rent, office fixtures, blank books, printing, stationery, postage, expenses of witnesses, depositions, and traveling expenses.

This law, practically, was very weak. It gave the Commissioner of the Bureau authority to do many things, and then by allowing him only one thousand dollars a year for rent, office expenses, expenses and fees of witnesses, depositions and traveling expenses, made it impossible for him to carry on any thorough investigations. During the first year, 1874, the one clerk of the Bureau was paid by the chief at his own expense, the State receiving his clerical services gratuitously. During the two years of its existence the Bureau, because of a lack of funds, could only send out circulars and base its reports on the scattered and voluntary answers received. Sometimes the persons to whom these circulars were sent looked upon the inquiries of the Bureau into the details of their business as an invasion of their private rights and did not welcome the interrogations.[4] The reports were, admittedly, incomplete and unsatisfactory. The report of 1874 contained 208 pages and dealt in a cursory manner with most of the questions that affect the laboring people. Hours of labor, child labor, agriculture, cost of living, manufacturing industries, commerce and transportation, and miscellaneous were the principal subjects treated. The report of 1875 contained 151 pages. The chief subjects treated were the employment and education of children, general condition of the working people, hours of labor, agricultural returns, manufacturing in-

[4] Report Conn. Bureau Labor Statistics, 1874, pp. 10 and 11.

dustries and the sanitary and vital statistics in them, cost of living, and strikes. The treatment of these subjects was inadequate as the statistics were based upon insufficient data.

In the two years of its existence the Bureau had not given satisfaction and in 1875 (ch. 89) it was abolished. What part politics and prejudice had in causing it to be abolished the writer has been unable to learn, but they seem to have had their influence.[5]

In 1883 there was another attempt to pass a law establishing a Bureau of Labor Statistics, but the bill (H. B. 289) was unfavorably reported and was rejected by both houses. In 1885 the effort to secure such a law was renewed by the laboring classes, the Knights of Labor taking a prominent part in the movement. The bill introduced this year (H. B. 117) made it the duty of the commissioner to collect information concerning labor, wages, savings, the age, sex and nationality of the laborers, accidents, sanitary conditions, rents, cost of living, manufacturing, etc., and gave him authority to examine witnesses and to enforce their attendance. The committee on judiciary, to which the bill was referred, recommended its rejection and the passage of a substitute. The House passed the substitute, but the Senate rejected it and asked for a conference. The committee on conference reported an amendment. This amendment was to strike out the original bill and to insert the present law. The amendment, with a few changes, was passed by both houses, the vote being as follows: Number voting, 132; necessary for adoption, 67; voting yes, 68; voting no, 64. Thus the amendment was carried by a margin of only one vote. The substitute bill was then passed as amended.[6]

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[5] See New Haven *Evening Register,* April 23, 1885.

[6] Journal of the House of Representatives, 1885.

The bill that passed was a compromise measure. The strength of the original bill had been sacrificed to the demands of those who stood for personal liberty and against State inquisition into private affairs. The amendment robbed the Commissioner of the Bureau of the power, given him by the original bill, to examine witnesses and require their attendance for that purpose. The principal provisions of the law (1885, ch. 119) are as follows:

There shall be a bureau of labor statistics to be under the control and management of a commissioner, appointed by the governor for a term of four years. His salary shall be two thousand dollars per annum, and postage, stationery and office expenses. He may appoint one clerk of the bureau. He "shall collect information upon the subject of labor, its relation to capital, the hours of labor and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity; but for this purpose persons shall not be required to leave the vicinity of their residences or places of business."

The commissioner shall report to the governor annually, and such report shall be printed for the use of the general assembly.

This law gives the commissioner no authority. He cannot compel the attendance of witnesses for examination, or the production of books and papers, and he is given no authority to enter their places of business to seek the information at first hand. On this point Commissioner Hadley, in the first report of the Bureau in 1885 (p. 110), says:

"Nor was it the intention of the law that the bulk of information should be collected by personal inquiry. It was specially provided that no persons should be required to leave their residences or places of business to communicate with the Commissioner, and the provision for traveling expenses was stricken out of the act,—thus arranging

that the facts should not come to the commissioner, and hinting that the commissioner should not go to the facts."

In 1886 (ch. 110) the commissioner was authorized to "employ from time to time special agents to assist him in his investigations." In 1887 (ch. 92) it was provided that the traveling expenses of the commissioner should be paid by the State, and that the State should print annually five thousand copies of the report of the bureau. A law of 1889 (ch. 177) increased the salary of the commissioner to three thousand dollars and the necessary office expenses of the bureau, and the traveling expenses of the commissioner and his assistants. In 1899 (ch. 197), however, the salary of the commissioner was reduced to two thousand five hundred dollars. (The laws concerning this department are found in the revision of 1902, sections 4601-4607).

The work of the Bureau of Labor Statistics has been unsatisfactory. Because of a lack of authority the investigations, necessarily, have been imperfect. They have never extended to all the industries of the State, and, in the industries reached, information has been secured only from those establishments that have voluntarily given it. The information in regard to the conditions of the laboring classes often has been secured through organized laborers. The statistics compiled from this information, therefore, often are not only incomplete, but are not even accurately representative. When used they must always be given with an apology and an explanation.

The manner of presenting the results of the investigations has not been the best. Often, in the reports, long, voluminous, and detailed tables are resorted to. No student, much less a manufacturer or a working man, will wade through these long tables. They are practically worthless and should be omitted; but, unfortunately, the present tendency is in the opposite direction. Were only

the tables which show the final results of any particular statistical investigation included it would be sufficient, but in the reports of the last few years[7] each of these has been preceded by from forty to fifty pages of detailed tables, which only serve to "pad" the reports, confuse the reader, increase the printing bill, and show that much clerical work was gone through to arrive at the results given in the final table.

No attempt will be made to analyze the separate reports. The two issued by the first bureau already have been referred to. The first report of the present bureau, that of 1885, is similar to them in that it is based on the returns from a comparatively small number of circulars. It deals briefly with most of the problems that affected the conditions of the laboring classes at the time. This report was intended to give only a general survey of the field and to be introductory to the future work of the bureau. As such it is as satisfactory as could be expected with the time, means, and authority given the commissioner. The report of 1886 was devoted mainly to an investigation of the hours of labor and the payment of wages. This report and the report of 1885 by the same commissioner[8] are unequalled by any of the later reports for clear economic reasoning upon the subjects discussed.

The reports of the bureau from 1887 to 1891 deal with such subjects as labor organizations, strikes and lockouts, manufactures, wages, agriculture, the secret ballot, hours of labor, child labor, the fisheries industry, street railways, and the adjustment of labor disputes. Since 1891 the subjects that have occupied the chief attention of the bureau are manufactures and labor organizations.

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[7] The Report for 1905 was not published when the above was written.

[8] Arthur T. Hadley, now President of Yale University.

Other subjects that are discussed in these reports are hours of labor, child labor, industrial education, building and loan associations, strikes and lockouts, poor relief, taxation, municipal ownership, and free public employment bureaus.

The range of subjects treated has been broad enough; but the treatment given such subjects as taxation, and municipal ownership was not such as to have been of general interest to workingmen, and probably a different treatment would have been more satisfactory and attractive to employers, students, and legislators. We need but mention the fact that in the report of 1891, 1,439 pages were devoted to the subject of "Fraternal Mutual Benefit Societies."

It is doubtful whether the reports of the bureau ever have been read extensively by the laboring classes and their employers, and it is most probable that they have not been read by a large number of others. At present several thousand copies of the report are distributed in the State annually, but as the circulation is in a way a forced one it is difficult to determine how much of a real demand there is for them. The present method of distributing the reports is to send a large number of them to an agent in each town for distribution, and cards of which the following is a copy, to citizens of the town:

Bureau of Labor Statistics.
Hartford.

Dear Sir:—

A copy of the report of this Bureau will be delivered to you through the kindness of Mr..... of your town. Please call upon him for it.

.....
Commissioner.

The bureau has done its best work in a few special investigations—such as those of hours of labor, payment

of wages, bakeries, and child labor—and in its efforts to protect alien laborers, and its management of the free public employment bureaus. The bureau has cost the State over seven thousand dollars a year since its establishment. It has never given full satisfaction and in 1899 there was a bill introduced in the legislature (H. B. 600) to abolish it. This bill was drafted by a committee appointed by the General Assembly in 1897 to investigate the receipts and expenditures of the State. It was opposed strongly by the labor organizations. They presented "eighty-seven petitions, from as many labor organizations," in support of the bureau, and their leading men appeared in opposition to the bill.[9] It was rejected by both houses.

While the Bureau of Labor Statistics exerted a strong influence in securing the passage of such labor measures as the law increasing the age limit for child labor, the laws for the protection of alien and contract laborers, the law establishing free public employment bureaus, and the law providing for the inspection of bakeries; and while, doubtless, it has exerted a general influence that has been beneficial to the laboring classes; it has not accomplished what a properly constituted bureau with sufficient legal powers could have accomplished; and, as we have seen, it actually opposed two labor measures which have been among the most beneficial to the laboring classes of any that have been passed,—the weekly payment law, and the law providing for the inspection of factories.

[9] Report Annual Convention Connecticut Branch American Federation of Labor, 1899.

CHAPTER XIII.

SUMMARY AND CONCLUSION.

In the previous chapters we have been tracing the history of the separate laws in detail. May we not, from our present vantage point, look back over this mass of legislation and, unhampered by particular laws or subjects, discover in it some general characteristics and some general movements and tendencies? This will be the purpose of this chapter.

Labor legislation in Connecticut was long delayed. Many of the old laws of the colonial period extended far over into the industrial period—some of them, as the laws concerning slavery, even to the revision of 1866. The development of labor legislation was not so rapid as the development of the new industrial system. The people clung to their old laws long after they had adopted a new system of production. The commercial and economic instincts of the Connecticut Yankee led him to make the latter change, his boasted conservatism prevented his making the former one. Hence, in most cases, the legislation was wholly inadequate to meet the new conditions. On the whole, labor legislation in Connecticut has been ten years behind similar legislation in New York and Massachusetts. In many points, as in the factory acts and in the employer's liability act, the legislation is still insufficient in amount. In other points the multiplicity of the laws and their frequent change have been detrimental.

Often the laws were passed at random. Sometimes they were copied *in toto* from the statutes of other States.

Seldom was there a thorough acquaintance with the conditions and needs to be met in Connecticut. This "cut and try" method of legislation has necessitated numerous and frequent amendments. Many of the laws, especially the early ones, were weakly and loosely constructed. Often no provision was made for their enforcement. In other cases the enforcing power was delegated to several local officers and was not exercised by any of them. The plan of depending on the local officers to enforce the laws is an old one of the colonial period. It is not in keeping with the present industrial development, and, in general, it has resulted in the laws being unenforced. There is still too great a distribution of powers and responsibilities. Too often, even at present, one officer investigates conditions, while to another is given the power to enforce the law in the premises.

How came these laws to be enacted? Was their enactment due to any organized efforts or movement? Before the "sixties" the forces that secured the enactment of the labor laws are hard to trace. There was little organized effort to secure labor legislation. Such legislation was small in amount and usually, it seems, was not due to a conscious effort by any party or organization. In the latter part of the "sixties," however, the labor organizations began to participate in the politics of the State, and, in 1867, assisted in the election of governor. "The almost entire Trades Unionist element took part in this movement through their membership in either the Eight Hour League, or the Labor League or Union." "Their campaigns were conducted under an eight hour issue. They were promised, if successful, an eight hour law. The dominant party did give them an eight hour law, but spoiled it for the laborers by adding a rider that it should not be obligatory if there was an agreement other-

wise."[1] There was little further organized effort to secure labor legislation until the Knights of Labor entered the field.

The Knights of Labor became prominent in legislative matters in 1885. "The legislature, 1885-86, had, within its membership, no less than thirty-seven who were members of the Knights of Labor."[2] From that time to the present there has been an organized effort by the labor unions to secure the enactment of labor laws, and during this period our most important labor laws have been passed. The Knights of Labor were prominent in legislative matters from 1885 to 1889. During the legislatures of 1886 and 1887 they exerted a strong influence. They were increasing in numbers very rapidly, and their numbers in the State were greatly overestimated. Representative T. H. Kehoe, of the Legislature of 1886, and from 1885 to 1891 Master Workman of the Knights of Labor for most of the State, gives it as his opinion that in 1886 there were not at any time over 8,000 good, stable members in their organization. Yet, at the time, they were estimated to have as many as 60,000 members in the State—40,000 of them voters.[3]

In the legislature of 1886 the Knights of Labor introduced several labor bills. Some of these passed the House successfully but were defeated in the Senate. Only a few of them became laws. The following summer the Knights of Labor carried on an active agitation for the passage of these laws. Both the Democratic and Republican parties became afraid of their growing political power and began bidding for the labor vote. In the New Haven *Evening Register* of July 29, 1886, we find the following:

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[1] Conn. Bureau Labor Statistics, 1902, pp. 332, 347.

[2] *Ibid.*, 1902, p. 346.

[3] New Haven *Evening Register*, July 24, 1886, p. 1.

"No doubt the Knights of Labor are doing a good work for their own advancement. They have forced both parties to recognize their demands, which have not been unjust. If they intend to control legislative offices they will probably succeed, for they will hold the balance of power in the next house."[4]

The Knights of Labor took advantage of this fear of their political strength and made their demands on both the political parties. These demands were for labor legislation. The Democratic platform of 1886 seems to have been framed especially to catch the labor vote. It contained the following assertions and pledges:

"We . . . approve of laws that shall absolutely protect voters from intimidation and corruption by the knowledge of a secret ballot."

. . . "The Democratic party denounces all that tends to degrade the laborer. . . . It is pledged to all measures that are calculated to elevate, educate and improve his condition, and we hereby endorse the position taken by the representatives in the last legislature who upheld the ten-hour law, weekly payments, the restriction of child labor, and an absolutely secret ballot. To the passage of these measures the Democratic party stands committed. And we believe in giving to the true friends of labor the enforcement of all measures designed to benefit the wage earners."[5]

Representative Kehoe, of the legislature of 1886, and Master Workman of the Knights of Labor for most of the State from 1885-1891, says that the Knights of Labor secured the introduction of these labor planks in the Democratic platform of 1886, and then, in the legislature of 1887, by holding the Democratic members to these pledges, secured the labor legislation of that year. However this may be, it is certain that the labor laws of

[4] James P. Pigott. See also New Haven *Evening Register,* 1886, Sept. 18, 20, 21, and Oct. 5, 11 and 12.

[5] Democratic Platform, adopted at Convention in Hartford, Sept. 28, 1886.—New Haven *Evening Register,* Sept. 28, 1886.

1886 and 1887 were secured very largely through the efforts of the Knights of Labor.

The labor laws secured mainly through the influence of the Knights of Labor were the law of 1885, re-establishing the Bureau of Labor Statistics, the child labor law of 1886, the law of 1886 prohibiting the discounting of wages for payment before the regular pay day, the factory inspection act of 1887, the act of 1887 limiting the hours of labor of women and minors to ten a day and sixty a week, and the weekly payment law of 1887.

Beginning with the year 1888 the Connecticut Branch of the American Federation of Labor has had a "legislative committee" at every session of the General Assembly working for the passage of labor measures.[6] They have introduced a large number of bills, and they and other representatives of organized labor have appeared before the Committee on Labor in support of these and other labor measures. The principal laws secured through their efforts are, the union label law of 1893, the law of 1895 prohibiting the employment of any prisoner in the State in the manufacture of food, medicine, cigars or tobacco, etc., the act of 1895 establishing a State board of mediation and arbitration, the act of 1895 securing employees in their right to join labor unions, the act of 1897 providing for the inspection of bakeries, the act of 1897 prohibiting the blacklisting of employees by their employers, the employer's liability act of 1901, the barber's license law of 1901, and the law of 1905 providing

[6] "The 'workingmen' of Connecticut appear at every session of our General Assembly, advocating the passage of laws which they assert are for the betterment of their condition. The laws which have already been passed, such as those providing for factory inspection, clean bake-shops, limitation of the hours of labor, and weekly payment of wages, are the result of concerted movement by the organized labor of the State."—Report of Connecticut Bureau of Labor Statistics, 1898, p. 103.

for toilet rooms in foundries. Largely to their efforts, also, were due the passage of the act of 1895 raising the minimum age for child labor to fourteen years, and the act of 1901 establishing free public employment bureaus.

Thus, since 1885, organized labor has been the chief factor in securing labor legislation, either by direct legislative campaigns or by agitation outside the legislature, or by both. It is safe to say that without the influence exerted by organized labor, few of the labor laws would have been passed when they were, and, probably, many of them never would have been passed. But in securing this legislation the labor unions have not always pursued a broad-minded policy. In their eagerness to better the welfare of their own members, too often they have lost sight of the general public welfare. The bills they have advocated often have been radical class measures. As a result many of them have failed entirely, while others, as the act of 1897 providing for the inspection of bakeries and containing a provision for a ten-hour day with six work days a week, have been shorn of their objectionable class features before being allowed to pass. A few of these class measures, as the act of 1895 prohibiting the manufacture of food, medicine, *cigars, tobacco,* etc., in the prisons of the State, and the barber's license law of 1901 have slipped through the legislature under the guise of public health ordinances. This narrowminded policy has been of doubtful advantage to organized labor. During the last few years the labor organizations have not secured the passage of so many laws or exerted so strong an influence on legislation as they did in the "eighties." However, this has been due very largely to the fact that now there is no such crying need for legislation as then.

In their agitation for labor legislation the labor organizations often have been opposed by the employers and their associations. The employers have defeated many

measures advocated by the labor organizations and in numerous other cases, as in the act creating a bureau of labor statistics, the employer's liability act, and the law against blacklisting of employees, they have succeeded in robbing the measures of much of their strength before they have been passed.

What has been the effect of this labor legislation upon the condition of the working people? The early laws usually were not enforced and their results were small. The same is true of some of the later laws. Many of the later labor laws were passed after the movement for a change had begun, and their influence on that movement cannot be determined. In other cases, as in the child labor and weekly payment laws of 1886, the factory inspection laws of 1887 and later years, and the bakeshop law of 1897, the good effects of the laws stand out clearly. On the whole, the laws have been of great benefit to the laboring classes and have improved their condition and the conditions under which they work very materially.

At present there is need for legislation upon some neglected subjects, but there is an even greater need for a careful revision of existing laws and their careful enforcement.

APPENDIX.

INDEX TO THE LABOR LAWS OF CONNECTICUT.

The following is an index to the laws discussed in the different chapters of this thesis:

CHAPTER I.

Child Labor.—Code of 1650; 1715; 1718; 1750; 1769; 1784; G. S. 1795; 1813, ch. 2; G. S. 1808, Title 33; G. S. 1821, Title 14, secs. 1 & 2; G. S. 1821, Title 64, secs. 7 & 8; G. S. 1824, Title 65, secs. 7 & 8; G. S. 1835, Title 13, secs. 1 & 2; G. S. 1835, Title 67, secs. 7 & 8; G. S. 1838, Title 13, secs. 1 & 2; G. S. 1838, Title 66, secs. 7 & 8; 1842, ch. 3; 1842, ch. 190; G. S. 1849, Title 7, ch. 4, secs. 22 & 23; G. S. 1849, Title 7, ch. 4, secs. 25, 26, 27; G. S. 1849, Title 7, ch. 7, secs. 58 & 59; G. S. 1854, Title 7, ch. 4, secs. 22-27; G. S. 1854, Title 7, ch. 7, secs. 58 & 59; 1855, ch. 45; 1856, ch. 39; G. S. 1866, Title 13, ch. 4, secs. 43-52; G. S. 1866, Title 13, ch. 6, secs. 99 & 100; 1867, ch. 124; 1869, ch. 115; 1871, ch. 52; 1872, ch. 77; G. S. 1875, Title 11, ch. 1, secs. 1-7; G. S. 1875, Title 14, ch. 6, sec. 9; 1877, ch. 112; 1880, ch. 17; 1880, ch. 37; 1882, ch. 80; 1884, ch. 99; 1885, ch. 69; 1885, ch. 90; 1886, ch. 124; 1887, ch. 23; 1887, ch. 145; 1887, ch. 146; G. S. 1888, secs. 1417, 1745, 1746, 1753, 1755, 2102-2109; 1893, ch. 59; 1893, ch. 227; 1895, ch. 118; 1895, ch. 134; 1895, ch. 210; 1899, ch. 19; 1899, ch. 41; 1901, ch. 110; G. S. 1902, secs. 1163, 2116-2121, 2147, 2614, 2682, 4691, 4692, 4704-4707; 1903, ch. 75; 1903, ch. 29; 1905, ch. 36; 1905, ch. 115.

CHAPTER II.

Hours of Labor.—1842, ch. 3, sec. 3; G. S. 1849, Title 7, ch. 4, sec. 27; G. S. 1854, Title 7, ch. 4, sec. 27; 1855, ch. 45; 1856, ch. 39; G. S. 1866, Title 13, ch. 4, secs. 49-52; 1867, ch. 124; 1867, ch. 37; G. S. 1875, Title 14, ch. 6, secs. 9, 10; 1887, ch. 62; G. S. 1888, secs. 1745, 1746; G. S. 1902, secs. 4691, 4692.

CHAPTER III.

The Employment Contract and the Employer's Liability.

Influencing the Vote of an Employee.—1867, ch. 152, sec. 2; G. S. 1875, Title 20, ch. 9, sec. 28; 1877, ch. 146, sec. 45;

G. S. 1888, sec. 276; G. S. 1902, sec. 1700.

Notice of Intention to Leave Employment.—1885, ch. 72; 1886, ch. 108; G. S. 1888, sec. 1748; G. S. 1902, sec. 4694.

Joining Labor Unions.—1899, ch. 170; G. S. 1902, sec. 1297.

The "Padrone Law."—1895, ch. 295; 1901, ch. 68; G. S. 1902, secs. 4607, 4698-4700.

Importation of Laborers.—1865, ch. 10; G. S. 1866, Title 36, secs. 1-4.

The Employer's Liability.—1901, ch. 155; G. S. 1902, sec. 4702.

CHAPTER IV.

The Laborer's Wages.

Preferred Claim of Laborer.—1828; 1853, ch. 11; G. S. 1854, Title 14, ch. 4, sec. 18; G. S. 1866, Title 20, ch. 5, sec. 109; 1870, ch. 104; G. S. 1875, Title 18, ch. 11, sec. 17; 1876, ch. 61; 1877, ch. 50; 1885, ch. 110; G. S. 1888, sec. 514; G. S. 1902, sec. 271.

Railroad Laborers' Wages Secured.—1870, ch. 67; G. S. 1875, Title 17, ch. 2, part 9, sec. 25; G. S. 1888, sec. 3470; G. S. 1902, sec. 3696.

Assignment of Wages.—1874, ch. 12; G. S. 1875, Title 19, ch. 2, sec. 38; 1876, ch. 25; 1878, ch. 4; G. S. 1888, sec. 1247; G. S. 1902, sec. 836; 1905, ch. 78.

Discounting Wages—1886, ch. 109; G. S. 1888, sec. 1752; G. S. 1902, sec. 4701.

Exemption of Wages from Foreign Attachment.—1838, ch. 30; G. S. 1838, ch. 37, sec. 1; G. S. 1849, Title 1, ch. 15, sec. 229; 1850, ch. 1; G. S. 1854, Title 1, ch. 15, sec. 229; 1867, ch. 109; 1869, ch. 83; 1872, ch. 7; G. S. 1875, Title 19, ch. 16, sec. 13; 1880, ch. 81; 1882, ch. 59; 1883, ch. 55; 1887, ch. 132; 1887, ch. 147; G. S. 1888, sec. 1231; 1895, ch. 342; G. S. 1902, sec. 909; 1903, ch. 95; 1905, ch. 195.

Weekly Payment of Wages.—1887, ch. 67; G. S. 1888, secs. 1749-1751; G. S. 1902, secs. 4695-4697; 1886, ch. 130; G. S. 1888, sec. 344; G. S. 1902, sec. 136.

Mechanic's Lien.—1836, ch. 76; 1838, ch. 41; G. S. 1838, Title 59, secs. 1-3; 1839, ch. 29; G. S. 1849, Title 30, secs. 1-6; 1849, ch. 33; 1852, ch. 56; G. S. 1854, Title 30, secs. 1-4; 1855, ch. 76; 1856, ch. 64; G. S. 1866, Title 38, secs. 1-6; 1867, ch. 100; 1871, ch. 137; 1872, ch. 7; 1874, ch. 7; G. S. 1875, Title 18, ch. 7, secs. 9-13, 18-21; 1875, ch. 15; 1876, ch. 33; 1879, ch. 43; 1881, ch. 148; 1885, ch. 25; G. S. 1888, secs. 77, 3018-3022, 3030, 3041-3044; 1895, ch. 50; 1895, ch. 143; 1897, ch. 54; 1899, ch. 121; 1901, ch. 80; G. S. 1902, secs. 777, 1849, 4135-4140, 4160-4163, 4148.

CHAPTER V.

Boycotting and Blacklisting.

The Anti-Conspiracy Acts.—1864, ch. 57; G. S. 1866, Title 12, ch. 6, sec. 122; G. S. 1875, Title 20, ch. 6, sec. 14; 1877, ch. 77; 1878, ch. 92; G. S. 1888, secs. 1517, 1518; G. S. 1902, sec. 1296.

Blacklisting.—1897, ch. 184; G. S. 1902, sec. 1298.

CHAPTER VI.

Free Public Employment Bureaus.—1901, ch. 100; G. S. 1902, secs. 4608-4614; 1903, ch. 33; 1905, ch. 148.

CHAPTER VII.

Mediation and Arbitration.—1895, ch. 239; G. S. 1902, secs. 4708-4713.

CHAPTER VIII.

The Union Label.—1893, ch. 162; G. S. 1902, secs. 4907-4912.

CHAPTER IX.

The Barbers' License Law.—1901, ch. 132; G. S. 1902, secs. 4671-4673, 4811; 1903, ch. 130; 1905, ch. 189.

CHAPTER X.

Convict Labor.[1]—1827, ch. 27; 1836, ch. 48; G. S. 1849, Title 43, ch. 1; G. S. 1854, ch. 12, sec. 183; G. S. 1854, Title 43, ch. 1, secs. 4, 6, 9; G. S. 1866, Title 51, ch. 1, secs. 5, 6, 10; G. S. 1875, Title 9, ch. 1, secs. 3, 4, 8, 9; 1880, ch. 70; G. S. 1888, secs. 3341, 3343, 3348, 3349, 4455; 1895, ch. 153; G. S. 1902, secs. 2900, 2901, 2902, 2913, 2914.

CHAPTER XI.

The Factory Acts.

The Factory Inspection Laws.—1887, ch. 152; G. S. 1888, secs. 2263-2272; 1889, ch. 173; 1889, ch. 225; 1893, ch. 204; 1893, ch. 206; 1893, ch. 118; 1895, ch. 206; 1899, ch. 119; 1901, ch. 97; G. S. 1902, secs. 4514-4530; 1903, ch. 53; 1903, ch. 97; 1905, ch. 140.

Fire Escapes.—1883, ch. 125; G. S. 1888, secs. 2645-2647; 1889, ch. 154; 1893, ch. 24; 1893, ch. 105; 1895, ch. 254; 1895, ch. 346; G. S. 1902, secs. 2628-2635.

Seats for Female Employees.—1893, ch. 77; G. S. 1902, sec. 4703.

Health.—1869; G. S. 1888, sec. 1747; G. S. 1902, sec. 4693.

Tenement House Workshops.—1899, ch. 199; G. S. 1902, secs. 4527-4530.

Bakeries.—1897, ch. 174; 1899, ch. 140; 1901, ch. 83; G. S. 1902, secs. 2569-2572; 1905, ch. 13.

[1] Only the labor provisions are referred to.

CHAPTER XII.

Bureau of Labor Statistics.—1873, ch. 32; G. S. 1875, Title 3, ch. 1, part 15; 1875, ch. 89; 1885, ch. 119; 1886, ch. 110; 1887, ch. 92; G. S. 1888, secs. 2944-2949, 3706; 1889, ch. 177; 1899, ch. 197; G. S. 1902, secs. 4601-4607.

A DIGEST OF THE CHILD LABOR LAWS OF CONNECTICUT.[2]

Code of 1650.—Children and apprentices to be taught to read English, and a knowledge of the capital laws, catechised in the principles of religion once a week, and brought up in some honest and lawful calling, labor or employment.

1813, ch. 2.—Employers in factories to teach children reading, writing and first four rules of arithmetic; to pay attention to their morals; and to cause them regularly to attend public worship.

1842, ch. 3.—Child under fifteen not to be employed in any manufacturing or other business, unless it has attended school three months of the twelve months next preceding the year in which employed. Penalty twenty-five dollars. Teacher's certificate sufficient evidence of such attendance. School visitors to enforce act. Child under fourteen not to be employed over ten hours a day in any cotton or woolen establishment.

1855, ch. 45.—Ten hours in mechanical or manufacturing establishment a day's work in absence of a contract. Nine years the minimum age for employment of child in manufacturing or mechanical establishment. Minor under eighteen not to be employed over eleven hours a day. Penalty, twenty dollars.

1856, ch. 39.—Ten years minimum age for employment of child in manufacturing or mechanical establishment. Minor under eighteen not to be employed over twelve hours a day or sixty-nine hours a week. Penalty, twenty dollars. Constables and grand jurors to enforce.

1867, ch. 124.—Minor under fifteen not to be employed over ten hours a day or fifty-eight hours a week in manufacturing or mechanical establishments. Penalty, fifty dollars for employer, ten dollars for parent. Constables and grand jurors to enforce.

1869, ch. 115.—Child under fourteen not to be employed in any business unless it has attended school three months of the twelve next preceding the year in which employed. Penalty, one hundred dollars. State's attorneys and grand jurors to enforce. State board of education may appoint an agent to enforce the act.

1871, ch. 52.—Parent or guardian of child between six and fourteen shall send it to school when discharged from labor for that purpose, unless excused because of bodily or mental condition,

[2] Revisions are omitted—only original acts, amendments, and codifications being given.

or the pecuniary necessities of parents. Penalty, five dollars.

1872, ch. 77.[3]—Children to be brought up in some honest and lawful calling or employment, and instructed in reading, writing, English grammar, geography and arithmetic. Parents of child between eight and fourteen shall send it to school three months each year, six weeks to be consecutive. Child under fourteen not to be employed in any business unless it has attended school three months of the twelve of the year preceding employment. Parents shall send a child between eight and fourteen to school when discharged for that purpose. Penalty, five dollars. Enforced by State's attorneys, grand jurors, school visitors, State Board of Education, selectmen.

1877, ch. 112.—Amending G. S. 1875, Title 11, ch. 1, sec. 2 (1872, ch. 77) to read "sixty days of the twelve months next preceding any month."

1880, ch. 17.—Amending G. S. 1875, Title 11, ch. 1, sec. 1 (1872, ch. 77), to read "sixty days in each consecutive twelve months."

1880, ch. 37.—Parent of child under fourteen shall furnish employer certificate of school attendance, and employer shall keep it on file.

1882, ch. 80.[4]—Parents shall bring up their children in some honest and lawful calling or employment and instruct them in reading, writing, English grammar, geography, and arithmetic. Parent of child over eight and under fourteen shall send it to school twelve weeks or sixty school days in any consecutive twelve months, six weeks to be consecutive. Penalty, five dollars for each week's violation. No child under fourteen who has resided in the United States nine months shall be employed unless it has attended school twelve weeks or sixty school days of the twelve months preceding the month in which employed, nor unless six weeks of the attendance shall have been consecutive. Penalty, sixty dollars. Parent of a child under fourteen shall furnish employer certificate of school attendance and employer shall keep it on file. Penalty for false statement by parent, five dollars. Enforced by state's attorneys, grand jurors, school visitors, state board of education, selectmen.

1884, ch. 99.—Exhibiting or using child under twelve as rope or wire walker, dancer, skater, beggar, peddler, gymnast, contortionist, rider, acrobat, etc., punishable by fine of two hundred and fifty dollars, or imprisonment not exceeding one year, or both.

1885, ch. 90.—Parent shall cause child over eight and under sixteen to attend public school while in session, or be taught elsewhere. Children under fourteen who have attended school twelve weeks

[3] Mainly a codification of existing laws.

[4] This is mainly a compilation of the child labor and education laws at this time.

of the preceding twelve months, and children over fourteen shall be exempt from the requirement while at labor. Penalty, five dollars.

1886, ch. 124.—No child under thirteen to be employed in any mechanical, mercantile, or manufacturing establishment. Penalty, sixty dollars. Age certificate by town clerk or teacher of child (or by parent or guardian of child when there is no record of its age in office of town clerk and it has not attended school in the state) exempts employer from penalty. Penalty for false statement by parent or guardian, sixty dollars. State board of education, and the school visitors, boards of education and town committees of towns shall enforce the act, and for this purpose state board of education may appoint agents.

1887, ch. 23.—Agents of state board of education (1886, ch. 124, sec. 3) may enforce the school attendance laws.

1887, ch. 62.—No minor under sixteen and no woman shall work over ten hours a day or sixty a week, except when the machinery is stopped for repairs, or for purpose of making short day for one day of week. Schedule of hours to be posted in each work room.

1887, ch. 145.—Amending 1885, ch. 90, sec. 2, to read, children under thirteen who have attended school twenty-four weeks, and children between thirteen and fourteen who have attended school twelve weeks, of the preceding twelve months, and children over fourteen shall be exempt from school attendance requirement while employed.

1893, ch. 59.—Child under sixteen not to have charge of an elevator. Penalty, not over twenty-five dollars.

1893, ch. 227.—Child under sixteen who cannot read and write must attend evening school (in towns where there are such schools) twenty consecutive evenings each month and produce certificate of such attendance, to be employed in any manufacturing, mercantile or mechanical occupation. Penalty, fifty dollars.

1895, ch. 210.—Child over fourteen and under sixteen who cannot read and write, to be employed in town where there is evening school, must produce every school month a certificate of eighteen consecutive evenings' attendance and be a regular attendant. Penalty, fifty dollars. State board of education to enforce the act.

1895, ch. 118.—Law of 1886 (ch. 124) amended by raising minimum age for employment to fourteen.

1895, ch. 134.—Amending G. S. 1888, ch. 131 (1887, ch. 145) by providing that children over fourteen need not attend school while it is in session, if employed, and that all under fourteen must attend.

1899, ch. 19.—Amending 1887, ch. 145, as amended by 1895, ch. 134, to read, children over seven and under sixteen shall attend school while in session, but children over fourteen are exempt while employed.

1899, ch. 41.—Child under fourteen not to be employed while school is in session. Penalty, twenty dollars.

1901, ch. 110.—Employer of any child under sixteen in any mechanical, mercantile or manufacturing establishment shall have certificate that the child is over fourteen. Certificate to be signed by registrar of births, town clerk, teacher, or person having custody of school register. If child is foreign born and has not attended school in state parents or guardian shall have its age recorded by registrar of births. They shall take oath to date of its birth and furnish documentary evidence. Refusal or neglect to keep on file certificates, punishable by fine not exceeding one hundred dollars. Employer exempt from penalty of sixty dollars for employing child under fourteen if he has on file age certificate. Penalty for false statement by parent, twenty dollars.

1903, ch. 29.—School officers may require a child over fourteen and under sixteen to attend school until they think he has sufficient education to leave school to work.

1903, ch. 75.—If a child has not attended school in this state but was born in the United States, and no record of its birth can be obtained, or if record on school register one year is inconsistent with record of another year, the state board of education may investigate and may grant a certificate if they deside the child is over fourteen.

1905, ch. 36.—Amending 1903, ch. 29, by giving the state board of education concurrent power with the local school officers under the act.

1905, ch. 115.—Amending G. S. 1902, sec. 4705 (1901, ch. 110, secs. 1-3) by adding that "if a child was not born in the United States, the state board of education may investigate, and, if it appears that said child is over fourteen years of age, may grant a certificate accordingly. . . . "

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