LABOR LEGISLATION OF MICHIGAN, 1909

By

CARL EUGENE FARRY, A.M.

TABLE OF CONTENTS.

Where possible, I have cited authority for historical statements; where my explanations and observations are partly conjectural I trust they will appear only for what they are.

The investigations were made and the report written while Mr. M. J. McLeod was Commissioner of Labor; I am much indebted to him for assistance in various ways, also to factory inspectors Henry J. Eikhoff, Frank T. Ley, Miss L. M. Burton, and several others in lesser measure. Mr. Joseph A. Labadie, of Detroit, aided me by personal recollections and by allowing me to use his valuable collections of labor papers and documents. I also wish to express my gratitude to Mr. Ezra McCullough, President of the United Mine Workers; Mr. T. W. Davis, Commissioner of the Operators; Mr. Alexander C. Stevenson, Mine Inspector; Mr. R. M. Randall of the Operators; Mr. T. B. Barry, of Saginaw; Mr. Judson Grennell and Mr. George W. Duncan, both of Detroit, and others who have given me assistance. I am under special obligation to Professor Charles H. Cooley for encouragement and suggestions.

Acknowledgement is hereby made of the assistance received from the Carnegie Institution of Washington, in the collection and preparation of materials for this monograph.

Carl E. Parry.

Ann Arbor, September, 1908.

INTRODUCTION.

I have chosen to treat the question of labor legislation as chiefly one relating to social classes within an embracing society. The labor laws I have selected for special attention touch the somewhat distinct interests of the wage-earning class.

Though I have sometimes felt obliged to be technical and analytic, I have tried to bear in mind that this legislation is a form of social function in an inclusive sense; it is somewhat more than a matter of the legislature and the enforcing agents acting by themselves: social pressure of one sort or another, embodied in the social whole, has found expression through these social organs. Though some laws which I have treated very briefly, or even ignored altogether, have no doubt significant bearing on this very conception, still it is believed that few of them are vital.

One looking for quantitative description of conditions, or for statistical proof of immediate or remote effects, will be disappointed: partly through my deliberate intention to place emphasis elsewhere, partly through an unusual lack of reliable statistics relating to important matters.

CHAPTER I.

AS FAR AS 1883. BEGINNINGS IN THE RECOGNITION OF A WAGE-EARNING CLASS.

Though there were of course wage earners in Michigan from the beginning, and may have been a wage-earning class before the last two decades of the century, there was not much recognition of this class in the laws of the state before 1883. It was not until then that the law was passed creating the Bureau of Labor and Industrial Statistics, and this law marks more or less definitely both the beginning and the end of a period. The bulk of the legislation relating at all specially to labor was on the matter of wages, and it will be worth while to notice it briefly so far as it was really labor law; but there were a few ~~more~~ other laws which demand more attention as being more significant of what came later to be passed and known as labor legislation. In connection with the attention that will be given to these laws there will be some attempt to sketch the process by which the wage-earning class came to have a somewhat special voice in the legislature, and to indicate the chief elements in the legislative situation at the end of this first period.

Even relating to wages there is no legislation before 1850, with one exception, which can with much propriety be called labor law, because such laws as mentioned wages at all treated them in all respects the same as other forms of property; if there is any significance attaching to laws which gave liens for wages along with liens of exactly the same sort for other claims, it is only that wages were not sometimes given liens so early as the other claims. The single exception mentioned was a provision of a general garnishee law passed in 1849 (Act 137, C.L. 991), which exempted from garnishment indebtedness up to twenty-five dollars due a householder having a family for the personal labor of himself or his family. This law gave to wage-earners, practically as a class, a privilege not granted to other members of society; it seems to have been inspired by the desire to avert the suffering, and perhaps even pauperism and degeneracy, which might come upon the members of a family whose head was dependent upon his current earnings. To be dependent in this way by reason of having no store of accumulated wealth is no doubt the chief economic characteristic of the wage-earning class.

In 1850 debts owed to wage earners were, in one respect, given a measure of security not extended to other debts. The constitution of that year made stockholders in

corporations individually liable for all labor performed for the corporation (Act XV, Section 7). In 1864 (Act 59, Section 46) seamen alone, of all claimants, were exempted, under certain conditions, from having to give security for costs in suits for wages; their lien on boats and vessels had for many years been no different in either form or procedure from that of other creditors of these same craft. In 1867 (Act 201), miners' wages were secured by a lien on mines, specifying wage claims only and in particular. It was not until 1871 (Act 182) that the laborer was given a direct lien on real estate, although the contractor and material man, and later the sub-contractor, had been given such a lien long before. When the law giving a lien against railroads in favor of the contractor, and especially the sub-contractor, was passed, in 1871 (Act 100, C.L. 5243-5) the laborer was included. In 1873 (Act 185) a lien on logs was given for labor and services, and only labor and services, very crude at first, but improved at almost every session of the legislature for a number of years. These seven laws include all the legislation of this early period which gives any sort of special recognition to wage claims. In bulk, in frequency of amendment, and no doubt also in the number of persons directly and indirectly affected, the lien laws are most important, but as labor legislation they do not

seem to me to be nearly so significant as the garnishee law of 1849, the constitutional provision of 1850 and the exemption of seamen from having to give security for costs in suits for their wages, of 1864. I have been able to find nothing worth while as to the historical origin of any of these laws; some technical discussion of them is reserved for the chapter on wages.

The first law providing for the incorporation of labor organizations was passed in 1857. This was some time before the Trade Union movement had any strength worth mentioning, although there was already at least one union in the state. This was the compositors' union of Detroit, which had existed since 1852.[1] The organization of labor, however, did not gather momentum until after the civil war. In 1865 a labor paper, "The Daily Union", was established and was published for nine years. In that same year the eight-hour day was considerably agitated, and in 1866 organized labor in Detroit was strong enough to send several delegates to the labor convention at Baltimore, - the convention which organized the National Labor Union with

---

1. Report Bureau of Labor, 1896, 235.

the eight-hour day as the principal issue and legislation affecting it as an immediate object. This movement stimulated discussion and organization among various trades in Detroit, and to a small extent alsewhere in the state; some of it also was politically inclined. In September of that year there was formed in Detroit the State Eight Hour League, which made issues of the eight hour day, and a law giving a first lien for wages[2]; even going so far as to resolve to support for the legislature no candidate for the legislature unless he was pledged to the lien law. They also threw their support for congressman to Hiram L. Chipman, a Democrat, who made much of his adherence to the cause of the eight-hour day.[3] They were also active to some degree in the selection of city officers.[4] The Republican state convention meeting in Detroit shortly after the formation of the League included in its platform a resolution sympathizing with the movement for shortening the hours of labor and asserting belief in the wisdom of legislation to further it[5]; the following week the Democrats, who were fusing with the National Union Party, went to even greater

---

2. Detroit Free Press, Sept. 5, 6, 1866.

3. Free Press, Sept. 14.

4. Free Press, Sept. 15.

5. Appleton's Annual Cyclopedia, 1866, p. 507.

pains to endorse the movement. They pledged themselves, in the interests of the workingmen, steadily to "aid all measures which will abridge their hours of toil, which will improve their opportunities for intellectual and moral cultivation, which will secure the public lands to the actual settlers or which will in any way ameliorate and elevate the condition of the laboring masses".[6] This political recognition of the labor movement is the first of any moment in the history of the state. Except for the eight-hour day the issues were still vague, and in an election so near to the Civil War and its problems, including the matter of sound currency, the labor issues were very far indeed from being anywhere near paramount. The election went overwhelmingly Republican; from Detroit, however, part of the men returned to the legislature were Democrats, among whom was one who had been identified with the workingmen in their recent agitation.[7]

There can be no doubt that various reasons combined to give the budding labor movement consideration before election somewhat out of proportion to the voting strength of its adherents and sympathizers, and to the real

---

6. Appleton's, 506.

7. Free Press, Nov. 7, 1866. September 15, 1866.

weight of opinion among the thinking people of the state. The solicitude of the party platforms did not show itself at the next session or two of the legislature in any considerable legislation in the interest of the wage-earners. Thus in regard to the eight hour day a bill was in fact introduced by a Detroit member in the legislature of 1867,[8] but it met with a very cool reception. The discussion of it on the floor of the house took up about two hours, but at no time inclined favorably. Indeed the Democrats considered it a great joke on the Republican majority that one of their number proposed a resolution approving the wisdom of eight-hour legislation for which the house straightway substituted one declaring "that in the opinion of this house no legislation is necessary to regulate the hours of labor". The original resolution was the identical labor plank of the Republican state platform.[9] All of which goes to show that the eight hour movement was not taken very seriously. Though the bill, after amendment, passed the house, it did not come to a vote in the senate until the very last day of the session when there were not enough members present to pass it if all had voted in its favor, and the amendments had probably altered it quite seriously,

---

8. Free Press, January 10, 1867.

9. Free Press, January 18, 19; House Journal, 198.

certainly to the exemption of various classes of workmen.

It is not unlikely that some amendments to the lien laws which were made in 1867 and 1869 were influenced by the agitation of the time, as also the second law for the incorporation of labor organizations which wasppassed in 1869 (Act 167, C.L. 7447-50). But the principal law passed at either session, or for a number of sessions following, was of a reactionary sort. It was the Molestation Act of 1867 (Act 163); it related to labor troubles, is still in force (C.L. 11345), and runs as follows:

> "The People of the State of Michigan enact, That if any person or persons shall, by threats, intimidations, or otherwise, and without authority of law, interfere with, or in any way molest, or attempt to interfere with, or in any way molest or disturb, without such authority, any mechanic or other laborer, in the quiet and peaceable pursuit of his lawful avocation, such person or persons shall be deemed guilty of a misdemeanor, and on conviction by a court of competent jurisdiction, shall be severally punished by fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail where the offense shall have been committed, not less than one month nor more than one year, or by both fine and imprisonment, in the discretion of the court; but if such punishment be by fine, the offender shall be imprisoned in such jail until the same be paid, not exceeding ninety days."

---

10. Senate Journal, p. 1870; Free Press, March 26, 1867.

Diligent search and inquiry has not been rewarded by anything bearing on the history of the origin of this law.[11] It passed both houses almost unanimously, although it was consistently opposed by one or two members from Detroit,[12] one of them being a Mr. Paul Gies who had been connected with the labor movement in that city.[13] The daily papers of Detroit contained no mention of the law at the time, and it is evident that it attracted little or no attention. Of course the established principles of the criminal law made actual violence offered to employees as much a crime as any other violence, so this law seems to have added only a prohibition of threats and intimidation. These were probably considered to be more in need of prohibition since labor was organizing and a threat backed by an organization might do much more harm than the threat of an unsupported individual. Besides nobody knew what unlawful and revolutionary designs these new organizations might be cherishing. There was no doubt at that time, as there still is, a "vague fear of spoliation" which offered good soil for such

---

11. It was introduced by the chairman of the House Committee on manufactures. House Journal, 894.
12. Senate Journal, 1315, 1353.
13. Free Press, Sept. 15, 1866.

a proposal as was embodied in this law. There had not been, as yet, conspicuous breach of the peace in strikes either in Michigan or anywhere else in the United States. The measure was precautionary and so obviously aimed at safeguarding long-established rights that it received little close scrutiny. If one is to pick out the first law heralding the approach of "the Labor Problem" this is that law. The most remarkable thing about it is that it made its appearance so long before labor really was organized well enough to do much harm even if it were so disposed, and that its disposition was suspected so early.

The organization about the eight-hour slogan in 1866 did not succeed in maintaining itself. The panic and ensuing depression of 1873 helped undermine it; the central body for sometime kept up in Detroit grew weaker and weaker, and finally dissolved in the later seventies when it was reduced to a membership of four.[14] Aside from occasional amendments made to lien laws there was no labor legislation of importance in the decade following this earlier wave of organization. The next significant law was passed in 1877, before the great railroad strikes of that year, and was known as the Baker Conspiracy Law.

---

14. Related to the writer by one of the four.

The Baker Conspiracy law was introduced in the early days of the legislative session of 1877 by a lawyer of Detroit.[15] Its purpose, as expressed by its original title was "to prohibit any person from obstructing the regular operation and conduct of railroad companies." "The bill was suggested by the strike that was prevailing on the Grand Trunk Railroad when the legislature was assembling."[16] In this strike the engineers were said to have resorted to some violence, the general public had suffered some inconvenience because of the interruption to traffic, and a few members of the legislature had been delayed by it, and put to personal inconvenience, in coming to Lansing to attend the session. The supporters of the bill of course made use of the feeling created in this way, but the chief argument made in support of the bill was that it furnished a means of checking violence and intimidation, and would prevent strikers from stopping the operation of a railroad if there were men ready and willing to take their places. It was also said that there was nothing in any of the laws already existing to prevent the

---

15. House Journal, 99.

16. House Journal, 1867, p. 204. A memorial from the author of the bill.

interferance with corporations, because all the criminal laws forbade certain acts against individuals only, and so corporations were in need of the proposed law to protect them. It was said further that none of the criminal laws of the state were adequate to check such violence as had taken place on the Grand Trunk, because the acts committed by the men subjected them only to prosecution for trespass or assault and battery, both misdemeanors, punished only by fine, and the railway men's organization had a fund large enough to pay any number of such fines, and so the evil could go on unchecked. In opposition to the law it was objected that it was special legislation in the interest of the railroads, because it did not apply to other corporations or kinds of business, and because it punished employees for interfering with the business of the railroad apparently by so innocent an act as quitting work, but did not punish the railroad for discharging the employees. There was considerable opposition to the bill on these grounds, as well as less on the ground put forward by one or two speakers that it was an attempt by the corporations to grind down the poor laboring man.[17] Amendments

---

17. Detroit Tribune, January 22, 1877; Detroit Free Press, February 16, 1887; Memorial, loc. cit.; Mr. Sawyer.

to it were passed making it apply to the business of any corporation, firm or individual and providing that it should not be construed to prevent men quitting work voluntarily, whether by concert of action or otherwise. This last amendment was in response to the effort made by a member who was a lawyer, who did not come from a district in which organized labor had any influence to speak of, and who was not in touch with organized labor.[18] One of the opponents of the bill was a lawyer from Jackson, which was at that time somewhat of a railroad center, in which a good many railroad employees lived. The bill passed the house by a vote of sixty-six to seventeen and the senate by a vote of twenty-one to six.[19]

Discussion of this law is principally reserved for a subsequent chapter. Its significance for our present purpose lies in the influence it had on the labor movement during the eighties. When the Knights of Labor, organized in the state two years later, were beginning to turn their attention to legislation, the repeal

---

18. Mr. A. J. Sawyer, of Ann Arbor, to whom I am indebted for information.

19. House Journal, 232; Senate Journal, 201.

of this law was one of the objects at which they aimed. There can be little doubt that it had influence both upon efforts to elect workingmen to the legislature, and upon the organization of labor as a means to various necessary ends. The strength of the appeal made to organized labor by the agitation against this law lay in the fact that it was considered to be in some way unfair by them. Because it had a number of features which seemed both fair and desirable to many other citizens of the state it gave rise to some sharp controversy, and helped define the opinions of all interested in the so-called industrial struggle.[20] It seemed to the Knights of Labor that the law was uncalled for in the first place, because existing laws had not proved a conspicuous failure, and because there was no doubt in their minds that the law was by its promoters calculated to discourage strikes, ~~and~~ whereas strikes were then as now looked upon as a very necessary means to very precious ends. At any rate the repeal of the Baker Law figured among the legislative aims of organized labor until its repeal was brought about in 1891. It is interesting to note that the law of 1867, against molestation, - which

---

20. cf. Michigan as Province, Territory and State, IV, 137.

carried a penalty of imprisonment for molesting a workman, and which would seem to have made the Baker Law almost unnecessary, - was not brought up in the legislature, and so far as I can find from going over the discussions in the newspapers of succeeding years was never mentioned in connection with it.

There was also another law passed in 1877 (Act 190) which has incidental significance as a labor law. It was an act "to maintain political purity". Out of its many provisions the only one pertinent to the subject in hand is the one which forbids any person to "discharge or threaten to discharge any person who may be in his employ for the purpose of influencing his vote at any election". This was fourteen years before the adoption of the Australian ballot, and this provision seems to have struck at a real evil. Men who worked for wages at this time have told me that the threat, direct or implied, to discharge them during political campaigns, prevailed until long after the enactment of this law. Still the act as a whole is for political purity in general and is directed at various other forms of corruption; it was without much question inspired chiefly by considerations quite aside from those

specially affecting wage earners. It does, however, testify to the presence in the state of a noteworthy number of employed men, dependent upon other men to such an extent as to be open to a peculiar sort of improper influence in their suffrage. It is not likely that this law had any very conspicuous effects. At any rate the establishment of the Australian Ballot system and various other measures to alter the political machinery of the state continued to be a very primary interest with the members of organized labor for a number of years. Since the secret ballot law of 1891 there has been little complaint of attempts to influence votes by methods so direct and obvious as the threat to discharge. It does not fall within the scope of this paper to treat any of the subsequent measures in the direction of democratizing political methods, although the support given to such measures has been very largely drawn from the wage-earning classes, and the interest of organized labor in political methods has probably increased rather than diminished.

Organization of labor that was to have real and lasting significance began in 1878, with the founding of the first assembly of the Knights of Labor in Michigan. The

nucleus of the order was formed from men who had taken part in the earlier movements. In 1880 the Trades' Council of the city of Detroit was established, and proved a valuable training and recruiting ground from which to secure members for the still secret Knights of Labor. This Trades' Council was the first central body to prove permanent in Detroit. It has lasted continuously to date and its direct and indirect influence on the labor legislation of the State has been note-worthy. Of course, the political influence of the Knights of Labor was very limited as long as it remained a secret order. After its name and purposes became public, January 1st, 1882, it came rapidly to have more members, first in Detroit and then in other cities of the State. It was then in a better position to carry out its aims. Of course the general motive of all this organization was to secure "higher wages, shorter hours, and better conditions of labor". More or less definite ideas of legislation had some part in this, although other methods, such as strikes and boycotts, were more continuously emphasized. The life of the movement, of course, lay in its aspirations, not in its methods. Early declarations of principles included legislative aims, and discussion in local assemblies found support for various proposals. Still the dominant purpose of the labor organizations of this

time was not to secure legislation; it was much less to secure the particular legislation, and that only, which has since become known as labor law. Legislation was but one among many means to rather indefinite ends, and the thought and energy devoted to it at first was naturally much less than that devoted to more immediate problems of organization.

Even such proposals for political action as were made were for many years, and perhaps always, conflicting. Some men advocated electing special representatives of organized labor from among their own members, and men willing to accept the honor were not wanting. Others favored securing pledges from men seeking nomination or election who were not members of organized labor. But that organized labor should in some way find more voice in the legislature than it had yet had was universally cherished by the members.

What legislation in particular organized labor wanted most at this time is also far from certain. The declaration of principles of the Knights of Labor mentions among the first of its legislative measures that of securing the establishment of bureaus of labor statistics. There were also projects directly involving state legislation

relating to six other matters: health and safety of employees, weekly paydays, wages lien, contract public work, child labor and contract convict labor.[21] Declarations of other labor organizations of the time are substantially the same.[22]

It is worth while to sketch briefly the position in relation to the legislature and legislation that organized labor acquired during the early eighties. It so happened that the State political situation was such as to favor some of the political aims just emerging in the labor organizations. The Green-back Party united various elements of discontent, and the Democratic party was somewhat in sympathy with it. These two parties fused in the election of 1882, and were assisted by the workingmen to elect the Governor, and to return among their successful nominees for the lower house of the legislature three or four men who were Knights of Labor.[23] It is reasonably safe to say, also, that there was a sentiment favorable in a general way to legislation in behalf of "the plain people" generated among members elected who were not themselves

---

21. Report Bureau of Labor, 1884, p. 68.

22. Same Report, various pages.

23. e.g. Devlin and Brant from Detroit, Cook(?)from Muskegon. See Legislative Manual, 1883, pp. 493, 495, 499, 500.

identified with organized labor. Of course representation by three or four members of the lower house and none in the upper would have afforded no very favorable basis for optimism for the workingmen, if all the other members ofthe legislature were hostile or hopelessly indifferent. That this was not the real situation may be assumed, even if no other ground for it be presented than the National discontent of the time and the L. . activity agitation in a few of the principal cities of the state.

The Governor saw fit to recommend to the legislature of 1883 the establishment of a Bureau of Labor. In the course of considering this recommendation the House added to its standing committees a committee on labor, the first appearance of this committee.[24] Bills by the labor members and their sympathizers were introduced somewhat indiscriminately. They related to the ten-hour day, the incorporation of the Knights of Labor and labor associations, employers' liability, coöperative societies, wage liens on logs, etc., accidents on railroads, the Baker Conspiracy Law, the Bureau of Labor Statistics, and other matters.[25] There was no bill introduced asking for factory inspection or for the guarding of machinery. Petitions

---

24. House Journal, 122.

25. House Journal, Index.

came in from local assemblies of the Knights of Labor in support of many of these bills, especially those relating to the ten-hour day which was of primary interest to lumbermen, the repeal of the Baker Conspiracy Law, and convict labor. Child labor and compulsory education laws received much less of such support; and the bill for employers' liability got little, if any, support by petition.[26] The reception which different bills received no doubt had much to do with the distribution of effort among them by the labor members.

The chief labor laws passed at this session were one creating the Bureau of Labor statistics, and one relating to the employment of children.[27] An act (Act 159) was also passed providing for the incorporation of the Knights of Labor; another (Act 170) including factories among the buildings upon which fire escapes should be erected; another changing the height of bridges over railroads;[28] and several relating to wages - one altering procedure in enforcing liens (Act 145), one prohibiting stay of execution in wage cases (Act 157), one requiring contractors on public work to give bonds to secure creditors furnishing labor or materials (Act 94). It is noticeable that several of the bills most eagerly desired did not pass.

---

26. House Journal, Index, etc.

27. Acts 156 and 144, discussed in following chapters. Compulsory Education Law had existed since 1871 (Act 165).

28. Act 131, amending Act 190, 1881. Nowhere discussed in this monograph, but worth mentioning.

Organized labor played a very similar part in the succeeding legislatures for a number of years. It was getting its bearings and gaining experience. Thus in the legislature of 1885 the labor element was still more strongly represented, and still more insistent on legislation of one sort or another, than in 1885.[29] During the campaign neither child labor nor factory inspection, though slumbering among the other matters declared to be of concern by the platforms of various organizations, received special emphasis. The situation is illustrated by a labor mass-meeting at Detroit, the chief seat of activity, which instructed the legislators elected to make a special effort to abolish contract convict labor, and also, strange to say, instructed them to introduce bills on all the planks of the Knights of Labor platform

---

29. "There are twelve Knights of Labor in the House and I am told there are three in the Senate. One is an axe-maker, two are printers, one insurance and real estate, one machinist, one shingle inspector, one bootmaker, one cigarmaker, one physician, one lawyer, one merchant, one says he is a mechanic." Labor Leaf, May 20, 1885.

and to direct special effort according to their discretion.[30] In this legislature, also, bills were introduced somewhat indiscriminately; among them all the one to abolish contract convict labor beyond question received the most zealous support from organized labor; with the bill for a ten-hour day coming second.[31] Most of the petitions received related to these two subjects, although they did not ignore a number of others, including compulsory education and the employment of children.[32]

The political activity of the Knights of Labor reached its climax in 1886 and 1887. In the legislature of 1887 the representation of the workingmen was said to include thirty seven members of labor organizations besides several other legislators who were considered friendly because they belonged to the farmers' organization, - the State Grange.[33] The chief centers of sustained local interest in labor legislation in assemblies of the Knights of Labor were Detroit, Bay City, Saginaw, Grand Rapids, Jackson and

---

30. Labor Leaf, Dec. 17, 1884.

31. Labor Leaf, January to July, e.g. July 1.

32. House Journal, Index etc.,

33. Labor Leaf, February 19, 1887.

Manistee.[34] A large number of bills were introduced on a great variety of subjects.[35] Petitions were received in the legislature for the repeal of the Baker Conspiracy Law, the abolition of contract convict labor, and on various other subjects.[36] Almost no petitions were presented except on labor bills,[37] which no doubt made the movement seem aggressive; there was significant opposition to a number of bills.[38] Bills were passed relating to a nine-hour day for children, mine inspection in the Upper Peninsula, the importation of detectives attorneys' fees in suits for wages, blowers for emery wheels, and reports of the Labor Bureau.[39]

---

34. Labor Leaf, March 5, 1887.

35. Labor Leaf, April 9, 1887. Bills enumerated.

36. Proceedings State Assembly, Knights of Labor, p. 71, (1887).

37. Labor Leaf, April 23,

38. "The most opposition was developed against the bills to repeal the Baker Conspiracy Law, to purify elections, to prohibit contract convict labor, and to prevent corporations doing a mercantile business". Proceedings State Assembly, Knights of Labor, 1887, p. 72.

39. Proceedings State Assembly, pp. 69-71.

The foregoing discussion of the position of organized labor in the legislature has been extended somewhat beyond the year 1883, although this year was selected to mark the end of the early period of which this chapter proposed to treat. Some of the general facts about several succeeding legislatures have been given in order to convey a general idea of the situation out of which labor legislation began to arise. The chief fact about this situation is that in these legislatures there were men who felt a special sense of responsibility to the workingmen, some because they were members of labor organizations, others because labor organizations were coming to have influence in their respective districts. If we keep this fact in mind, and remember also that the labor movement was identified in the minds both of its adherents and its opponents with a broad but inchoate policy of legislation, some good, some bad, it will afford us a very useful background against which to examine the particular labor laws later to be discussed.

Taking the year 1883 as the most deserving of any to mark the end of one period and the beginning for another, a summary of legal conditions then existing will conclude

this chapter. There were, in 1883, few laws in force that may be called labor laws. There were some laws affecting wages, with but few characteristics different from laws affecting other claims; there were no regulations as to time, manner or medium of payment. There was no legislation whatever touching the hours of labor, either of children or of adults. There were but three laws affecting the safety of employees especially: one regulating the height of bridges over railroads, one requiring safety guards to warn of an approaching bridge brakemen who might happen to be on top of cars, a third requiring ladders or fire escapes on factories in which employees worked above the second story. There were no laws for the safeguarding of any kind of machinery, or extending in any way the common law liability of employers for injuries to employees. There were no State laws affecting the sanitary condition of factories or working places. There was a school law just passed forbidding the employment of children in any business unless they had a certain amount of schooling. There was also a compulsory school law of twelve years standing which required attendance of twelve weeks per year. Further than this, there were a few laws of a miscellaneous character, to which reference has already been made: providing for the incorporation of labor organizations, prohibiting employers from threatening to discharge employees with the purpose of trying to influence their votes, forbidding any person to molest or disturb a laborer in his employment, and a conspiracy law.

For the most part these laws depended for their efficacy on the fear of damages in suits which might be brought by individuals damaged. There were special provisions for enforcing the two railroad laws, whose enforcement was entrusted to the Commissioner of Railroads; the law for fire escapes depended on the efforts of local building inspectors, and both the school laws on the efforts of local truant officers. The laws against coercing an employee in his suffrage, and against molestation and conspiracy, were criminal laws, carrying penalties.

The conditions of work, the hours of work, and the time, manner and medium of wage payment were as yet substantially left to be determined in each particular case by contract between the parties concerned, - influenced, of course, by whatever range of choice was afforded by the prevailing economic conditions established through competition. What a man might do with his own private property, his buildings or machinery, was substantially without any legislative limitation dictated by solicitude for the interest of the employees. Limitations upon free initiative dictated by similar considerations were equally non-existent.

The most significant thing on the horizon was easily the increasing share of public attention which was being drawn to the social conditions of the wage earning classes - drawn there chiefly by their own organization and insistence.

CHAPTER II.

THE BUREAU OF LABOR AND INDUSTRIAL STATISTICS.

The law creating the bureau of labor was passed in 1883; it was the most important of the labor laws of that year.

To secure the establishment of such bureaus had long been a favorite purpose with labor organizations and they had already achieved it in several places. The Massachusetts Bureau had been in existence over ten years, and bureaus in ten other states had existed for shorter periods.[1] The Knights of Labor, just becoming influential, stated one of their purposes as follows:- "To arrive at the true condition of the producing masses in their educational, moral and financial condition by demanding from the various governments the establishment of bureaus of labor statistics."[2] It also appears as one of the legislative objects of other organizations, such as the Cigarmakers' International Union of America.[3] It was of course not of itself a very exciting or fruitful theme of discussion nor is it always found in platforms. The Detroit Trades

---

1. Willoughby, State Activities in Relation to Labor, p. 11.
2. Report Bureau of Labor, 1884, 68.
3. Report Bureau of Labor, 1884, 67.

Council (1880), for example, announces its concern for legislation on child labor, hours of labor and convict labor, but contains no mention of a labor bureau.[4] But to achieve these changes, and others around which the aspirations of the movement twined themselves, information was necessary, and the more thoughtful labor leaders never entirely lost sight of this necessity. They recognized that they must convince other elements in society in order to secure their coöperation.

Perhaps it requires no emphasis that this desire for a bureau of statistics was disproportionately loaded with aspiration. Its partisans expected that it would show not only how meagre and bare the life of the "toiling masses" really was, and not simply how low were the wages of the individual laborer but much more how little he got in comparison with the individual employer, and most of all that it would show, in some way, the injustice of the whole thing. This is illustrated by the following typical quotation:- "The legitimate aim of the labor bureau is to ascertain beyond the shadow of a doubt what the earnings of labor and capital are in order that justice may be done to

---

4. Report Bureau of Labor, 1884, 74.

both, in order that unscrupulous employers will not have it in their power to rob labor of its just dues and take all the profits of the combination of labor and capital for their own aggrandizement.[5] A current saying of the time is said to have been: "We want the public to find out that labor in fact gets only one fourth of what it produces." This is perhaps only another way of saying that the workingmen expected of the bureau that it would become largely an instrument of propagandism. This being their attitude, it is easy to understand such opposition as the proposal met from the so-called business interests.

In 1882, as already mentioned, the Knights of Labor helped the combined Democratic and Greenback parties to elect Governor Begole, and to secure several members of the legislature. Governor Begole was requested to recommend to the legislature in his message, a bureau of labor. One such request came from Mr. John Devlin, a prominent member of the Knights of Labor in Detroit, elected that year to the legislature by the combined workingmen and Democrats.[6] Another came from John W. McGrath, a lawyer, also of Detroit,[7] and chairman of the Democratic county committee. Following rather closely the language of

---

5. Powderly, Thirty Years of Labor, 506,

6. Labor Leaf.

7. Labor Leaf, May 19, 1886.

McGrath's letter the governor included in his message the following recommendation.[8]

> "Railroads and insurance, corrections and charities, education, agriculture, and health have been committed to state boards, whose valuable statistics and suggestions form a basis for legislation. Paupers and criminals, the fish that swim in our rivers and lakes, and the cattle that graze in our fields, are cared for by commissioners appointed by the State. A large class of our citizens, and who are seldom found in our halls of legislation to speak for themselves, have no one whose especial duty it is to investigate their condition, and report what legislation is necessary for the protection of their interests. I refer to the laboring class. The State of Massachusetts has a Labor Bureau whose reports and statistics are eagerly sought for by all who would study the labor question, and has been the means of reforming numerous abuses. I would recommend the appointment of three Commissioners to be known as Commissioners of Labor, with authority to employ a secretary at the expense of the State. I feel assured it would be the means of placing much valuable information before the next legislature, and become an important element in determining questions as to the rights of labor that must sooner or later be settled by legislation."

The emphasis is here laid upon the essential wisdom of gathering information on questions pressing for solution. This purpose was probably the chief one influencing the body of legislators in their favorable consideration of the proposal. Propagandism was no part of the purpose of the majority.

8. House Journal, 1883, 68-69.

For the creation of the Bureau two bills were introduced,[9] one by Mr. Devlin, the other by Mr. F. W. Cook, a lawyer of Muskegon, a Greenback Democrat elected through the influence of "the Workingmen's party of Muskegon".[10] The two bills were combined by the newly-created committee on Labor, of which Mr. Cook was chairman, and reported to the house without recommendation. The main feature of the bill related to what information the Bureau should be required to collect and should be empowered to demand and obtain from individuals. That the bill carried an appropriation probably helped secure for it somewhat careful attention. The senate considered a proposal to charge the Secretary of State with the Duties in question, and thus avoid the creation of a new Department of the State government,[11] but it did not meet with much approval.[12] There was very little active opposition to the bill. The support given to it by those with special sympathy for organized labor was vigorous. It passed the House by a vote of fifty-two to twenty-five, and in the senate there were no votes cast against it.[13]

---

9. House Journal, 444, 508.

10. Legislative Manual, 1883, 499.

11. Senate Journal, 1883, 1011.

12. Detroit Free Press, May 20, May 25, 1883.

13. House Journal, 1446. Senate Journal, 1035.

The section enumerating the duties of the Bureau will bear quoting at length (Act 156, 1883, C.L. 4597-4604).

> Section 2. The duties of such bureau shall be to collect in the manner hereinafter provided, assort, systematize, print, and present in annual reports to the Governor, on or before the first day of February, eighteen hundred and eighty-four, and annually thereafter, statistical details relating to all departments of labor in this State, including the penal institutions thereof, particularly concerning the hours of labor, (the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics, and apprentices,) wages earned, and savings from the same, the culture, moral and mental, with age, and sex, of laborers employed, the number and character of accidents, the sanitary conditions of institutions where labor is employed, as well as the influence of the several kinds of labor, and the use of intoxicating liquors upon the health, and mental condition of the laborer, (the restrictions, if any, which are put upon apprentices when indentured, the proportion of married laborers and mechanics, who live in rented houses with the average annual rental of the same, the average number of members in the families of married laborers and mechanics, the value of property owned by laborers and mechanics, together with the value of property owned by such laborers or mechanics (if foreign born), upon their arrival in this country, and the length of time they have resided here,) the subjects of co-operation, strikes, or other labor difficulties, trades unions, and other labor organizations, (and their effect upon labor and capital), with such other matter relating to the commercial, industrial, and sanitary condition of the laboring classes, and permanent prosperity of the respective industries of the State, as such bureau may be able to gather, accompanied by such recommendations relating thereto, as the bureau shall deem proper.

The parts included in parentheses were added by the senate.[14] In the course of the bill's consideration one subject was stricken out of the section: "the ratio of wages paid to profits realized."[15] The elimination of this clause called forth little, if any, comment at the time, although it put it out of the power of the Bureau to show one of the things which organized labor was most anxious to have disclosed.

The wholesale and rather indiscriminate fashion after which all the above duties were enumerated is typical both of the inchoate character of the so-called labor movement of the time, and of the insistent tone which has always characterized the "demands" of organized labor. It was felt by the workingmen that these facts were pertinent, that there had hitherto been an undoubted reluctance on the part of various elements in society to have them made known, and that if they were not enumerated at length there was great danger that the new bureau would not make them known.

The powers of the bureau were stated as follows (Sec. 3):- "Such bureau or any member thereof, shall have full power to examine witnesses on oath, (and) compel the attendance of witnesses and the production of papers....."

---

14. House Journal, 1777.

15. Original copy of law, Secretary of State's Office, Lansing.

It was also provided (Sec. 7) that any person who should "wilfully and intentionally testify falsely before said bureau or before any member thereof" should be deemed guilty of felony and on conviction thereof should be punished by imprisonment in the state prison for a period not exceeding five years. The bureau thus seemed to be clothed with full power to enable it to perform its duties.

Five thousand dollars in addition to the money for salaries was appropriated to pay expenses, including clerical assistance; extra provision was also made for printing the annual reports of the bureau. The appropriation was raised to $6000 in 1885, to $8000 in 1891; and to $10,000 in 1907 - always at the request of the Bureau, and in 1885 and 1891, with the active assistance of the labor element in the legislature.[16] The increase in 1907 was mainly to enable the Bureau to collect industrial statistics, other than labor statistics, and without the active support of the State Federation of Labor.

---

16. House Journal, 1885, 1064, 1164.

METHODS OF COLLECTION.

The original method prescribed for collecting statistics was the use of blanks to be filled out by the regular supervisors and assessors, although any member of the bureau was authorized to do personal canvassing. An attempt to collect statistics by sending out blanks to employees and employers was made for the first few years, but the indifference of most and the hostility of some to inquiry into what they considered private business, soon caused this method to be abandoned. Having blanks filled by assessors and supervisors was not satisfactory, partly because they objected to doing work for which they were not especially paid, partly because their other duties and relations made management of the system too cumbrous.[17] Some attempt to simplify the system was made by an amendment in 1885, but the special canvassers which the Commissioner was then authorized to employ have since, in one form or another, been almost the exclusive reliance of the bureau. Municipal officers may legally be called upon, but, quite naturally, no material specially pertinent to labor conditions has evey been sought from them. The right to compel the production of papers, was in the original law (Act 3),

---

17. Report, 1886, X.

but was struck out in 1885 when the section was being amended for another purpose,[18] and was not restored until 1891.

For the first few years the deputy commissioner and office force did some special canvassing. There were numerous refusals to give information at all, and it was disclosed by a ruling of the attorney general in 1884 that while the bureau could compel a witness to appear it could not compel him to testify.[19] This seriously crippled the bureau, but there is no evidence to show that such a situation was anticipated or purposely designed by anybody. Upon the recommendation of the Commissioner, power to compel the giving of testimony was given in 1885 (Act 189) with the reasonable proviso that no person might be compelled to leave his home county, or to answer any question relating to "an improper subject of inquiry or foreign to the object of the act". It was considered that this proviso guarded the rights of individuals effectively, because they could choose to refuse answers to any question and thus leave to judicial determination whether the question did or did not relate to proper subjects of inquiry.[20] No case has ever

---

18. House Journal, 1885, 1540.

19. Report Bureau of Labor, 1885, 152.

20. Report, 153.

come before the courts involving this proviso. In 1891 (Act 68) the commissioner or his deputy was given power to enter any factory or workshop when open or in operation for the purpose of gathering statistics, a power which he might enforce by process leading to a fine of not over one hundred dollars. In 1907 (Act 430, Sec. 2) this authority was extended to special agents appointed by the Commissioner. Their exercise of the right previously had never been entirely free from question.

The hostility of employers was at first rather widespread; some, as mentioned above, refused to give answers at all, and many were extremely reluctant. They resented inquiry of any sort into their private affairs, especially on matters which might help a competitor. But they disliked probably most of all the militant spirit of the unions which, to them, seemed to inform the law and the Bureau. The Bureau, from the first, used the utmost care to conciliate employers, and the original hostility in time very greatly decreased. Still the collection of statistics is yet looked upon by many employers as a nuisance at best, to be tolerated for lack of alternative.

Placing the duties of factory inspection upon the Bureau of Labor, as was done in 1893, has taken time and

attention of the commissioner and his chief assistants away from the gathering of statistics. The two advantages claimed for having an inspector gather statistics is that he finds it easier to obtain an audience than a special canvasser does, and that it is more economical. The economy, which is the chief reason urged in justification of the combination, has resided in this, - that there are probably more men called inspectors officially and principally doing inspecting, than there would be if the two appropriations were devoted to maintaining entirely separate departments. But because an inspector's principal duties are those of inspection, he is confined to securing such data as will not delay him much, which means that he must rely almost exclusively upon getting his blanks filled at the factory office, either before he begins to inspect the particular plant or after he has finished. This necessity probably accounts very largely for the fact that the sort of information gathered by inspectors has never varied much. They now get from each factory visited the number of each class of labor employed, as superintendents, foremen, general factory work, office work, etc; the number of men, women and children; the <u>average wages</u> paid each class; the average hours per day and week, days per month and months per year.

Usually also is included information on accidents, and sometimes motive power. It may seem either obvious or curious, but the fact about the effect upon the Bureau of placing upon it the duty of factory inspection, since the bureau has never seen fit to divide the forde for administrative reasons and to charge different members of it with the different duties, is that it has afforded opportunity to collect quite a mass of statistics which have no clear purpose and very slight value, but which take up so much bulk that the officials have been able to persuade both themselves and an uncritical public that they fulfill the requirement of "statistics".

The law of 1883 provided for the issue of two thousand copies of the annual report of the Bureau. In 1887, with the support of the Knights of Labor,[21] this number was increased to four thousand, at which figure it has since remained. There is said to have always been a strong demand for copies; for some of the earlier reports the demand was greater than the Department was able to supply. It is now the policy of the Bureau to make up its mailing list each year from the names of persons who have at some time requested a copy of the report; in each report sent

---

21. Proceedings State Assembly, 1887, p. 71.

out is included a blank form asking the recipient to send in any criticism that occurs to him, and to state whether he wants a copy of the report for the next year. Probably most of the names [illegible] are secured in this way, although there are requests made continually by mail, by speaking to factory inspectors, etc. The reports therefore have an indiscriminate circulation; it is not possible to say what class of people is most numerously represented among the receivers. They include manufacturers, workingmen, trade union officials, libraries, newspapers, occasional lawyers, clergymen, farmers, etc. The criticisms received on the blanks above mentioned, amount to practically nothing at all. Politicians send fulsome praise; most people send conventional praise. Suggestions for improvement are scarcely ever forthcoming, and are almost without exception very trivial. From reading a large number of these returned slips, from common report, and from a number of inquiries directed to manufacturers who possessed a copy of the report and to working men, it is my conclusion that manufacturers and workingmen practically do not read the reports at all. Very few other persons do so. Certainly I failed to find any employer who claimed to make use of them for any other purpose than to satisfy a transient curiosity, such as "to see if he paid as high wages as the average". One sees an

occasional extract or comment in a newspaper, but almost always a mere statement of "what the report shows", either appropos of nothing at all, or under some such general caption as "Michigan Prosperous". Trade union journals pick out an occasional statement to bolster up a partisan cause. Of late years supply houses have found the list of factories of some value to them, and such bodies as Boards of Commerce like to get the list of factories of their own town. Since the bulk of every report is nothing more than so much dead wood one would not expect it to be read much by anybody, and even good statistical reports would not, of course, be read much by the so-called "general public". But the serious matter is that the reports are of infinitesimal value to persons studying, in any degree, industrial questions, and therefore are not read by them. An occasional fact of value secured from the reports occurs in a seriously written article, but there can be no doubt that intelligent use of the report is pitifully small: it is not fit for it.

Except for the two reports of the first commissioner, and also the special investigations of women wage workers in the report for 1892, and of the building trades in 1893, both by Commissioner Henry H. Robinson, a prominent member of the Knights of Labor, it has been the most settled policy

of the reports to investigate special lines of industry in the state, not apparently with the idea of showing what tendencies or conditions of labor prevailed in those industries, but rather with the idea of showing how large the industry is, measured in various ways. For about the last ten years the tendency to report on special industries has probably outweighed all others, except possibly the one represented by the long table of factory inspection. It has now become a fairly well established custom to report on a few of the same industries every year, but never giving a comparison for a series of years, and also to report on special industries either never reported on before or else not reported on recently. Of all this the purpose is said to be "to advertise the state", and though there may be grave doubt as to whether it achieves this purpose there can be no doubt whatever that conditions of the wage-earning classes such as would be valuable in guiding legislation are almost entirely neglected.

To collect statistics of accidents is enumerated among the duties of the Bureau. They are now collected by factory inspectors and include date of accident, name of injured person, married or single, was injury fatal, serious, severe, or slight, days injured person was disabled, by whom employed, town, and was machinery "properly guarded",

if the accident occurred around machinery. There is no mention in the reports of the kind of machinery, the circumstances of the accident, or any classification by industries or by cause of accident. The definition of a serious, severe or slight accident is not published in the reports, and I found none in general use by inspectors; their classifications, therefore, are not likely to be uniform. Attempts have been made for several years to have passed a law requiring accidents to be immediately reported to the Bureau, but they have always failed. The statistics collected by the inspector on his annual visit are taken from the accident book kept by the superintendent's office for the insurance company, when there is such a book, or from the memory of the superintendent or others. They are therefore not complete, and unprejudiced information as to causes is not accessible to the inspector and so is not collected or given to the public. Intelligent classification by industries and perhaps by cause of accident would greatly enhance the value of such statistics as are collected. At present they are of very little use to anybody. That the bureau has of late resorted to taking up special industries more than ever, with the idea of "advertising the state", and has come to include in

almost every report a number of "write ups" of particular firms and pictures of particular plants, which only mar the scientific character of the reports, has been due largely to the necessity under which the Bureau labors of having to mollify employers by any means at hand; there is no organized scientific interest in the state standing back of it so that it can stand on its purely scientific merits. It is surely not a good sign that this naive policy meets with special approval of those who make up the legislature, but it is a fact that it was the "advertising" character of the reports which was the chief argument used before the legislature in 1907 to secure an increase in the appropriation.

So far as one can say that there are any established features of the later reports relating to condition of wage earners, bearing upon contemporary phases of the labor movement, used in the widest sense, these are but four - all rather inchoate: an annual report on labor organizations, a report of the Court of Mediation and Arbitration giving a few unclassified facts about strikes in the state, a so-called "technical paper" or two dealing with some phase of factory legislation or some other topic of industrial interest, less scientific than

popular in tone, and the figures collected by factory inspectors as to employment of men, women and children. This last, being contained in the long table of factory inspection, takes up a vast deal of bulk, but suffers woefully from an almost complete lack of comprehensive comparison, intelligent classification and critical analysis. For guiding legislation it is well nigh useless.

The Bureau has always suffered from not having trained statisticians at the head of it, and also from the frequent change of its personnel. It has been frankly as much a place to which the governor may appoint his political friends as any other branch of the state service. The most permanent official connected with it has happened to be the chief clerk, the same man having held the position almost continuously from 1893 to 1907; but he had never been specially trained, being a veteran of the Civil War and former editor of a country newspaper, a man of pleasant address and the best of intentions, but somewhat wilful and not improving perceptibly in all the years of his service. Yet in his death in 1908 the Bureau probably suffered a distinct loss because he knew, at least, how to run it in the traditional way.

An explanation of the character of the reports of the bureau would be far from complete which did not note the fact that in all the years of its history the legislature

has never called upon it to make a single special investigation, and when there is so little demand for complete and intelligent information by the body which the Bureau was especially designed to inform, in one way or another, it is no wonder that the bureau has collected little information of much value. From the very first the real purpose of the Bureau has not been clear in the minds of those connected with it, nor has it been brought home to their attention by intelligent criticism on the part of the press of the state or any organized bodies or associations. The comparatively primitive character of the statistical output of the Bureau has at bottom been due to the comparatively primitive condition of social organization in the state.

The Bureau has now issued twenty-five reports. From all this number I can find but five, or possibly six, which might have had direct influence upon legislation. These are the reports for 1884, 1885, 1886, 1887, 1892, and possibly 1890. Only a small part of each of these reports could have had direct influence, and there is some doubt in every case because I have not been able to find that persons concerned with the passage of any of the laws quoted the reports before the legislature, or made any other use of them. The subjects upon which the reports named

afford a little information which might conceivably have been of some value are child labor, convict labor, and some of the conditions surrounding the labor of women; there is also a little fragmentary material in one or two of the reports relating to the hours of men, which might have been of a negative influence as showing that few worked long hours and therefore legislation was not necessary. It is safe to say that the direct influence of the reports, either upon public opinion or upon the actions of legislators, has been very slight indeed. This conclusion is based upon a careful examination of the contents of each report with the special purpose of trying to find some way in which it could have influenced labor laws passed shortly after its appearance. I have had at hand the dates of all the labor laws of any kind passed since 1883. I have had in mind partly the standards of accuracy, thoroughness, and conclusiveness that one would expect of good statistics, such as would make them available for a legislator seeking information to help him to form an opinion, or to convince an indifferent or opposing legislator, but I have also had in mind many of the circumstances surrounding the passage of particular laws and have tried to conceive of any special reason why statistics not coming up to scientific test might have been

used with influence, not only with the legislature but with general public opinion such as was concerned with particular laws or the agitation for them. Of information which would help the legislature or the general public in the definite solution of particular questions in the field of possible legislation, I have found very little. What influence the Bureau has really exercised has been in another way.

The real influence of the Bureau upon legislation has not been exercised through its reports but through the personnel of its officials. The Commissioner of Labor, the Deputy Commissioner, the Chief Clerk and perhaps others have at different times extended their coöperation to persons interested in securing labor laws of one kind or another. They have helped to draw bills and to select the proper members to handle them on the floor of the legislature. They have appeared in person before committees of the legislature, and have spoken personally to different members. The only Commissioners who have themselves been members of labor organizations are Commissioner Robinson, (1891-1893), and Commissioner McLeod, (1905-1908); but several of the earlier Deputies were Knights of Labor, and they were expected by their fellow-members to help the passage of labor laws. In 1887, for example, Deputy Commissioner Barnes, then State Master Workman of the Knights of Labor,

had the executive board of the Order investigate a charge made against him to the effect that he was "not using due diligence in behalf of labor bills"; he was unanimously acquitted by the board.[22] Later instances have been related to me by men who had personal knowledge of the facts. Commissioners "used their influence" in behalf of bills which labor organizations wanted, as the factory inspection bill of 1893, for instance. One of the special reasons for this activity of theirs was that the favor of organized labor was a distinct political asset, of value to a man who wished to hold the position another term or to be promoted to a better one. But the important thing to notice is that this personal support was to so small a degree supplemented by figures in the reports, to justify it by evidence and argument. The appeal was not made as one would expect to general public opinion, but directly to members of the legislature.

It is not always safe to say that the Department did not support a measure, simply because nothing in regard to it appears in the published report of the Department. Some of the most important of the laws which different Commissioners have given their potent personal support are

---

22. Proceedings State Assembly, Knights of Labor, 1887, p. 23.

not recommended at all in published reports. And when recommendations are made, as that for factory inspection in the report of 1895, it is the very rarest thing for them to be backed by facts and arguments contained in the same reports. What seems to be the case is that the opinion of the Commissioner of Labor has been given weight because he was Commissioner of Labor, a man of moment, in touch with much public sentiment, possessed with much information not necessarily of a statistical character, and so deserving of more attention than most other men. This view finds confirmation, perhaps, in the course of things since factory inspection was placed in charge of the Commissioner; since then he has uttered what may be interpreted with some reason as the mature opinion of the factory inspection force, and that any statement was honestly his own opinion, or that of his force, was looked upon as more important than a citation of the figures and statistics constituting the reasons why he held it. The recommendations of the Commissioner of Labor in his capacity of chief factory inspector have always been backed up with very few reasons, and have never grown out of a mass of evidence presented in the report, but they have been listened to with some deference nevertheless. Some observations relating to this same subject will be presented in the chapter on the work of the factory inspectors.

That so many commissioners have come from other walks of life than those of the wage-earner is looked upon by organized labor as a distinct misfortune. It has no doubt been a benefit to the state to have arrant propagandism kept out of the state service, but the attidude of organized labor has more justification than appears on the surface. As long as the legislature, and the people who elect the legislature, seem inclined to listen to a man's opinion rather than to inquire into the evidence upon which it is based, it is important to have as Commissioner of Labor a man who has first broad sympathy with the wage-earning classes, but who at the same time is not of such a character as to be especially distrusted by fairminded men. He is bound to be looked upon as more or less of a special pleader in any case, certainly as long as "politician" continues to be the generic title for almost everybody holding a state office, and as long as most other legislation is also supported chiefly by special pleaders. To members of organized labor the "Bureau" is not an abstraction, or a thing of wood, but a man, especially a man who is a human channel by which the opinions of the wage-earning classes ought to find fairly easy passage to the legislature, perhaps modiated somewhat in the general public interest. In other words, not the published reports

of the commissioner but his personal activity embodies the function he performs. It would be vastly easier to estimate the social efficacy of the Michigan Bureau if it could be done simply by evaluating its statistics: one need simply say, they have never come anywhere near serving the purpose which statistics ought to serve. But perhaps Michigan has received no small benefit from another sort of work by the commissioners, and perhaps Michigan has received more benefit from it than she would have from the reports of merely a trained statistician, the rest of the state service, the legislature and the people, remaining as indifferent to statistics as they have been heretofore. But it is to be hoped that the time has come when the Bureau of Labor Statistics may become, in very truth, the Bureau of Labor Statistics.

CHAPTER III.

THE FACTORY ACTS. EARLY HISTORY, (1883-1893).

Factory acts specify the conditions under which work may be done in factories, and provide means for seeing that these conditions actually obtain. The term is coming to be extended to include laws which deal also with conditions of employment other than those in factories, and I use it in this broader sense. A convenient way of discussing such laws distinguishes provisions affecting children, women, and men, and distinguishes also the prescription of standard conditions from the method provided for administration.

How organized labor had special representation and made special efforts in the legislature of 1883 has been already described.[1] The only factory act issuing from the situation related to the employment of children. The Knights of Labor introduced certain provisions on compulsory education and the employment of children into a bill authorizing cities to provide ungraded schools. Ungraded schools remained the center of interest in the bill; there was some objection to including the other provisions, because

---

1. Chapter I.

they related, it was said, to an entirely different subject.[2] Their supporters, however, contended that in order to keep children in school it was necessary to keep them from being employed.[3] The provisions were finally retained, and the vote by which the bill passed the House was fifty-three to twelve - a very comfortable majority.[4] The opposition was not very determined, and was easily overborne; it is very doubtful whether it proceeded from any industry which was profitting by child labor: certainly the investigation of child labor made about that time by the Bureau of Labor and published two years later found no single industry employing many children.[5]

(Act 144, 1883)

This law provided for four months schooling per year for all children between the ages of eight and fourteen years. The bulk of the law dealt with the definition of juvenile disorderly persons and the establishment of ungraded schools. The sections relating to employment were as follows:

---

2. Detroit Free Press, May 4, 1883.
3. Free Press, May 6.
4. House Journal, 1886-7.
5. Report Bureau of Labor, 1885, p. 63-65 ff.

> Section 2. No child under the age of fourteen years, shall be employed by any person, company, or corporation, to labor in any business, unless such person shall have attended some public or private day school, where instruction was given by a teacher qualified to instruct in such branches as are usually taught in primary schools, at least four months of the twelve months next preceding the month in which such child shall be so employed: Provided, that a certificate from the director of the school district in which such child shall have attended school shall be evidence of a compliance with the provisions of this act.
>
> Section 3. Every parent, guardian or other person having charge or control of any child from eight to fourteen years of age, who has been temporarily discharged from any business or employment shall send such child to some public or private day school for the period for which such child shall have been discharged..... .

The enforcement of the provisions relating both to school attendance and to employment was entrusted to truant officers, who were to be appointed in cities by the chief of police and in towns by the supervisor. They were to investigate cases of truancy, and it was made their duty to prosecute for violations. Both parents and employers violating the law could be prosecuted and fined.

Of course this law was first of all a school law, but it was the first attempt in Michigan to attack the problem of continuous non-attendance by bringing pressure to

bear upon employers. It set no limit below which children should not be employed at all, and went but a very small way toward interfering with employment, for if a child under fourteen should happen to be found at work by a truant officer he was not to be compelled to go to school - unless, of course, he had not attended four months of the last twelve. In fact, the law went so short a way toward interfering with employment that one would not expect it to have been enforced.

And the employment provisions of the law were not enforced. There is ample evidence of this in the State School Reports.[6] In Detroit the school authorities made no attempt to enforce it, believing that it had no proper place in a law regulating ungraded schools. It was also inoperative throughout the state. From most quarters sympathy with the purpose of the law was expressed, and the Superintendent of Public Instruction approved its principle in his statement of the qualifications of a good law designed to keep children in school a certain portion of the time. He said such a law "should also prohibit their being employed continuously in any business until they have received the required amount

---

6. Report Superintendent Public Instruction, 1883. xlviii - lv. See also Report Bureau of Labor, 1885, p. 90-94.

of schooling." Interest in the whole subject of compulsory education, however, was still far from strong. It is scarcely mentioned in the School Report in 1884, and for several years thereafter. The law of 1883 was supplanted in 1885 by two other laws, to be mentioned presently. It could have had no effects on employment.

In the efforts for factory legislation made during the next few years organized labor continued to play the principal part. Among the "labor bills" introduced in 1885 was one relating to factory inspection, and at least one other relating to the employment of children and women. The bill for factory inspection (H.B. 216) was the first for that purpose ever introduced in the legislature. It was among a number of labor measures coming from Thomas B. Barry, of Saginaw, a union axe-maker and labor agitator,[7] who was, however, devoting his best efforts to other bills. The office of factory inspector which it proposed to create was to be filled by some practical mechanic. He was given power to enter all factories and shops employing ten or more persons,

---

7. Legislative Manual, 562. I am indebted to Mr. Barry for a copy of the bill and for some information about it.

and to make substantially such orders as he saw fit to avert accident, prevent injury, or improve sanitation, ventilation, lighting, heating, fire-protection and the safe-guarding of machinery. It was made a misdemeanor not to comply with his orders. Since it gave the inspector such unlimited discretion, and emanated from one of the most "aggressive and uncompromising" of the labor leaders,[8] it is not surprising that it aroused suspicion and met with opposition. Although it passed the House, it did not attract much attention nor give rise to much argument; in the Senate it was never discussed. It was not only the first time factory inspection was proposed, but it was also the first thoroughgoing attempt to regulate working conditions for adults.

The other bill, (H.B. 2), however, did pass at this session, and if one is to pick out Michigan's first factory act this one has strong claims for the place. It related to "the employment of children, young persons and women in certain cases." It was introduced by Mr. Lyman A. Brant, a union printer from Detroit.[9] In both House and Senate it received consideration and discussion, but not

---

8. Labor Leaf, May 20, 1885.

9. House Journal, 75; Legislative Manual, 565.

much real opposition.[10] Several amendments were made to it; the most important of these lowered the minimum age from twelve for boys and fourteen for girls to ten for both, - but a proposal to except children whose parents might be too poor to send them to school was voted down.[11] The bill passed the House by a vote of 84 to 4 and the Senate by a vote of 25 to 2.[12] It is quite evident that the measure met the approval of many legislators who were not identified with organized labor in any special way. In fact, this bill had scarcely any marks of a class measure, and because it related chiefly to children it had a broad human interest to appeal to. The principle and purpose of the law did not apparently give rise to controversy; the amendments can all be explained as simply modifying its form for reasons of expediency.

This law (Act 39, 1885) prohibited the employment of children under ten years of age "in any factory, work-shop or warehouse" where goods were manufactured or prepared for manufacture. It also repeated the provisions of the

---

10. House Journal, 240; Senate Journal, 545-6; Labor Leaf, Feb. 11, 1885.

11. Senate Journal, 545.

12. House Journal, 240-241; Senate Journal, 546.

compulsory education law of 1883 against the employment of children under fourteen "in any labor or business", if they had not had four months schooling during the preceding year.[13] It provided further that no young person under the age of eighteen years, and no woman, should be employed in any manufacturing establishment for a longer period than an average of ten hours per day or sixty hours per week with at least one hour for dinner each day. It also required employers to provide suitable seats for the use of female employees, and to permit the use of them, in factories, ware-houses, shops, stores and hotels. The standard is thus advanced in several respects. This is the first appearance of a minimum age below which no children should be employed; it is the first regulating hours for children; and it is the first attempt to regulate the conditions of

---

13. In view of this act the employment provisions of the law of 1883 were repealed, together with the sections providing for enforcement of the compulsory education parts, by a new act relating to juverile disorderly persons (Act 108, 1885). Thus the provision requiring four months attendance was left without officers legally authorized to enforce it. See Report Bureau of Labor, 1887, 269; School Report, 1889, 15.

labor for adult women. These are clearly provisions of a factory act, but it is noteworthy that the employment of children was still immediately associated with their school attendance.

For administration it was made "the duty of the superintendent or chief officer of police by suitable inspections" to see that the requirements of the act were observed, and also to prosecute for all violations. In towns without a police force these duties rested upon supervisors. In prosecutions for employing children under fourteen without the minimum schooling, a certificate of school attendance from a superintendent or school director was made evidence of compliance with the law.

This law never had much, if any, general enforcement. In Detroit some hopes of it were entertained by members of organized labor.[14] But the reports of the Detroit Police Department for the next few years contain no reference to factory inspection in that city, or to prosecutions under this law; men I have interviewed who were on the police force at that time remember no effort in this direction, factory workers of the time insist that no

---

14. Labor Leaf, Feb. 11, 1885. The chief of police is said to have been the brother of a union printer.

children were ever taken from a factory by any local inspectors, and supporters of the oncoming movement for state factory inspection do not recall any opposition to the latter on the ground that local inspection was efficient. The reports of the Superintendent of Public Instruction do not mention it. It is also significant that two years later the Commissioner of Labor took the trouble to make some test of the law in respect to the certificate of school attendance mentioned above. The attorney-general made a ruling that the law did not limit the evidence of compliance with it to the possession of the certificate, and that if an employer could establish by other evidence the fact that a child had really attended school four months of the last twelve he could not be held for violation of the law.[15] That the interpretation waited upon the efforts of the commissioner indicates lax enforcement on the part of police authorities, and the ruling reveals a fatal weakness in the administrative provisions of the law. Where the law happened to be known to employers and others it is barely possible that there was some voluntary observance of it. At Manistee, for instance, soon after the law was passed, a union of saw-mill men saw fit to pass a resolution thanking

---

15. Report of Bureau, 1887, p. 268.

Mr. Brant for securing the passage of the law, especially the section limiting childrens' hours to ten, because this was thought to have been of some benefit to them in their efforts to secure the ten-hour day.[16] But on the whole there could not have been much voluntary observance of the law; how much there was I have found no satisfactory way of ascertaining.

No cases involving this law are contained in the Supreme Court reports. Among the bills introduced by labor members in the legislature of 1887 was one regulating the guarding of machinery and providing for an "inspector of machinery".[17] Like most of the labor measures introduced at that session it did not pass. But two laws of some importance were passed at this session. One (Act 152) limited the hours of labor for children to nine per day in all occupations except agriculture and domestic service and clerks in stores; the latter were excepted by a provision for which a merchant in the Senate was responsible.[18] The

---

16. Labor Leaf, Dec. 9, 1885.

17. House Bill 347.

18. Senate Journal, p. 1696;
Legislative Manual, p. 596.

original proposal for limiting hours applied to all males under sixteen and females under eighteen, no doubt with some hope that this would be more effective in shortening the hours of men.[19] There was no open opposition to the bill, but the legislature reduced these ages to fourteen and sixteen respectively.[20] It was made the duty of the prosecuting attorney to investigate complaints and prosecute; to make complaints, as in the case of most criminal laws, was made the business of nobody in particular.

The other factory law passed at the session of 1887 was much more important. It was a law asked for by the Metal Polishers' Union of Detroit. It was at their request that a union printer in the legislature introduced it.[21] It provided for exhaust fans to carry away the dust from polishing wheels. The metal polishers sent men to Lansing to give personal support to the bill, they sent in petitions for it and they supplied statements from physicians

---

19 House Journal; The bill was being handled in the House by Mr. Judson Grenell, a Union Printer and prominent member of the Knights of Labor, who wrote to the Labor Leaf as follows: "It is hoped that the effect of this bill will be beneficial immediately by reason of either making establishments employing a large number of young persons come down to a nine hour work day or employ more mature help." Labor Leaf, June 4, 1887.

20 Proceedings State Assembly Knights of Labor, 1887, p. 69.

(See next page)

to prove the injurious character of the dust in question. There was some opposition to the passage of the law; amendments affecting it rather radically were proposed. "No argument was advanced for these amendments except that blowers cost money and to compel people to put them in would be a hardship".[22] The law (Act 136, 1887) required all factories and workshops using emery wheels, or wheels coated with emery, corundum or cotton, used for polishing to be provided with fans or blowers to protect the operators from dust and to carry it away. It gave a few specifications to which these appliances must conform, and made it the duty of the prosecuting attorney to prosecute on complaint of any person of full age.

The significant thing about this law is that it is the first attempting clearly and openly to regulate the conditions of employment for adult men in factories.[23] It

---

20 con. House Journal, 1432.

21. Mr. Robt. Y. Ogg, of Detroit, whom I have been able to interview.

22. Labor Leaf, April 2, 1887.

23. Certain laws already existed relating to fire escapes on factories and to automatic couplers for cars on railroads. These made less distinct invasions upon the right of free contract. See Chapter one.

made a distinct modification in the right of free contract and the right of an individual to use his property as he saw fit. This does not seem to have aroused any special comment at the time, although it was discussed by the Supreme Court in a case arising some ten years later, to be discussed elsewhere.[24] And the origin of this law is well worth noting. It was directly in response to a demand of the organized employees in the industry which it affected, the demand was specific, and the bill was introduced and handled in the legislature by a union man.[25] This law is somewhat aside from the general movement which was beginning to gain momentum for state factory inspection. Probably the reason why the metal polishers were not especially interested in factory inspection by the state was because they felt themselves strongly enough organized to make the law more effective through their own efforts. Of course this applies almost entirely to Detroit; there were places where the metal polishers were not organized, but from these significant support for the law did not come. It is more convenient to take up the administration of this law in a subsequent chapter.

---

24. See Chapter V.

25. In the Senate it was in charge of a lawyer.

In February of 1889 the State Federation of Labor was formed, at Lansing, with legislation as one of its principal objects. Its proceedings for that year contain no mention of factory inspection,[26] although there were resolutions passed relating to the Baker Conspiracy Law, the employment of children during the school time, the weekly payment of wages and other matters.[27] On the day on which the convention assembled in Lansing, however, which happened to be the third day before the expiration of the time for introducing bills, a Detroit union printer in the legislature, in touch with the convention, introduced a bill "to create the office of state factory inspector and assistant",[28] and containing as its most important provisions some regulating child labor. Being introduced so late in the session, after many other bills relating to labor interests, conduct of elections, etc. had already been submitted, may be additional indication that small relative emphasis was placed upon it.

---

26. The proceedings of the State Assembly of Knights of Labor, for 1887, after the legislature of that year had adjourned; also contain no mention of factory inspection.

27. Proceedings First Annual Convention Michigan Federation of Labor, 1889.

28. H.B. 701. Free Press, Feb. 20, 1889. Legislative Manual, 351.

This bill of 1889 received enough consideration to secure the elimination from it of all provision for factory inspection. The bill then passed the House by a vote of 59 to 4, and met no special opposition in the Senate.[29] This law (Act 265, 1889) covered, in a way, the whole field appropriate to a factory act.

The following summary contains the gist of its provisions. The first four sections related to children.

1. It limited the hours of any male under fourteen, or any female under sixteen, in any factory, manufacturing establishment of mercantile establishment to not more than fifty-four hours per week. This is the first limitation of hours applying to mercantile establishments, and the limitation of hours to fifty-four per week strengthened the nine-hour-day law of 1887.

2. It raised the minimum age limit from ten to twelve in factories, and brought in mercantile establishments.

3. It prohibited children under fourteen from incurring the danger of cleaning machinery while in motion.

4. For the special administration of these child labor provisions it was made distinctly unlawful to hire

---

29. House Journal, p. 2139; Senate Journal, p. 1829. Free Press, June 27.

children under fourteen without first getting a written permit from the parent or guardian giving the child's name, age and residence. Employers were also required to keep a register of all children under fourteen.

5. There were several provisions affecting adults as well as children. Automatic doors or gates were to be placed around all hoisting shafts and well holes in every factory, manufacturing or mercantile establishment. All gearing and belting was to be provided with proper safeguards. Both of these were mandatory provisions.

6. It was also declared to be a violation of the law not to remedy defects in heating, lighting, sanitation, ventilation, means of egress, dangerous location of machinery and unguarded condition of vats, but only "after due notice of such defect". This provision must have remained in the law inadvertently, for the inspector who was to give the "notice" was not provided for.

7. For violation of any provision the county prosecuting attorney was to prosecute "upon request of any person of full age", and punishment might be a fine of not more than one hundred dollars or imprisonment not more than sixty days.

The whole law reads as if it had been carelessly

drawn and had been passed without having received much scrutiny. The two things about it of most significance are that it is the first law containing safety regulations applicable to all kinds of factories, and that it failed to establish state factory inspection.

There was another bill (H.B. 151, Act 21) passed at this session, handled in the House by the same union printer, which has a bearing on inspection. It gave the board of building inspectors in Detroit authority to enforce in that city the child labor law of 1885 (Act 39). The enforcement of this law had been intrusted to the chief of police, and the addition of other enforcing agents indicates, at least, that his efforts had not been satisfactory during the preceding four years. This goes to swell the evidence that the law of 1885 was not enforced. The power given to the building inspectors does not seem to have accomplished anything, for their reports for the next three years are as silent on the subject as the Police reports and nobody I have been able to interview remembers any case of their activity. Their principal duties related to fire escapes.

No cases under either of these laws of 1889 appear in the Supreme Court Reports.

From this time forth there is a distinct gain in volume and definition in the movement to make child labor laws and general factory acts effective, that is to say, to establish state factory inspection. This was going on in the ranks of organized labor, though it may have been growing familiar to some other people. In 1890 the convention of the State Federation of Labor passed a resolution urging the local bodies to have the child labor laws printed and posted in factories and mercantile institutions,[30] indicating a growing interest in securing enforcement. There is no mention of factory inspection in the proceedings of this convention. At the next convention, however, which met in February of 1891, while the legislature was in session, the legislative committee of the Federation reported a bill for factory inspection among a list of bills which it had proposed to the legislature.[31] This was the bill introduced in the House on February 12, 1891, by a union carpenter from Detroit, and its purpose was "to create the office of factory inspector."[32] The convention passed a resolution endorsing it,[33]

---

30. Proceedings, 1890.

31. Proceedings, February, 1891.

32. H.B. 257; Legislative Manual, 1891, p. 589.

33. Proceedings, February, 1891.

and there were some petitions presented to the legislature in its favor.[34] It was recognized as a bill for which the labor element was working,[35] but their best efforts again seem to have been directed toward other bills; factory inspection never came up for discussion in committee of the whole and it did not come to a vote until near the close of the session. Only a little over half of the members of the House were present; the vote stood 45 to 12, which was not a constitutional majority of the members elected, and so the matter did not come before the Senate at all.[36]

The next convention of the State Federation, held in December of 1891, gives clear evidence that the movement for factory acts was gaining emphasis and improving in definition. A delegate who had been a member of the legislature declared that if legislation could be secured on only one thing it ought to be on shortening the hours of women and children in factories.[37] The following resolution was also passed:

---

34. Proceedings, December, 1891.

35. Free Press, February 12.

36. House Journal, 2094

37. Proceedings, Dec. 1891.

"Whereas, the condition of the factory workers of Michigan is little better than those of the crowded manufacturing cities of the East, the ventilation, sanitary conditions and means of egress in case of fire being anything but satisfactory and agreeable to the employees and that the only solution of the problem would be the appointment of State Factory Inspectors, men and women whose duties will be to look after the comforts and enforce such laws as may exist in the interests of the factory operators,

"Therefore, be it resolved. - That the Michigan Federation of Labor hereby declare itself in favor of State Factory Inspectors or State Factory Inspectors and deputies and will use all means to bring about the creation of this important office that those who toil long hours in crowded factories shall better enjoy life."

This resolution was introduced by delegate Miss Rose McBrearty, who had been a factory worker herself. It no doubt uttered the sentiment of the convention, although other measures were perhaps as prominent in the discussion.

One would naturally expect that the Bureau of Labor would have some part in this movement; but before 1892 the reports contain nothing directly touching on either the enforcement of existing laws, or the subject of factory inspection. In 1891 Mr. Henry A. Robinson, a prominent leader of the Knights of Labor for a number of years, became Commissioner of Labor. He was a Democrat from the then Democratic city of Detroit, and the Democrats happened to carry the State that year.[38] At the suggestion of "one of the women's societies", and with a former national investi-

---

38. Report of Bureau, 1892, vii.

gation of Colonel Wright's as a precedent, the Commissioner conducted an examination into the conditions of women wage workers. It extended to fourteen cities, more than thirteen thousand women, and to all the principal industries employing women[39]: factories, stores, laundries, hotels, restaurants, etc. His report appeared as early as March, 1892, and although most space was devoted to "wages and savings", which took up 101 of the 108 pages, there was also some matter on hours and on state of health, and a few pages of comment by women canvassed and discussion by the canvasser. There was some attempt to indicate how far legal conditions obtained. The conditions affected by existing laws were a ten-hour day and the provision of seats by the law of 1885, and heating, lighting, sanitation and ventilation mentioned in the law of 1889, (without any provision for factory inspectors to give "notice of such defect"). The investigation disclosed some complaint in every city that stools were not provided in stores and in some factories; that many women were compelled to stand; and that sometimes women worked more than ten hours per day: in all 1096 out of 13139 were found to be working more than ten hours,[40] though these included some working in industries to which the law did not apply. Odors prevailed

---

39. Report, p. 101.

40. Report, p. 119.

in some cases, and the frequent absence of separate closets was reported. The report contains an occasional remark to the effect that machinery was not properly guarded. There are a few figures relating to accidents. Of all the women canvassed only sixty-five are reported as being under fourteen years of age.[41] The Michigan child labor and factory laws were published in the report. State factory inspection, however, was nowhere urged or even mentioned, and the chief service of this investigation, aside from the sentiment generated by the canvass itself, was probably to call some public attention to the matters investigated.

The report of the Bureau of Labor for 1893 related almost wholly to the building trades. Only an insignificant number of children found were in these trades, and the mass of statistics have no bearing on child labor or factory conditions. But Commissioner Robinson devoted two or three pages to a loose-jointed discussion of the factory acts and made two pertinent remarks. "What is most needed in our factory acts and other well intended legislation for the protection of the working people is the proper provisions for the enforcement of the laws..... In the cities the police are authorized to make inspections and to complain

---

41. Report, . p. 148.

against persons who violate the laws, and it would seem as if supervisors in towns were clothed with the same authority. But the laws are violated with impunity and it is seldom if ever that one hears of any prosecutions for such violations. The fact is that the laws for the benefit of labor in this state seem to be deficient in their executory parts and are much like bees to whom nature has denied the sting. There should be factory inspection in good earnest, made by officers appointed for that purpose, whose duty should be to go from factory to factory, shop to shop, to discover and complain against violators of the laws so that no revenge could be wreaked on the poor employee by his employer."[42] "Factory inspection and other related functions for the well-being of labor which in the opinion of most labor organizations and large numbers of citizens as well as philanthropists ought to be undertaken by the State, could very appropriately be made an adjunct to this department of the State government (the Bureau of Labor)".[43] He also mentioned the fact that there was factory inspection in England, France, Prussia, Germany, the Canadas and eleven of the United States.[44] The

---

42. Report 1893, XVIII.

43. Report of Bureau, 1893, xii.

44. Report of Bureau, 1893, xix.

report, however, did not anywhere aim to present evidence dealing with existing conditions in Michigan to show how far existing laws were not enforced. It is chiefly significant as voicing in a semi-official way the sentiment of organized labor.

FACTORY INSPECTION LAW OF 1893.

Some attempt has been made to show how the sentiment for factory acts came to converge upon state factory inspection. It had been gathering definition and momentum in labor circles for at least ten years and proposals made in the legislature at every session since 1885 had no doubt made the general idea somewhat fimiliar to such members of the legislature as were returned year after year. The Bureau of Labor had come to exhibit some special interest in the matter. In 1893 the incoming Commissioner of Labor was requested by the labor organizations to coöperate in securing a factory inspection law. A bill was accordingly drawn in the office of the Bureau following the Ohio law as a model. It was introduced in the Senate by James H. Morrow, of Adrian, who was "friendly to the department" and not averse to becoming identified with this particular measure. He had been a member of the Knights of Labor, and had been on the legislative committee of that order in

1887.[45] Members of the Department of Labor supported the bill, as did the labor organizations, but there was neither organized support nor organized opposition.[46] Very little comment was called out in the papers. The bill passed both houses by large majorities:[47] some individuals of the minority being rather bitter about such interference with a man's private business, for which they could see no possible justification, and could see the very obvious objection that it proceeded out of what seemed to be the animated and dangerous belligerency of the rising Wage-Earning Class. An illustration of this attitude was seen in the unusual formality with which the state treasurer surrounded the process by which the Department had to secure its money.

---

45. H. B. 234, Legislative Manual, p. 572-3. Proceedings Second Annual Session State Assembly, Knights of Labor, 1887, pp iii, 9, 10.

46. Chiefly on the authority of Mr. L. S. Russell, then and for many years chief clerk of the Bureau of Labor. See also Proceedings Fifth Annual Convention State Federation of Labor, 1893, which gives the factory inspection bill among those which had been endorsed.

47. Senate 25-2; House 73-0.

The following notes indicate the chief provisions of the law (Act 126, 1893).

1. No male under eighteen and no female under twenty-one to be employed in any manufacturing establishment more than sixty hours per week, except to make necessary repairs, nor more than ten hours per day except for a shorter workday on the last day of the week.

2. No child under fourteen to be employed in any manufacturing establishment. Employer to keep a register of all under sixteen. Unlawful to hire without there is first provided and placed on file a statement in writing made by parent or guardian giving age, date and place of birth; if no parent or guardian, to be made by the child. Statement to be kept on file by employer and produced with register for inspection on demand of the Commissioner of labor, inspector or any deputy.

3. Employer of women under twenty-one or minors under eighteen in any manufacturing establishment to keep posted a printed notice stating number of hours per day for each day of the week required of such persons, and in every room where children under sixteen were employed a list of their names and ages.

4. Factory inspector to have power to demand a certificate of physical fitness from county physician in case of persons seeming physically unable to perform their work and to prohibit employment of any person not able to obtain such a certificate.

5. "Manufacturing establishment" to mean any place "where goods, wares or products are manufactured, repaired, cleaned or sorted in whole or in part"; "but no other person or corporation employing less than five persons except in any of the cities of this state shall be deemed a manufacturing establishment within the meaning of this act".

6. Inspections to be at least annual. Salaries and reports provided for. Appropriation $4000.

7. Power to visit and inspect. Duty to enforce and prosecute.

8. Duty of employer to guard elevator shafts etc. if ordered by inspector. Duty to provide automatic gates.

9. Hand rails to be provided on stairways. Stairs to be screened. Rubber treads to be provided when ordered. Doors to open outwardly and to be kept unlocked.

10. Fire escapes to be provided on all manufacturing establishments three or more stories in height. Specifications, exits, locations; orders to be written.

11. Automatic belt-shifters to be provided if ordered. All gearing and belting to be guarded.

12. Wherever possible machinery to be provided with loose pulleys; all vats, saws, planers, cogs, gearing and machinery of every description to be properly guarded. Exhaust fans to be provided when ordered. No female under twenty-one and no male under eighteen to clean machinery while in motion.

13. Wash rooms and closets where females are employed.

14. Dinner hour.

15. Prosecution upon complaint of commissioner, factory inspector, or any other person of full age.

16. Payment of travelling expenses of inspectors.

17. Penalty for violation, $5 to $100; 10 to 90 days, or both.

18. Inconsistencies repealed.

COURSE OF LEGISLATION. 1883-1893.

The most significant fact about the passage of the factory acts between 1883 and 1893 is that in securing them organized labor played such a conspicuous part. Interest and agitation were almost entirely confined to the ranks of organized labor; almost every one of the acts

was introduced in the legislature not only at the request of the labor organizations, but also by some man who was himself a member of a labor organization.

But it is almost equally important to recall the fact discussed in Chapter one, that the factory acts were far from being the chief laws demanded by the labor element, and that its special representatives introduced many other measures upon which they expended more effort without securing for them the approval of the legislature. The factory acts passed, while the other measures failed, chiefly because the former commended themselves to legislators who were lawyers, farmers, etc., and that it was the distribution of this other approval among the various measures proposed that determined which of them should be enacted into law. That is to say, men who were very far from being themselves members of the wage-earning class had a positive participation in the passage of the factory acts. Recognition of this fact should have a wholesome effect upon those who believe that the only efforts which bring any laws of benefit to the wage-earning class are the efforts of the most class conscious members of that class. At no time was organized labor strong enough to force the passage of its most cherished measures. All

that its representatives seem to have done, in regard to factory inspection, for instance, was to bring the matter again and again to the attention of the legislators till sentiment should be worked up among men outside the wage-earning class. The agitation and effort, so far as I can see, was needed less to combat hostility, or to alter conviction, than to overcome indifference: a task otherwise described as that of enlarging the public consciousness. In the accomplishment of this task many influences were contributing besides the occasional aggressive utterences of some labor leader upon the floor of the legislature or elsewhere. ~~in the presence of a sympathetic labor audience.~~

The third fact to be noticed is that the general factory acts, from the very beginning, dealt first and foremost with the conditions of work of children, which appealed to one of the broadest of human interests, scarcely a class interest at all, and that their appearance in this guise probably goes far toward accounting for such favor as they received. Regulations in behalf of adults followed in the wake, as it were, of the child labor laws. No one will throw too much emphasis on this point, however, if he stops to recall the Blower Law of 1887, which dealt distinctly with the conditions of work of adults. Finally, it needs

to be said that the experience of Michigan during this time did not enter very significantly into the laws she passed. The phraseology was either invented out of somebody's general information or more often copied from the laws of other states, even the amendments passed from time to time being in many cases almost entirely new laws independent of former enactments on the same subject. And the experience of other localities is not plainly traceable. That England had had factory inspection for seventy years and various states of the United States had had it for shorter periods did not prevent Michigan from adopting it reluctantly after a ten-year campaign, and at that mostly as an experiment. As indicating the attitude of the legislature for this early period one may say that it seemed to take up the factory acts as if it thought they would not pass; since 1893 it has taken them up as if it thought they would pass.

CHAPTER IV.

THE FACTORY ACTS. HISTORY, CONTINUED.

RAISING THE STANDARD. 1895-1907.

To treat first all the improvements made in the standard prescribed by the factory acts, and then to treat separately all the steps toward perfecting their administration, brings out their significant aspects more clearly. At every session of the legislature since 1893 there has been some change in the legal conditions specified. With one or two important exceptions all these changes have emanated from the department of factory inspection, have met with no organized opposition, and have usually attracted very little attention. In 1895 the Governor's message approved the working of the law of 1893 and expressed his opinion that the work could properly be extended.[1] The Department of Labor introduced a bill, which was given careful scrutiny and passed with few modifications (Act 184, 1895). The most important change in the standard was the addition to the law of a section prohibiting the employment of any child under sixteen in any manufacturing establishment "at employment whereby its life or limb is endangered, or its health is likely to be injured or its morals depraved by such

---

1. Senate Journal, 1895, p. 23.

employment." The power of the factory inspectors to prohibit the employment of those physically unable to perform the labor at which they were found was limited to children under sixteen. To the provisions on child labor, the only active opposition of importance came from a member of the House who was interested in canning factories. He tried to secure the elimination of the minimum age limit of fourteen years, but failed[2]; to silence his opposition, however, friends of the bill excepted canning factories and evaporating works from the operation of the act. ~~The former exception of all factories, outside cities, which employed less than five persons or children, was removed.~~ Set-screws were added to the kinds of dangerous machinery specified among those which had to be properly guarded, when deemed necessary by the factory inspector, but most of the provisions requiring safeguards to machinery, which had been mandatory in the law of 1893, were changed so as to give inspectors discretion. The requirement that employers enclose and secure well holes and hoisting shafts, however, was changed from a discretional one to a mandatory one. The requirement that stairways be properly screened was limited to places where females were employed. The fire escape provision ceased to be mandatory. The power of factory

---

2. House Journal, 1895, p. 1989.

inspectors to order fire escapes was made to apply to manufacturing establishments two or more stories high, instead of three, signs indicating the way to them were prescribed, doors to them opening upwardly were legalized in addition to those opening outwardly, and all fire escapes were to be built according to specifications approved by the factory inspector, although some but not all of the specifications already contained in the law were retained. Another important alteration was in the section relating to water closets. It defined more clearly the sort of manufacturing establishments to which it should apply, especially in relation to the number of females employed, but it omitted the requirement for wash rooms which had been in the original section. These amendments of 1895 are the first which show clearly that they grew out of Michigan's own experience.

In 1897 (Act 92) the exception of canning factories was limited to the sections of the factory act dealing with employment of children; to the duties of inspectors was added that of inspecting "the cables, gearing or other apparatus of elevators in manufacturing establishments and workshops", and requiring them to be kept in a safe condition.

Proper wash and dressing rooms were required for the same class of manufacturing establishments as those to which the provisions for water closets already applied. All these amendments came from the Commissioner of Labor and were handled in the legislature by friends of the Department.

At the session of 1899 two special laws were passed affecting factory conditions, and there were two amendments to the factory act affecting its standard.

One of the special laws related to steam boilers. Boiler explosions had received some discussion among employees working around boilers for many years; the attention of the Department of Factory Inspection had been called to the subject, and their reports had mentioned it every year beginning in 1896, recommending each time state examination of engineers and inspection of steam boilers.[3] Bills embodying this recommendation had already been introduced many times, but had never passed. Among the explosions during the year 1898 was one at the House of Correction and Reformatory at Ionia, a State institution, which focused public attention on the matter more definitely

---

3. 1896, XI; 1897, XII; 1898, App. 10; 1899, 359.

than usual. Several members of the legislature introduced bills designed to decrease boiler explosions; among them was one requiring all stationary steam boilers to be equipped with low water alarms, to call the attention of the person in charge of the boiler to the depth of the water before it should reach the danger point. This bill met with some favor, and had the support of the Department of Factory Inspection. The Department had made somewhat of a special investigation of the boiler explosions of the preceding year,[4] and though simply a bare enumeration of the explosions was published in the annual report, still the office at Lansing was in possession of a number of photographs, and also some figures relating to the cause of these accidents. These figures seemed to show that almost all the boiler explosions of the year were traceable directly or indirectly to low water.[5] The results of this investigation were used by members of the Department in their personal efforts in behalf of the bill. It became a law (Act 209, 1899).

This law required all stationary steam boilers, whenever so ordered by a factory inspector, to have upon them

---

4. Report 1899, 331.
5. These facts on the authority of Mr. Eikhoff, factory inspector, then in the legislature.

a low water alarm, one approved by the chief factory inspector of the state. The inspectors were given authority to enter upon the premises where boilers were being operated, and it was made unlawful for any person, firm or corporation to operate any stationary steam boiler without an alarm after having been ordered to use one by the inspector. Violation of the law, or refusal or neglect to comply with an order, were made punishable by fine or imprisonment or both. This law stands by itself and is not a part of what I have chosen to call the original factory act.

The other special law passed in 1899 was the so-called "Blower Law" (Act 202). It emanated from the Metal Polishers' union, like the original law of 1887 on the same subject, and has a somewhat special history. The law of 1887, discussed in connection with the early history of the factory acts, provided for blowers or exhaust fans to carry away the dust from emery wheels in factories or workshops using them. As this was six years before the initiation of state factory inspection the enforcement of this law was entrusted to such influences as flow from prosecutions; any person was given authority to complain of its violation to the prosecuting attorney whose duty it thereupon became to prosecute. Since the metal polishers

were well organized, at least in Detroit, they were in a position to make use of such a provision and they did in fact make use of it. In 1893 they had been instrumental in securing the amendment of this law so that it focussed responsibility better. But there had been included in the general factory act of 1893 the following provision (sec. 12):- "Exhaust fans shall be provided for the purpose of carrying off dust from emery wheels and grindstones and dust creating machinery, wherever deemed necessary by the factory inspector." This section had been retained in the factory law of 1895, and both these laws, that of 1893 and 1895, had "repealed inconsistencies".[6] Upon instituting a case subsequently the Metal Polishers found that among the "unconsistencies" repealed was most of their old law,[7] - because the old law made the provision of blowers mandatory while the factory laws gave the factory inspector discretion, so a prosecution, started before the defendant had been ordered to put in a blower by the inspector, charged no crime; besides it gave authority to start prosecutions to factory inspectors only. To secure the reënactment of

---

6. Section 19 in both acts.

7. All except possibly the part relating to emery belts.

their law was one of the principal motives they had in supporting for the legislature in 1896 Mr. Henry J. Eikhoff, for years chairman of the Detroit Metal Polishers' Blower Committee and one-time president of the Metal Polishers' International Union of America. Mr. Eikhoff introduced his blower bill in the legislature of 1897; it failed of passage, and upon reëlection he introduced it again in the session of 1899.

This bill[8] followed the lines of the old law of 1887, as amended in 1893. It made it the duty of all employers operating emery wheels of various sorts for polishing to put in blower systems to carry away the dust. The characteristics of the systems were specified in the bill. It made it the duty of sheriffs, constables, and prosecuting attorneys, as well as factory inspectors, to visit establishments, upon request of any person having knowledge of the facts, inspect them, and prosecute for violations. The duty of these officers to complain to a justice of the peace or police officer; the duty of the latter to issue a warrant, and the duty of the prosecuting attorney to prosecute were specified with insistent definiteness. A greater minimum penalty than that of the general factory act was also provided for.

---

8. Report Bureau of Labor, 1898, p. 210.

The special virtues of this bill, from the point of view of the Polishers, were that it detailed specifications for the blowers, and also made it possible to secure them without the mediation of any factory inspector. Arguments for it included the statements of physicians as to the harmful nature of the employment. The opposition to the bill was rather vigorous, largely because it did take discretion from the inspectors and because, also, Mr. Eikhoff was identified with several other measures looked upon as extremely radical, among them bills "demanded" by the State Federation of Labor, including one for the abolition of the contract system of convict labor. His conspicuous factional activity, probably, accounts partly for the scrutiny given to the bill. It failed to pass in 1897, and its passage when reintroduced in 1899 was not secured until the opposition had forced into it a clause giving factory inspectors discretion. Even then the sponsor of the bill found it necessary to decrease his factional activity, and use, besides, some filibustering of various sorts to silence or convert the opposition. As finally passed, the law had but one notable advantage: it gave specifications to which blowers must conform. The power to inspect given to sheriffs and constables afforded persons interested some chance to appeal to them, get their judgment on the necessity of blowers, and with it, to confront

a factory inspector happening not to be inclined of himself to order a blower installed. This latter provision has in fact never been utilized, and seems of very doubtful utility at best. I have gone into the history of this law at some length because it is so different from that of the other laws relating to factories.

The two extensions of the scope of the general factory act passed in 1899 were also due chiefly to the efforts of the man whose special interest lay in the blower law. They had both been suggested to him by his experience as factory inspector in Detroit. The first of these changes provided as follows: "no child shall be employed between the hours of six o'clock P.M. and seven o'clock A.M. in any manufacturing establishment or workshop."[9] The only active support given the bill was by the introducer, who spoke for it out of his own experience; he had seen small girls working at night in match factories, and also children working in bakeries. The bill met with ready sympathy and coöperation and passed without opposition. Personal efforts of the same man secured the introduction and passage of a law regulating tenements, containing the heart of the Massachusetts law on the subject (Act 233). This bill

---

9. Act 77, 1899. Now contained in Section 2 of the factory law. The same act required the sworn statements of working children to state that they could "read and write."

also met no opposition. Mr. Eikhoff related some instances he had seen of cigar making under unhealthy and revolting conditions. The law forbade the employment of anyone to work on specified articles in any building or parts of buildings without a license from the factory inspector; there were also further administrative provisions. To forestall "sweat shops" in Michigan was one of the purposes of the act.

The principal purpose of altering the law in 1901 was to give opportunity to secure a larger appropriation for inspection; the whole factory act, as amended since 1895, was introduced, and a few changes of importance were made in its scope (Act 113). It is the basis of the law now in force. Hotels and stores were brought into it as regards elevators, fire escapes, toilet rooms and closets, and the employment of children. The ten-hour day and sixty-hour week for males under eighteen and females under twenty-one was extended to stores employing ten or more persons, which were included along with such hotels as employed anybody, among the places which factory inspectors should visit. Small stores are thus exempted from the ten hour day required for minors and from regular inspection. These provisions on stores and hotels had been

suggested to the officials of the Department of Labor both by factory inspectors and by certain representatives of the Women's Clubs of the State. This same act made an addition to the section of the law governing tenements; it was at the suggestion of the tenement inspector of the city of Detroit.[10] It regulated work in living or sleeping rooms, prescribed air space, light, heat and ventilation, required Boards of Health to report cases of disease to factory inspectors and made provision for disposal of infected articles. The whole law was introduced and passed very quietly, without attracting public attention or arousing opposition. This amendment to the tenement law made in 1901 contains the first reference to light, heat and ventilation made by the factory acts since the establishment of factory inspection; the general provisions on these matters contained in the factory act of 1889 had not been repeated in subsequent acts.

---

10. Report Bureau of Labor, 1901, 194.

In 1903 a law (Act 46) was easily secured from the legislature by the Bureau of Labor, removing the exception which had been made of canning factories. An amendment to the Blower Law (Act 193), suggested by the factory inspectors of Detroit,[11] forbade the operation of emery wheels in basements without "sufficient means of light, heat and ventilation as shall be prescribed by the state factory inspector." This is the second time the laws for factory inspection went so far as to touch on light, heat or ventilation.

Again in 1905, with the cooperation of the Department of Labor, the blower law was amended (Act 172), this time to prohibit the employment of females at operating any emery wheels. It was said to be very injurious to their health, and letters from doctors to this effect were presented. Employment of women on emery wheels had not yet proceeded far, if, in fact, there were any women so employed. The bill had the support of the organized metal polishers, who knew of the injurious character of the dust. They are not free from the reflection of

---

11. Report Bureau of Labor, 1904, App., 15.

desiring also to keep women out of their industry, so wages would be higher and strikes could not be broken by women; this motive is not admitted by them, although some of them have since voiced approval of the law on this ground.

But the most important change in the factory law in 1905 related to child labor (Act 171). The Women's Clubs of the State, especially of Grand Rapids, interested themselves in securing the prohibition of child labor in more occupations, and in requiring of working children ability to read and write the English language. They were specially concerned about the employment of children in places of amusement where intoxicating liquors were sold, and in the messenger service. A particularly unfortunate case of juvenile crime, traceable to employment where liquor was sold, had recently aroused discussion in Grand Rapids; and the information afforded by the factory inspector in that city, - with whom the Women's Clubs were in touch, - enlisted them against the employment of children in the messenger service, because it required the boys to carry messages to disorderly houses. There was also other general sentiment among them against child labor, generated partly through such literature as came from the National Consumers' League. The Commissioner of Labor included the suggestions with alacrity in his bill for 1905, which

passed with ease. Employment of children under fourteen was accordingly also prohibited "in any theatre, concert hall or place of amusement where intoxicating liquors are sold or in any mercantile institution ... office ... laundry ... bowling alley, passenger or freight elevator, ... telegraph or messenger service", and in all these occupations the usual sworn statements were required. After the bill was introduced it seems to have required no support except that of the Department of Labor, and no particular organized support was given it by the Women's Clubs. The provision that the sworn statements should state a child's ability to read and write the English language seemed to some of the legislators too hard on needy immigrants, and without difficulty an exception was made to it as follows: "if said child has been born in a foreign country, not having been a resident of the United States for three years prior to the application for a permit to be employed between the ages of fourteen and sixteen years, a permit shall be issued to said child upon proof that said child can read and write." No other state has such a provision in its child labor law.[12]

---

12. Consumers' League Handbook, 1907.

In 1907 there were a number of bills introduced by the Department of Labor, some of which passed and some of which failed to pass. A special attempt to legislate in behalf of adult women was made, due chiefly to the efforts of one of the woman factory inspectors, speaking for the working women she had come in contact with, and with some coöperation from the State Federation of Women's Clubs. One proposal was to make the ten hour day apply to all women, not simply to those under eighteen, and in small stores, as well as large stores and factories. The ten-hour day already prevailed almost without exception in factories, and the opposition to this feature was not significant. But as to "stores employing four or more persons" the proposition met a different reception. Influences proceeding from the smaller storekeepers of the rural districts, where the farmers were said to do much trading at night, secured the elimination of this feature from the bill. A bill to prohibit night work for women in factories also met the disapproval of enough of the senators to prevent it from passing, and the bill introduced for many successive sessions providing for the examination of steam engineers and State inspectors of steam boilers met its usual fate. An amendment to the child labor law was proposed which sought to raise to sixteen the age limit

below which children should not be employed in places of amusement where liquor is sold. The legislature saw fit to raise the age to twenty-one (Act 170), but in making the change "permitted or suffered to work" was inadvertently left out of the part of the law to which it especially applied. Bowling alleys were also removed from among the places where children under fourteen were not to be employed, because including them in the factory law was thought to interfere with a law of 1907 prohibiting the presence of children under 17 in bowling alleys (Act 55). The age for dangerous employments, which had been sixteen years, was raised to eighteen for males and twenty-one for females without attracting attention; it came especially from a suggestion of one of the woman factory inspectors.[13] She was likewise a prime mover back of the law requiring hotels to provide proper heat and ventilation in the sleeping rooms of their female help (Act 175). A provision also passed requiring proper light, heat and ventilation in workrooms of stores where goods are manufactured, altered or repaired. Still another law, passed in 1907, required upholstering establishments to provide hair picking machines to carry away the dust from the operator when bales of hair

---

13. Act 175, 1907. Report of Bureau of Labor, 1907, p. 6.

were being picked apart (Act 502). It makes it a misdemeanor to fail to provide such machines within three months after they are ordered by the Commissioner or Deputy-Commissioner of Labor. The law was introduced in response to a request from workers at Grand Rapids, and, in support of it, it was said that all establishments but one had such machines already.

A more important law passed at this session was the so-called Foundry Act (Act 156, 1907). This act was a measure desired by the Organized Molders, especially of Detroit. They had the coöperation of the Department of Labor and they had also made the bill somewhat of an issue in electing a state senator from one of the Detroit districts. This senator had introduced the bill in the session of 1905, but it was considered to be extreme in its requirements and was opposed by the foundry interests. After considerable modification in 1907, and some vigorous effort by the senator in question, the bill passed. It is very carefully worded. It provides for the inspection of foundries by the factory inspectors, who are directed to "enforce a reasonable compliance" with its provisions. Some of its provisions are mandatory, but most depend on orders by the factory inspector.

One of the most important extensions of the factory act made in 1907 was the addition of certain public buildings to the places which factory inspectors were required to inspect in regard to fire escapes (Act 175). These buildings included theatres, schools, halls, apartment houses and "public buildings". This provision had been recommended by the Commissioner of Labor for a number of years,[14] and in 1907 was among the recommendations made by the Governor in his annual message.[15] A labor law, pertinent but not relating to factories at all, is the law requiring guards on corn huskers (Act 124, 1907).

IMPROVING THE ADMINISTRATION. - 1895-1907.

Some of the most important improvements in the factory law since 1893 relate to its administration. Though these were included in laws which also dealt with standard conditions it is most convenient to discuss them separately. It may be said with even more positiveness of these than of the alterations in the standard that they grew directly out of the experience of the factory inspectors, and owe their passage to few active efforts except those of the Department of Labor, - usually acting

---

14. As much as ten years before; e.g. 1896, XV; 1897, XIII.

~~15. A labor law, pertinent but not relating to factories at all, is the law requiring guards on corn huskers (Act 124, 1907).~~

15. House Journal, p. 36.

of course, through the coöperation of members of the legislature happening to be friendly to the Department.

In 1895, through the careful consideration which the revision (Act 184) of the factory law then received in the legislature, several changes especially relating to administration were included. That no child should be "permitted or suffered to work" is chiefly a provision for making enforcement more easy and certain. Mentioning "set screws" definitely, and making the guarding of well-holes and hoisting-shafts mandatory instead of discretional with inspectors, aimed partly at removing the chances for controversy; but discretion was given in more cases than it was removed. The modification of the requirement for fire escapes, making it necessary for them all to come up to specifications approved by the factory inspector, instead of specifications made at length in the law, probably did quite as much toward strengthening as toward weakening the inspector's position. His effectiveness was clearly increased by defining unmistakably a factory inspector, and by making it a misdemeanor to "interfere" with the inspector. These provisions grew out of the unpleasant experiences of inspectors in those cases, said to be comparatively infrequent, where their visits and orders, being an innovation, were vigorously resented by employers.

Scrutiny given the bill in the legislature resulted also in removing "any person of full age" from among those who might bring complaint for violation; this limits the authority to prosecute to factory inspectors, upon whose complaint, this year (1895) specified as "upon oath", prosecuting attorneys are required to prosecute. This provision came rather from considerations of general public policy than from abuse by any citizen of the former privilege.

Probably the most important change in the law in 1895 was the increase in the appropriation from $4000 to $8000. This was from the start looked upon as the principal purpose of the bill, and the chief discussion which occurred on the floor of the legislature centered around it.[16] There was some opposition to the increase, probably proceeding quite as much from motives of economy, and lack of general recognition of the importance of inspection, as from any hostility to it in itself. I have found at least one petition from a labor union protesting against a proposed cutting down of the appropriation asked for, indicating some interest in the matter on the part of

---

16. Senate Journal, 541-543.

organized labor.[17] The act, however, with the support of the Department of Labor, seems to have met the approval of the members of the legislature generally; for instance, they voted down a proposal to practically kill the bill by limiting the child labor section to cities under 25,000.[18]

In 1897 the appropriation for inspection was again increased by $4000 to permit of more inspectors and more revisits. The doubt about the authority of inspectors to make orders as to elevators, under the head of "machinery", was removed by an amendment giving them definitely this authority.

A separate act was passed to remove the difficulty inspectors had found in securing in some cases the erection of fire escapes and the installation of water closets, etc., and to define unmistakably the duties of the different parties concerned. The factory act had not been entirely clear on this point; though requiring escapes to be erected when ordered, etc., it designated possible parties only indirectly by saying that the factory inspector should "notify the owner, agent or lessee". The act of 1897 (Act 111)

---

17. Senate Journal, 448-9.

18. House Journal, p.1989

made it the duty of the owner to make all permanent improvements ordered by inspectors under the general factory act of 1895, though this was not to interfere with any contract an owner might make with a tenant, and in case the owner happened to be a non-resident of the state the tenant was charged with the duty of making improvements and authorized to deduct their cost from the rent.

Another important change made in the law in 1897 related to the statement of age from parents required to be filed by the employer for all children employed between the ages of fourteen and sixteen (Act 92. Sec. 2). Inspectors had found frequent cases where the desire of parents to have their children work had led them to make false statements of age. The report of ... Factory Inspection[19] first comments on this in 1896, though it was in fact discovered earlier. To remedy this condition, the department proposed that all such permits should be "sworn", which met with the ready approval of the legislature. Though these changes of course received the votes of the so-called labor element in the legislature, which was somewhat stronger than usual that year, their chief active support came from the department of factory inspection; organized

---

19. p. 8.

labor was giving its best attention to other measures.[20]

In 1899 (Act 77) three thousand dollars were added to the appropriation, and an amendment of some importance was made to the section on the issue of sworn statements for children. The factory inspectors had soon discovered that parents were swearing that their children were fourteen or more, when they were in fact under fourteen, just as they had formerly made unsworn statements to the same effect. This perjury of some parents was especially noticed, of course, in Detroit,[21] and the law was amended to require sworn statements in the city of Detroit to be made only before a deputy factory inspector. No provisions were included authorizing or requiring this official to exact any proof of age or ability to read and write, further than the oath. He was apparently expected simply to use more care in administering oaths, though probably the legislators did not inquire into the exact situation very closely. Some persons in the Department, no doubt, had the idea that he would exercise discretion as to this proof. The law specifying the mode of construction of blowers,

---

20. Report Bureau of Labor, 1898, 340.

21. Report of Bureau of Labor, 1899, Appendix, p. 3.

and giving certain officials, besides the factory inspector, a remote relation to enforcement, both provisions dealing primarily with administration, have been noticed above in connection with the passage of the blower law of 1899.

In 1901 (Act 113) the chief change in the law touching administration was an increase in the appropriation from $15,000 to $20,000, where it has since remained. The provision limiting the issue of working papers to factory inspectors only, was extended to include Grand Rapids. At the suggestion of the Women's Clubs, especially of Grand Rapids, including members of the Consumers' League organized there the year before, the Department bill included a provision requiring at least one of the factory inspectors to be a woman. Judging from the experience of other states, it was said, she could better enforce the provisions of the law relating to women. This recommended itself to those considering the wisdom of increasing the appropriation, at least as worthy of experiment, and was an important feature of the law as passed. Changes of minor importance include one making it the duty of factory inspectors to leave a copy of their report of inspection with each establishment inspected, and another relating to tenements. This latter made it the duty of local boards

///

of health, health officers and physicians to report cases of contagious /or infectious disease to the local factory inspector who was given power to disinfect, condemn or destroy goods found on premises where there was disease. The chief factory inspector was also charged with the duty of examining, upon request, goods shipped into the state and to report to the State Board of Health those found to contain vermin or to have been made under unhealthy conditions; the board of health might make such orders as the public health might require. All these tenement provisions were recommended by the tenement inspector of Detroit.[22]

In 1903 was reënacted the law for defining responsibility for improvements (Act 87); as passed in 1897 it had applied to the factory act of 1895, and to make it apply to the reënactment in 1901 a change in its phraseology was necessary. This had not been discovered until that act went into operation. In 1903, also, as noted above, there was eliminated from the act, the exception of canning factories, partly because it was thought that the child labor law could then be better enforced in all factories in canning-factory communities, and besides it would improve

---

22. Report of Bureau, 1901, 194.

the stamina of the department to remove the doubt in regard to the constitutionality of the law upon which its existence depended. The same amendment removed at last the limitation of inspection to factories in cities and factories employing five or more persons outside cities, thus making all factories subject to inspection. In 1905 and 1907, though the scope of the law was extended and its standard raised, there were no direct improvements made in administration, unless the foundry act of 1907, already discussed, can be said to have defined the inspector's power to make some orders which he might have made with more difficulty under more general provisions of the general factory acts.

COMPULSORY EDUCATION LAWS. - HISTORY.

Public schools in Michigan were not made entirely free until 1869. The first compulsory education law was passed in 1871 (Act 165). It was by no means stringent, as it required only twelve weeks attendance during the school year. This was raised to four months in 1883 (Act 144), when provisions for taking care of truants were improved. The law of 1885 (Act 108) did not make much advance on this, and it cannot be said that Michigan made any very serious attempt to grapple with the truancy problem until 1895 (Act 95), after factory inspection had been in

operation for two years. In that year the minimum school attendance of four months every year was first required to be consecutive "the entire four months previous to the thirtieth day of June in each school year". This requirement still left eight months of every year in which children might legally work if they chose not to go to school. In 1897, however (Act 67), the attendance in cities, for children between seven and sixteen, was required to be consecutive for the entire school year (Act 67). Still, the school board was authorized to excuse children between fourteen and sixteen "for any reason that said board may deem sufficient". For the first time, a child under sixteen seen at work anywhere, during school hours, from September to June, was prima facie violating the truancy law. Under all these acts truant officers were to be appointed by local authorities and their duties were prescribed with increasing definiteness with each amendment. Duties of truant officers received especial attention in the law of 1901 (Act 83), and also in 1905 (Act 200). By an unfortunate change in the phraseology of this law of 1905 the maximum compulsory school age was lowered from sixteen to fifteen, and this had to be remedied in 1907 (Act 179). Since 1905, also, the power of the school board to excuse children over fourteen from attendance has

been limited to cases where their "services are essential to the support of the parents". It was also not until 1905 that the school census, in cities, had to be placed in the hands of the superintendent of schools, although I am told that it had for years been already made use of in a good many places to aid in discovering truants. The school law now provides that every child, after he reaches the age of seven, shall attend school all of every school year, consecutively, until he shall have reached the age of sixteen or shall have sooner finished the eighth grade, or, after reaching the age of fourteen, shall have been excused on the ground that his services are essential to the support of his parents.

It may be said of all the earlier school laws that they contemplated the question of truancy much as if it were simply a condition in rural districts, and it has not been until very recently that there was any attempt to make the law so rigid as to affect directly the employment of children. All these school laws originated with the teachers and other school authorities, who looked at the question of truancy rather from the inside of the school room than from the point of view of persons who knew the causes of truancy and knew that child labor was one of them.

THE COURSE OF LEGISLATION, 1893-1907.

The amendments made to the factory acts since 1893 may be looked upon from several different points of view. They have been extended over more occupations, and to affect more kinds of conditions. Applying originally only to factory work they have been extended over a number of other occupations, so far as the employment of children is concerned; over hotels and stores so far as the employment of women is concerned, and of men also with respect to the requirement of water closets; and over tenement shops for all classes of workers.

The law of 1893 regulated conditions for children, for minors, for women and for men. This same classification has been followed since, on the whole, but with an extension of the conditions sought to be regulated. Thus males under sixteen and females under twenty-one were first forbidden to clean machinery while in motion; then children between fourteen and sixteen were prohibited from working at dangerous employment; then males under eighteen and females under twenty-one were prohibited from working at such employment, and all minors of either sex were forbidden to work in places of amusement where intoxicating

liquors are sold. The employment of adult women has been still further regulated in relation to hours of work in factories and stores, and in regard to rooming accommodations in hotels where they may happen to work. Women have even been prohibited from being employed at all as barkeepers, or as polishers where emery wheels are used. Regulation of the conditions of work of adult men has not been advanced much. The most conspicuous addition to the requirements relating to the guarding of machinery in their interest is the law requiring low water alarms on steam boilers, although the foundry act of 1907 made some additions, as did the acts requiring hair picking machines and guards on corn huskers.

In 1893 the bulk of the legal provisions affecting adults related only to the protection of life and limb, though the screening of stairways and the provision of separate water closets affected morals. The regulation of hours for minors in factories related probably to health, as did the provision, relating to adults, for exhaust fans to carry away dust. There has been added a prohibition of children under sixteen working at employment dangerous to health, or morals[23]; air space, light, heat and ventilation

---

23. Age raised 1907.

in tenement shops, in foundries, in basements where polishing wheels are in use, and in workrooms in stores have been made subject to legal regulation. Heat and ventilation must be furnished by hotels in the sleeping rooms provided for their female help.

The principal improvements in the administrative provisions of the law have been, first and foremost, raising the appropriation; second, defining unmistakably who shall be considered a factory inspector and making it a misdemeanor to interfere with him; third, making it obligatory that at least one of the inspectors be a woman; fourth, improving in definiteness the sections on water closets and fire escapes; fifth, improving the machinery for making sure of the age of working children, though this last is still very far from the point reached by several other states.

Lowering of the standard of the law has taken place in at least one significant instance, the exception of canning factories from its operation from 1895 to 1903; and perhaps the making of most guarding of machinery discretional with inspectors instead of mandatory upon employers was a backward step. The only steps which may be thought of as weakening the administrative provisions of the law are the elimination in 1895 of the requirement

that notices of hours, names and ages be posted in rooms where children are employed, and the limiting of the power to prosecute for violations to factory inspectors only, though whether the latter was really a backward step may well be doubted. Perhaps also the amendment of 1895, mentioned above, making the guarding of most machinery discretional with inspectors instead of mandatory tended to weaken the administration of the law; that the policy of giving discretion is very decidedly favored is shown by the provisions of the blower law of 1899 and of the foundry act of 1907.

There has never been built up in Michigan so much business based on improper conditions as there has been in some other states. Some laws in this state have, therefore, not met the opposition that they have met in some other states. Thus both child labor legislation and tenement regulation have been very easy for their friends to get. Only two laws, however, have been forced through the legislature in the face of real opposition, - the blower law and the foundry act, - both backed by little public support except that of trade unions and neither making much change in the law. Speaking generally, all the proposals which have met strong opposition have uniformly failed. Such are the proposals for the immediate reporting of accidents, for

the state examination of engineers and the inspection of steam boilers, for extending employers' liability, for prohibiting nightwork for women, etc. To one who looks closely at the way Michigan's factory laws for the last ten or fifteen years have been secured, the most important single fact is that they were introduced and handled in such a way as to arouse the least possible opposition. For this method of securing legislation the responsibility, to his credit or discredit, rests more with Mr. McLeod than with any other man or group of men. He has followed it ever since his entrance into the Department of Labor in 1901. There is room for difference of opinion as to his wisdom in not urging insistently laws which either did meet, or would have met, strong opposition.

Factory acts, of course, affect especially the distinct interests of the wage earning class; they have sometimes been called class legislation. They do constitute class legislation: its very essence lies in treating every individual as if he had the attributes of the typical member of his class, and in not listening to any claim he may put up for special treatment on personal grounds. In justification of it one may say, at least, that it is not passed with the purpose of hampering the specially gifted individual,

but with that of changing a whole set of conditions whose net effect is harmful to the public welfare, as the public conscience conceives it. Some facts concerning the operation of Michigan's factory acts are given in the succeeding chapters.

CHAPTER V.

THE FACTORY ACTS IN THE COURTS.

That the factory acts are constitutional was decided by the Supreme Court of the state in 1896.[1] The act in question was the Blower Law of 1887, as amended in 1893, which required emery wheels used for polishing to be equipped with blowers to carry away the dust. The Court held the legislature competent to pass such a law under the police power: to make regulations in the interest of the public welfare. It held that this law was in the interest of the public welfare, not because it affected the whole public, but because it affected that portion of the public which chose to operate emery wheels.[2] Denying that the law violated the right of free contract, the court pointed out that an employee might contract to work where it was dangerous, without the statutory protection, thereby assuming the risk and depriving himself of remedy if injured, but that this contract of his could not prevent the state from enforcing a police regulation in his behalf.

---

1. People v. Smith, 66 N.W. 382.
2. Compare contra, In re Jacobs, 98 N.Y. 98.

The vital matter, however, was said to be whether the particular regulation was necessary or not. The part of the decision relating to this is worth quoting.

"Unless the emery wheel is dangerous to health there is no nesessity and consequently no power to regulate it.

question and by what rule? Shall it be the legislature or the courts? There is a manifest absurdity in allowing any tribunal either court or jury, to determine from testimony in the case the question of the constitutionality of the law. ..... The first case presented might show by the opinions of many witnesses that the use of the dry emery wheel is almost necessarily fatal to the operative, while the next might show exactly the opposite state of facts. Manifestly, then, the decision could not settle the question for other parties, or the fate of the law would depend on the character of the case first presented to the court of last resort which would have no means of ascertaining whether it was a collusive case or not, or whether the weight of evidence was in accord with the truth. It would seem then that the question of danger and reasonableness must be determined in another way. The legislature, in determining upon the passage of the law, may make investigations which the courts cannot. As a rule the members (collectively) may be expected to acquire more

technical knowledge of such matters than any court can be supposed to possess, both as to the dangers to be guarded against and the means of prevention of injury to be applied; and hence, while under our institutions the validity of the laws must be finally passed upon by the courts, all presumptions should be in favor of legislative action. If the court finds the plain provisions of the constitution violated, or if it can be said that the act is not within the rule of necessity in view of facts of which judicial notice may be taken, then the act must fall; otherwise it should stand." This decision seems eminently reasonable.

A case involving the right of inspectors to enter an employer's factory was decided in 1898.[3] This case was under the factory act as amended in 1895. The law gave the inspector authority "to visit and inspect at all reasonable hours", and made it also a misdemeanor to "interfere with the factory inspector in any manner in the discharge of his duties". The facts in the case showed that the inspector had been forcibly stopped by the employer from entering his engine room by a certain door. This particular door happened to be a private door; a rule of the employer required that all employees and the general public should enter the engine room by another door. The

---

3. People v. Dow, 117 Mich. 573.

court held that this rule was a reasonable one, and that the inspector had no legal right to force his way through the private door. That there was another door by which he might enter was an important fact in the case. The decision has lived as a vital tradition among the factory inspectors in Detroit, which helps to account for their almost invariable practice of reporting to the office before going through the factory.

The factory acts also have a bearing upon the liability of employers for injuries to their employees. Generally speaking, the common law doctrine on this matter prevails in Michigan, the only modification in it being such as is due to the factory acts; there is no statute extending the liability of employers or even defining it.

In the first place, section three of the factory law forbids the employment of any child under sixteen at employment whereby its life or limb is endangered. In suits for damages under this section the questions are as follows: Was the plaintiff hired under the age of sixteen? This is a question of fact, to be determined by the jury when it is disputed. It is no protection to the employer that he hired the child believing him to be sixteen but

without asking him[4], nor believing him to be sixteen upon no other evidence than that he said so himself and looked large enough[5], but no case has yet reached the supreme court in which the evidence upon which the employer relied in hiring the child was the sworn statement of the parent. The next question is, Was the employment dangerous, and dangerous not to an adult but to a child of plaintiff's age? This is always a question for the jury, and if the jury finds that the employment was in fact dangerous then the mere hiring of the child by the employer to work at such employment constitutes negligence on the part of the employer, which is held to be the proximate cause of the injury[6]. A child so employed in violation of the s tatute may not be held to have assumed all the risks of the employment, and thus may not wave the right to set up as actionable the employer's negligence in hiring him[7], nor may he be held to

---

4. Beghold vs. Auto Body Co., 149 Mich. 14, July, 1907.
5. Syneszewski vs. Schmidt et al., Decided July 1, 1908, Detroit Legal News, July 18, 1908.
6. Sipes vs. Michigan Starch Co., 100 N.W. 447, 1904, Sterling vs. Union Carbide Co., 142 Mich. 284, 105 N.W. 755, 1905.
7. Sterling vs. Carbide Co.

have assumed the risk of being injured by the negligence of a fellow employee, since he cannot legally be a servant at dangerous work and consequently may not legally be a fellow-servant.[8] He may, however, be guilty of such contributory negligence as will bar his recovery, and whether he was in fact guilty of such negligence is a question for the jury.[9]

In all these cases the tendency seems to be toward putting the employer in such a position that he employs a child at his peril, both in regard to its age and in regard to whether the employment is a dangerous one or not; it is very much to his interest to be extremely careful not to hire children of doubtful age without requiring, in every case, the sworn statement prescribed by the factory law. Even then he may sometimes be imposed upon by the misrepresentation of a child who is large for his age. This is an unfortunate element of uncertainty for which the remedy has not yet appeared. Another element of uncertainty is that involved in determining ex post facto whether the employment was "dangerous" or not. One effect of this line of decisions has without doubt been to discourage the employment of children under sixteen; for one thing the Employers' Liability Insurance Companies will not save an employer whole if he employs a child under sixteen at dangerous employment, or, for that matter, if he employs a child under

---

8. Snyeszewski vs. Schmidt.

9. Beghold vs. Auto Body Co.

sixteen without a "working paper", and the child happens to be injured. But not knowing in advance what employment is "dangerous" they cannot leave with the insured strict and definite advice as to where he may not employ children. It would, therefore, probably improve the law to specify in it at least some of the occupations which shall be considered dangerous.

In regard to adults the interpretation of the courts has been very similar, at least as regards the question of the assumption of risk. Where the law is mandatory, and requires the employer to safeguard without waiting for an order from the factory inspector, the employer who neglects to perform this statutory duty is negligent, and may not assert, as against an injured employee, that the latter, by merely continuing at his employment with knowledge of the employer's negligence, assumed the risk.[10] Neither may it be said that an employee assumed the risk by remaining at work around machinery which is unguarded, but which a factory inspector has ordered guarded, whether or not the employee knew that the order had been given.[11] But when the law says that machinery

---

10. Murphy vs. Grand Rapids Veneer Works, 142 Mich. 677, 106 N.W. 211, 1906.

11. Sipes vs. Michigan Starch Co., 100 N.W. 447, 1904.

shall be guarded "when so ordered by the factory inspector", and the latter has left no order to guard a particular machine, even though it may be one which it is the regular practice of the inspector to order guarded, merely neglecting to guard it is not, as a matter of law, negligence on the part of an employer, but it must be left to the jury the same as any other question of fact.[12] It is in view of this last mentioned line of decisions that it is of so much importance whether the law makes the guarding of machinery mandatory, or discretional with inspectors.

The factory acts do not make any difference in most suits for personal injuries. They affect only suits for a few kinds of accidents, and in those suits only one or two points. It can certainly be but a question of time until Michigan joins the company of states which have statutes regulating and extending the liability of employers for injuries to their employees. When that time comes the guarding of machinery will depend quite as much on the voluntary activity of the employers, pushed into it partly by the Employers' Liability Insurance Companies, as it will upon the activity of the state factory inspectors, although there is no reason to believe that these latter officials may ever be entirely dispensed with.

---

12. Borck vs. Michigan Bolt and Nut Works, 111 Mich. 129, 1896; Montfortin vs. Pressed Brick Co., 113 Mich. 39, 1897.

CHAPTER VI.

THE WORK OF FACTORY INSPECTORS

THE INSPECTION FORCE.

The Commissioner of Labor is chief factory inspector and the deputy factory inspectors are under his supervision. He is himself an appointee of the Governor, for a term of two years at a salary of $2000 per year; the Deputy Commissioner, who also has authority to inspect, is his appointee and receives $1500 per year; the deputy inspectors are also his appointees, and they receive $3 per day and necessary expenses. The Commissioner is required by law to cause at least an annual inspection of specified establishments, and is limited in the number of his appointments only by the amount of the appropriation. Starting with four in 1893, the deputies have been increased to fifteen, not counting two women with the title of inspector who do only office work. Since 1901 at least one of the active inspectors has been a woman; there are now two.

The state has been divided into districts which now number ten; they have not always been kept the same from year to year. Each district has a single factory inspector except Wayne County - containing Detroit - which has five and an office assistant; and the district contain-

ing Grand Rapids, which also has an office assistant besides the regular inspector. It is the rule for each inspector to handle his own district all by himself, but the travelling woman inspector, who has her headquarters at Grand Rapids, aims to visit establishments employing women in all the districts of the lower peninsula except Wayne County.

THE INSPECTOR INSPECTING.

It is scarcely possible to understand the workings of the law without accompanying an inspector on his trips through some factories. The next best thing is to imagine him making an inspection. The inspector starts through the factory looking both for unguarded machinery and for children who may be employed. If he catches sight of a child he asks him a few questions to find out whether he has a working paper and whether he can answer inquiries in regard to it without either becoming confused or contradicting himself. It is very far from the invariable practice to test his ability to read and write. If the inspector sees a piece of machinery which needs guarding he calls the

foreman's attention to it, sometimes precipitating an argument, and later on leaves at the superintendent's office his written orders, both as to machinery and as to children employed. In Detroit the inspectors always call at the office before going through the factory; outside Detroit this practice is not regularly followed. Sometimes the superintendent accompanies the inspector. Some inspectors carry with them, when going through a factory, the bundle of working papers of the children, obtained at the office; others do not do so. After finishing an inspection the inspector takes anywhere from fifteen minutes to an hour to get from the office certain statistical matter which he has to send to the Bureau of Labor. It may take several days to complete the inspection of a single large factory.

The above description is designed to give the main features of an inspection. Details vary in a number of ways but the typical inspection is about as described. Some details are given in the next chapter, where they are more pertinent.

Some of the provisions of the law are mandatory while others are discretional with inspectors, but from watching an inspector do his work it is hard to tell which

is which. That a child at work under fourteen must be discharged at once, and that every child under sixteen must provide a working paper, if he happens to be found at work without one, are both requirements upon which inspectors act without hesitation - but if a child claims to be sixteen there is an appeal to the inspector's discretion; if he claims to be fourteen or fifteen, but has no paper, the inspector must decide whether his case must be looked into as one of employment under the legal age, or whether he may be directed to secure a paper and allowed to continue at work. Whether he shall prosecute any case is also left to his discretion; also whether he shall use this method or that in looking for children and in asking them questions, and whether he shall speak personally to the offending foreman or not.

The law requires very little machinery to be guarded in the absence of an order from the inspector, so his discretion in the matter is very wide. He has to look at all machinery: if he sees an elevator shaft unguarded he leaves an order, if a vicious set of cogs catches his eye he leaves an order - but the first of these is a mandatory requirement and the second is not. In either case it requires an order to call the employer's attention to the

duty, and about the only significance there is in a given requirement's being mandatory is that an inspector who knows of this fact may be saved much of the usual argument with the foreman or superintendent when he makes an order in pursuance of this requirement. Where the law says that the guard must be put on, but says a "proper" guard, or "wherever possible", there is still opportunity for controversy, - which makes demands upon an inspector under which he is not always able to stand up well, and takes the edge off his order when he makes it. A mandatory requirement holds up his hands in a very desirable way. With two or three of the inspectors I accompanied on their inspections, it would have been a very distinct advantage for the law to have been perfectly definite in its requirements.

A very much more obvious exercise of discretion on the part of inspectors is of a little different sort. It relates to the varying emphasis different inspectors place upon different aspects of their work. Some inspectors, for instance, pay closest attention to saws and rather neglect set-screws and fire escapes; others are very careful about gears, but pay little attention to blower systems for carrying away dust or to the guarding of planers and shapers and other sorts of woodworking machinery. All the different kinds of danger from machinery, and all the different provisions of the law, do not stand out with

equal vividness in the mind of any inspector, and there is a marked difference between one inspector and another.

ORGANIZATION OF INSPECTION.

That inspectors will differ is, of course, to be expected, but why should they differ so much, either in their methods of work or in their standards? Partly because the organization of the work of factory inspection is deficient in a number of ways. In the settlement of very few of the questions constantly confronting every inspector is there any such thing as a settled practice of the Department, upon which an inspector may proceed with confidence and without hesitation. The discretion used in each particular case is very little more than the discretion of the individual inspector. When a man goes on the force for the first time he is usually trained by being sent around for a few days with an experienced inspector. He learns the latter's methods, and adopts a similar set of standards. The only directions sent to inspectors from headquarters are comprised in a single form-letter once a year, which calls attention to all the sections of the law and tells the inspector to "enforce the

law", "be diligent and firm", "avoid friction" etc. Specific points to look out for are not included, nor are they brought to the inspector's attention by any sort of weekly or monthly correspondence.

The inspector sends to the office at Lansing every week a report which contains nothing more than a list of the factories and other establishments visited. Every so often he sends in a book containing the statistics he has collected and another containing the orders he has made at the establishments visited. For many years the statistics have not related to the provisions of the law which the inspector is enforcing; they do not, therefore, give his superiors any room for much critical comment. The office cannot tell what provisions of the law the inspector is ignoring; it can discover only such things as the illiteracy of the inspector or his very pronounced idleness. The reports, furthermore, do not reach the eye of a very competent critic, because the chief clerk, who is the official to whom they come, has never yet been a man of more than trifling field experience as active inspector. Higher officials in the Department, with one un-important exception, have been even more lacking in special experience. But there is no good reason why regular reports of some value should not be required of inspectors,

or why uniform and frequent letters of instruction should not be sent to them.

On the whole, the individual inspectors, left to themselves, have done surprisingly well. That all do not come up to the standard of the best is not entirely their fault: the experience of the best has not been made available to them by the Department and they have suffered from the want of competent and persistent criticism. One cannot expect a man to order guarded a machine which he does not know how to guard, - and his ignorance is due mainly to the fact that the Department has never taken pains to inform him. Sometimes he gets information by asking a specific question, but no document of the Department has ever been sent an inspector giving specifications for all guards known in this country, or even all guards known to the oldest inspectors. In Detroit the inspectors have, by constant contact with one another, developed much uniformity, and the Detroit district is well looked after; so is the Grand Rapids district. To the standard of these two districts, probably, very few of the others approach.

ORDERS, REVISITS AND PROSECUTIONS.

Inspectors leave written orders with the superintendent of the establishment visited. They usually say

that this or that must be done at once, or within ten or thirty days. A copy is kept by the inspector, which is sent to Lansing and filed in the office of the Department of Labor. For the first few years the annual reports of factory inspection gave a classified list of orders, but this has not been done since 1897. All orders made, with the name of the establishment at which they were made, have for several years been published at length in the reports. They are not tabulated in any way and show only that orders more or less numerous are being made, not whether the orders on any particular subject are decreasing or increasing in frequency. The gross number of orders is published every year, but this number is of no significance because it includes all kinds of orders; it is said that most of them relate to child labor.

It is the general policy of the Department "to make as many revisits as possible." An inspector may happen to make a revisit [illegible] at any time, but he usually waits until he has finished all his regular inspecting and then makes as many revisits as he can before he is directed to begin his round again for the following year. The reports do not publish the number of revisits. Occasionally an inspector will make several visits to the same factory in the course of a year, and complaints are always investigated, but there are many cases in which an

inspector leaves an order to do this or that within ten days, or thirty days, and the order is not complied with until the superintendent gets around to it, be it three or six months later. Employers as a rule do not count upon a revisit of the inspector very soon. Occasionally an inspector finds that orders he left the year before have not been complied with when he arrives the following year. Excuses for the negligence are usually accepted.

It is the settled policy of the Department to avoid prosecutions. Subject to general directions in line with this policy, each inspector may prosecute whom, and when and as he pleases. He is expected to keep the office informed of progress, and may sometimes ask advice or assistance. Prosecutions are not reported in the annual reports of factory inspection, so it is impossible to give any accurate information on their number. But prosecutions are exceedingly rare. Such as are instituted relate almost always to child labor. Some inspectors may be said not to prosecute at all, but those who do usually wait for some specially exasperating case, like repeated ignoring of some order, refusal time after time to comply with one, or a belligerent refusal even if not repeated. If compliance can be secured in no other way a prosecution is resorted to:

this is the deciding consideration. That a prosecution of one offender may have a good effect upon other offenders is feebly recognized, but to this consideration very few inspectors attach much importance. Extenuating circumstances in an offender's favor are almost invariably considered with great care. It is hard to find an inspector who has in his district the reputation of being quick to prosecute. Still, all inspectors claim to have all their orders complied with sooner or later.

The infrequency of prosecutions is not due, I am convinced, to fear on the part of inspectors that a powerful employer whom they have prosecuted might secure their dismissal from the force. Employers make a great many threats to "use their influence" against the inspector when he makes an order distasteful to them, and they frequently approach the Commissioner with intent to secure the removal of an inspector, but they do not succeed. I have found a number of cases in which strong political pressure has been brought to bear upon a Commissioner and he has refused to dismiss an inspector. I have been able to trace no case of dismissal to the immediate influence of some employer who had been prosecuted. Commissioner McLeod tells me that during the seven years of his connection with the department no inspector has been dismissed after this

fashion; I find the inspectors uniformly confident that they need have no fear on this score. If an inspector had "too many prosecutions", however, there is no doubt but that he would be warned, and if he continued to disregard the warning he would be dismissed. For having too few prosecutions he would not be dismissed.

The general public has never insisted on frequent prosecutions, although the trade unions think they are too few, nor upon the publication of the prosecutions in the annual reports of the Department. In fact, there is a fear on the part of the whole Department that many prosecutions, even on child labor, would arouse so much hostility among employers that the whole law would be repealed. There has never been an attempt to repeal the law, and this fear is probably groundless. There is too much public sentiment, at present inactive but favorable nevertheless, to permit such an attempt to succeed if it were made.

COLLECTING STATISTICS THROUGH INSPECTORS.

When the law for factory inspection was passed in 1893 it placed the duties of factory inspection upon the Bureau of Labor and Industrial Statistics. The Department

has been able to combine the appropriations for the Bureau and for Factory Inspection in such a way, it is claimed, as to save expense. Since 1894 the factory inspectors have collected statistics in connection with their regular inspection duties. The Department has never put the administration of the two sorts of work upon the shoulders of distinct officials.

The immediate effect of this policy has been to enable the Department to have more factory inspectors than if the appropriations, and administration, were kept separate, but the inspectors must devote some of their time to gathering statistics. From my own observation of the time they spend in the office getting statistics, waiting for attention, and sometimes even amiably conversing, I should estimate that it takes from one sixth to one fifth of their time. A more serious effect of the combination of duties, in my judgment, is that it leads the inspector to adopt a more conciliatory attitude than is compatible with his duty to make orders. It makes necessary the association of the "policeman and the malefactor" in other than a professional relation. The tendency to give an employer the benefit of the doubt would be quite general enough without stimulation constantly from this source. The inspectors cordially hate the statistical part of their work.

The effect of the combination upon the statistics has been discussed in a previous chapter.

WOMEN INSPECTORS.

A woman canvasser was employed for a time in 1897, but the first regular woman factory inspector was appointed August 1, 1901. This followed the law of that year which said that at least one of the inspectors shall be a woman. There are now two regularly employed. At present, one works in Detroit, though she is sometimes sent to inspect a few outside cities; the other has her headquarters at Grand Rapids, but visits all the principal cities of the lower peninsula except Detroit. The regular duties of the woman factory inspector are to inspect all factories, hotels and large stores where women and children are employed, but only in respect to provisions of the law affecting women and children. For the five years ending in 1907 they also gathered statistics from personal interviews with practically all women employed in the places visited.

From the beginning the women's orders have mostly related to sworn statements for children and water closets for women. The first woman inspector, for example, found

it necessary to order seventy-five separate closets her first year,[1] indicating more emphasis on this feature of the law than the men inspectors had been placing on it. Many stores were also found where employers did not know of the law for providing seats for females. Dressing rooms have been continuously objects of attention; very rarely an order to guard machinery has been given, such as to put skirt guards on machines in corset factories. Immoral conditions are sometimes discovered, such as the use of improper language by foremen or fellow workers.

The appointment of women factory inspectors has increasingly grown in favor. The women's reports have come to have always a prominent place in the annual reports of the Department. They have naturally demonstrated a facility the men inspectors do not have of gaining the confidence of women workers. On the whole, furthermore, the women inspectors have shown themselves more keenly alive to harmful and illegal conditions than the men. In fact, one of the early women inspectors, who was of an excitable temperament, showed so much feeling at an occasional child illegally employed that some employers, treated unreasonably before her dismissal, have not yet lost their animosity to the whole Department of Labor. This extreme

---

1. Report of Bureau, 1902, 180.

sentimentalism, however, with its very obvious dangers to the service, has not recurred in subsequent women inspectors. Still they have displayed more righteous indignation, and have insisted on the observation of the law with more moral earnestness and often with more firmness than the men inspectors. One of the present women, for example, is more feared and respected in several districts than the regular inspector of the district. She has been known to refuse to compromise suits with which pressure and persuasion have rather inclined her superiors to be lenient; her course in this respect has been rather to the gratification of her superiors, be it said, who have often held unwarranted the complaint of some disgruntled employer. She is also more apt to put in a good word with an occasional child for school attendance, or against his use of tobacco, or in favor of his reading something other than dime novels in his odd moments. Another direction in which this salutary sensitiveness has shown itself is in the direction of legislation, as was noted in connection with the history of the laws of 1905 and 1907.

This somewhat more vigorous moral standard is not entirely a personal matter. One of the efficient earlier inspectors came from a women's trade union. The more efficient of the two present inspectors is in close touch

with social springs of moral support. Constant association with the women employees, who often save up their grieviences of all sorts to tell her when she comes, continually revivifies her sentiment. More particularly,however, she coöperates, by association, an occasional addressor conference etc., with the consumer's League, the religious organizations, and the Women's Clubs of Grand Rapids, who are more than ready to give her sympathy, interest and appreciation, and even some more tangible support. In this respect I am sorry that I cannot say so much for the other woman inspector, or for most of the men inspectors. A faculty for such association seems to me one of the most desirable qualities an inspector can possess.

ANNUAL REPORTS OF FACTORY INSPECTION.

For the first four years the report of factory inspection was published by itself; from 1898 until 1904 it was bound in the same volume as the report of the bureau of labor statistics, but as an appendix, paged separately; since then it has been published as part of the Bureau's regular report. Of this report there are now three hundred copies.

From the start the reports have always included personal reports from each inspector in the form of letters; these sometimes contain important and interesting personal observations and usually make some recommendations for legislation. For the last eight years it has been customary to publish the names of establishments at which orders were made, together with the orders made. In 1907, sixty-four pages, about one-eighth of the report, were devoted to these orders in factories and several more to orders in hotels and stores. The only classification is by counties and cities. Since establishments are not alphabetically arranged, it is inconvenient to find a given factory. To find a Detroit factory, for example, from sixteen pages of heterogeneous arrangement, is a task so difficult as to deter almost anybody from attempting it. The general purpose of publishing all these orders is said to be to bring moral pressure to bear upon employers, and to put one year's orders in the hands of the inspectors the next year so the latter can see whether they have been complied with. It is a practical certainty that the public does not read these orders at all, probably few employers know that they are published, so the moral pressure is extremely weak. The inspectors whom I have accompanied trust entirely to memory for the orders of the year before, and make little use of the published orders. For the first seven years the orders

given were all classified, for each district and for the whole state, but for the last eight years there has been no such classification. Even so important a fact as the number of visits made by each inspector is almost as likely as not to be omitted from the report. Prosecutions are not regularly or systematically published; and revisits and compliances have been omitted for the past eight years.

The most notable "feature" of the annual reports of factory inspection is a long table or list of all factories inspected. It gives the date of each inspection, the product, and the number of employees. In 1907 this table took up 145 pages, over one-fourth of the entire volume. It gives little information to the public as to the way inspectors are performing their duties, but it may cater somewhat to the local pride of counties and towns which like to see in print a list of their manufacturing establishments. Reports relating to inspection of hotels and stores are without any intelligent classification.

To those responsible for the reports of factory inspection it does not seem to have occurred that their chief purpose should be to show how well inspectors are performing their duties, how well they compare with one another, and whether conditions of a given sort covered by the factory law are increasing or decreasing. Perhaps the public has

never voiced such a demand, being but mildly interested and as little persuaded of the true purpose of a report as the officials themselves.

PERSONNEL OF THE DEPARTMENT.

There is probably nothing more significant for a thorough understanding of the system of factory inspection than to describe the sort of men who come to be chosen as factory inspectors, with the most typical facts about their qualifications and their tenure of employment. It is rather customary to hide all such facts behind the term "politics", partly because they are much more difficult to give than those dealing merely with aspects of the inspectors' work which are perfectly definite and therefore subject to conventional classification. There are also recognized dangers in going into the more personal phases of the matter. There is much more room for the statement of some things to the overlooking of others more important, and for the misplacing of emphasis. There may be difference of opinion over matters of fact, even between competent observers, and in some cases injustice may be done. Yet the matter is important enough to justify attempting to describe the more typical, that is to say permanent, features of the personnel of the factory inspection force. For statements of fact, in most cases, I must present no authority except that of my own personal observation. I have stated nothing to be a fact without

careful consideration, and hope that errors are reduced to a minimum. I feel quite sure that however erroneous an occasional statement may be, there are not enough such statements to invalidate the conclusions reached.

The following table gives a list of all the inspectors of the Department, except the women inspectors and an occasional temporary assistant. The Governors and Commissioners are given to indicate different Administrations. Names of inspectors are grouped mainly according to inspection districts, but invariably according to the same "positions".

	Governor	Com'r.	Inspectors							
1893	Rich	Morse	Trapp	Gunn	Hintz	Krapf				
1894	"	"	"	"	"	"				
1895	"	"	"	"	"	"				
1896	"	"	"	"	"	"				
1897	Pingree	Cox	Reinhardt	Gunn	Addison	Cathro	Tiffany			
1898	"	"	"	"	"	"	"			
1899	"	"	"	"	"	"	Mummery			
1900	"	"	Eikhoff	Mc. Coy	"	"	"			
			Smith							
1901	Bliss	Griswold	Eikhoff	Mapes	Ley	Reed	"	Fletcher		
			Smith		Clark	Glaspie				
			Lee							
			Evans							
			Jones							
			Houston							
1902	"	"	Eikhoff	"	Ley	Reed	"	"	Kerr	Harrington
			Lee		Clark	Glaspie				
			Evans							
			Houston							
			Downey							
1903	"	"	Same	"	Ley	Glaspie	Clark	"	"	"
1904	"	"	Eikhoff	Hart	"	Glaspie	"	"	"	Rose
			Evans			Galbraith				
			Downey							
			Houston							
1905			Eikhoff	"	"	Same	Tucker	Hall	"	"
			Knight							
			Downey							
			Houston							
1906			Same	"	"	Same	"	"	"	"
1907			Same	(Vacant)	"	Same	"	"	Fitzpatrick	"

150

All these men have been Republicans. There has been no change in the politics of the State Administration during the entire time. A glance at the table shows that the commissioner has always changed when a new governor has been elected. In 1897 and but one inspector out of four held over; in 1901 three out of six . In 1905 almost all held over; for this fact the immediate reason is that the incoming Governor saw fit to retain as Commissioner the outgoing Deputy-Commissioner, who had less reason for making many changes than a newcomer would have had. Back of this seeming continuity of policy lies the fact that the same element of the party was represented by both governors. Since its inception the Department of Labor has been as much a part of the political organization of the dominant party as the other state departments; its appointments have been made in the same way. Nominally the Commissioner has appointed the inspectors, in practice these positions have been mainly the patronage of the Governor. Thus in 1901 the Commissioner with difficulty secured the privilege of selecting one of the thirteen factory inspectors. Since 1905 part or both of the appointments and of the removals have been made by the Commissioner without asking the permission of the Governor, but many of the inspectors now on the force frankly admit that their appointment was due to

the Governor, not to the Commissioner. Of course, there has been much political pressure brought upon all parties concerned, and there will no doubt continue to be true until Michigan sees fit to adopt the Civil Service.

During the last seven years there have been no less than twenty-five different men on the force of factory inspectors. From different men acquainted with them, and from other reliable sources, I have been able to gather some general facts about them which may be of importance. Some of their former occupations have been as follows: one printer, two newspaper-men, one boiler maker, one miner, one druggist, one insurance agent, one traveling salesman, three street railway men, one clerk, one metal polisher, one cabinet maker, four farmers, one porter and man of all work, one railroad man, one teamster. Eight or nine have been union men, almost all in Detroit and Grand Rapids; among them are the two inspectors of longest service, probably the best men now on the force. Of all these twenty-five inspectors only about four may properly be said to have been factory workers; perhaps three others had some executive experience in saw mills; several of the others, many of them being of shifting occupation, may have had some valuable experience that I have been unable to discover or present; but making all allowances for inaccuracy the

list is sufficiently representative to show that probably no common principle of fitness for the position underlay the selection of the men. I have been told of some instances where an applicant with good political support was very carefully questioned as to his qualifications, but I have also found others in which no questions were asked, either by the Governor or the Commissioner. Many of the men had held other political positions before appointment; some have held others since resignation - one, for example, became a city alderman, one secured an elective county office, one was appointed to a postmastership.

It is to the credit of the department that in most of the cases since 1901 in which one inspector was supplanted by another the removals were made for inefficient service. General incompetency, idleness, gross neglect of duty, "inability to get along with employers", and drunkenness, figure among the reasons for dismissal. It is less to the credit of the Department that some men dismissed for very gross inefficiency had served already as many as two, three, or even five years, and that there are still on the force, in my judgment, at least five or six inspectors whose incompetency is fairly obvious.

It is nothing new to say of any state department that it is "politics-ridden". To point out some of the

cause and implications of this assertion, however, may not be entirely superfluous. It is the latter that I have tried to do in presenting the above facts. The most important thing about a Department of Factory Inspection, as was said above, is its personnel. About the personnel of Michigan's Department the most important thing is its "political" character. But this is very far from saying that there are not some of the inspectors who are remarkably efficient, - even some of those who had no qualifications to start with but fair intelligence and a lively interest in the work. And the ability of most of the inspectors is above what one would expect, certainly above what one would expect who heard them referred to on all hands as "merely a bunch of politicians". But it is very obvious that a man does not come to be factory inspector by qualifying himself for the place; an inspector can be, and usually is, reasonably certain that he will not hold the position longer than four years at the outside, and that while serving the state he had better give his best thought and attention to preparing some further political haven for himself against the time when he shall be turned out, rather than to improving the quality of his inspecting. It is no wonder that the inspectors themselves are generally in favor of the Civil Service.

PUBLIC FUNCTIONING OF THE DEPARTMENT.

Closely allied to a description of the personnel of the Department is a discussion of the way in which it fulfills its social or public function. The factory inspectors are supposed to be effectuating, after some fashion, the public will. In making orders they speak in the name of the state, which is the same as to say, in the name of the people of the state acting through them as its organs. Of course the chief expression of the public will is found in the terms of the law prescribing the duties of inspectors. But social pressure continues to act upon these officials in some way all the time, and this fact must be taken into consideration in trying to understand their work. The law as written down is, of course, only a piece of mechanism by which the more continuous public will is helped, in a definite way, to its expression through the inspectors. In - - ways somewhat less definite, but sometimes more effective, public opinion comes to be organized upon the matters dealt with in the law and is brought to bear upon the officials enforcing it. From what sources and in what ways has this continuing social pressure in Michigan participated in the work of the factory inspectors looked upon carrying out the public will?

Upon none of the matters dealt with in the law has public interest been so widespread and so well maintained as that of child labor. The suffering of children appeals to some of the most universal human interests. In Michigan the sentiment in regard to the right and duty of children to attend school has always been good, and we have already noticed that when laws relating to the employment of children came to be proposed they met a right cordial and sympathetic reception. More attention came to be attracted to the matter as various things took place; child labor law amendments came up in the legislature from time to time; as factory inspectors came to speak of the laws to employers and other persons; as families from which children sought to come into factories had the public disapproval of child labor forced into their consciousness, - by contact with inspectors who discharged a child occasionally, or with employers who refused to hire one without inquiring into his age; as the newspapers came to mention an occasional case in which an injured child was suing for damages; and, perhaps more than all these, as magazines and papers told the reading public about the evils of child labor which were being pointed out in other states. With attention attracted in all these ways, the general public sentiment on child labor has grown in depth and fervor.

Sustained by this sentiment, and appealing to it, the inspectors, in their activities and reports, have from the very first laid much emphasis upon this aspect of their work. An occasional remark of approval in some newspaper comment, an occasional commendation bestowed by an individual in the course of conversation, has deepened their self-respect. It has encouraged almost all of them in the direction of being attentive and firm. In only two or three cases has it seemed to stimulate some over-emotional inspector to transgress the bounds of fairness in his dealings with employers. Their fellow feeling for a boy hating to lose a job, whose parents were perhaps in dire need of his meager earnings and may have been waiting at home to upbraid him for losing it, and their natural sympathy with well-meaning employers who have not violated the law willfully or in a hostile spirit, - both influences more immediately present than popular approval - have saved them from being unreasonably exacting. The uniform firmness of the Department on this matter, which has still generated almost no animosity among employers, speaks well, in a general way, for the operation of the department. It corresponds to the less special aspects of public sentiment.

But the lack of definite organization of general public opinion on child labor has also had its effects on

the administration of the law. The best organized bodies of this sentiment in the state, from which one would expect the most definite pressure upon factory inspectors, have been the school teachers and the trade unions, - especially the cigar-makers, among whom child labor is an issue of more than usual importance. But the teachers have had more pressing problems of their own, connected with teaching and administration. They have had no source of definite information about the exact effects of child labor upon the scholarship and truancy of their own pupils, and it has been only within the last two years that lack of harmony between the child labor law and the truancy law has called their attention to the details of the former's administration. That this will have important consequences in time cannot be doubted; there is promise, for example, in the attempt now being made in Detroit to cope with the problem of vacation work, through organized coöperation between the school authorities and the factory inspector in the issue of working papers. The trade unions, also, have had problems of their own of more immediate moment than the administration of child labor laws: among cigarmakers, the union label and the union shop, among most unions, temporary matters connected with strikes, collective bargaining and other negotiations about wages. They have not developed

among themselves an ideal standard to which the inspector inspecting should conform. They are in fact critical of the inspectors for the single thing that they "do not prosecute enough": a trade-union attitude generated much less by noticing an inspector's lapses in enforcing the child labor law than by the working men's feeling that property interests are too much favored in the administration of all laws, and by the insistence of certain employers upon the iniquity of "breaking the law" when it happens to be a union man breaking it in connection with a strike. They have no occasion to inform themselves upon such details as the method by which a working paper is issued, or by which provision may be made for the support of families which seem to be in need of the child's earnings. Upon such matters they have not had the slightest influence, and I can see no reason to believe that they ever will have. We must look to other organized groups to find the habitation of that specialized public sentiment which should bear upon the details of the law's administration.

And in Michigan we shall look for it mostly in vain. Such bodies as child labor committees, and other simi-philanthropic associations have as yet played very little part in connection with Michigan's child labor laws.

Neither in Detroit nor Grand Rapids, for example, have representatives of the Consumers' League called at the office where working papers are issued to see what records are kept. No kind of organization has made an intensive investigation of such things as night-work, or the work of cash girls, or even the so-called Street Trades in any Michigan city. Such organizations as the Federation of Women's Clubs have occasionally asked the Commissioner, or some factory inspector, to address them; and in Grand Rapids their contact with the department is rather close. It has there seemed to sustain the woman inspector in keeping her standard high. But they have not at their disposal definite information as to the weak spots in the Michigan law, or points in the field of industry where child labor in their own state or their own locality needs particular attention. The sentiment they represent is of very good moral quality, but is not informed enough to be very effectual. Aside from moral support of a general character, assistance from this quarter is chiefly confined to an occasional request made of the factory inspector to investigate the employment of children at such and such a factory, where they seem to be under age. The lack of available information of a definite character relating to local conditions and laws is conspicuous. Its place can in no wise be taken by an occasional address in the State

by some one from outside, like Mrs. Florence Kelly, for instance, nor by the limited circulation of the general analyses of child labor laws put out by the Consumers' League, nor by an occasional uncorrelated reference found in the discursive portions of the factory inspectors' reports.

Perhaps the chief reason for the inchoate character of public sentiment on child labor is not hard to find. The character of Michigan's natural resources has trained much of her industry into agriculture and lumbering, in which the special problem of child labor has little recognized importance, so that in competition for public attention child labor has been easily outstripped by other things. There has never been any Michigan industry which has depended upon child labor to any significant extent, so there has been no significant opposition by employers to child labor enactments, and local discussion has not been in this way generated. Furthermore, Michigan has been free from the glass industry, the mining of anthracite coal, and others of the occupations in which children suffer in those conspicuous ways which find place in the newspapers and harrow up public feelings. Under such conditions, attention of persons interested in such social questions as this, has found more attractive directions. The national

agitation of the question has recently come to stimulate the formation of committees of one kind and another to take up the matter of child labor, and these may presently succeed in having collected and made available, in one way or another, information of a thorough and reliable character as to child labor conditions in Michigan. They may also bring intelligent criticism to bear upon the Department and upon local inspectors in relation to the details of administration of the child labor law.

But there are also some reasons which tend to insulate the Department from some of the most functional currents of public sentiment and will. The local inspector is insulated. A factory inspector's wages are but three dollars a day, and his tenure is not secure; the selective process by which he comes to be chosen partakes of the same political character as other branches of the state service. The type of man thus developed and selected comes, inevitably, to be largely that of the professional politician. Though such a man is likely to have many of the qualities of face-to-face leadership, such as ability to get along with men, considerable sympathy, and large capacity for comprehending the point of view of the average man in almost any situation, still he is apt to lack certain

other qualities. He is not likely to be a student, in any sense, of the broader aspects of social questions and his social connections are almost certain to be chiefly with the general run of voters, and persons interested in politics, rather than with those members of the community who have a deep and genuine interest in the broader aspects of his work. Thus I found on the force not over two inspectors who were to any extent whatever familiar with the child labor literature of the Consumers' League, or with the laws of other states. Probably not more than these same two, or perhaps three, are brought, by associations of friendship and more or less intimate acquaintance, into informal relations with such people as teachers, and members of social service organizations of one sort and another. They are thus insulated, as I have said, from much beneficial social influence.

Of course they have some little contact with persons who would seem to be their most natural allies, but it is, of necessity, intermittent and of small effect. Thus an inspector may make an occasional short visit to some teacher, or interested business man, in the course of something connected with his duty; or an interested person may visit the inspector's office occasionally, where relations are always rather formal and even tinged with suspicion

on both sides; and to a still more occasional time when an inspector is requested to make a speech to a social or socio-religious organization, which diffuses some information and generates some sympathy, to be sure, but rarely gives much basis for enlisting intelligent coöperation. Most of the inspectors, also, being of the type I have outlined, feel rather diffident about entering far into such associations as I just indicated, because they feel their own "sociable" ability to lie in another direction, and because they cannot count with much assurance on being met half way. I could not think that it was very strange, for example, when I found one inspector who spends his leisure loafing in public places that were more congenial than respectable, and that he was not on the best of terms with the teachers of the city. It is unfortunate, also, but scarcely more strange, that one of the women inspectors happens to be somewhat deficient in education and capacity for getting along with persons who seem to her to be more critical than sympathetic. I consider this social insulation, which is a joint product of the low salary and the political method of selection, quite as important a consequence of that salary and method as the lack of special qualifications for which they are responsible.

Of course the chief advantage of establishing

state factory inspection in 1893 lay in the fact that a set of men were then charged with enforcing the factory acts who had no other duties. It was also an advantage to have the administration centralized; it prevented the local influence of persons unfavorable to the enforcement of the law from frustrating the will of the mass of the people of the state, which was none the less real and controlling for not having a voice or vote in the locality. It made it more difficult for the general public will to be baffled by some more special will.

Of the public functioning of the department in enforcing the provisions affecting women, and those touching the guarding of machinery, which principally affect men, less can be said with any definiteness. Of course some of what has been already said of child labor sentiment applies here also, and will not need to be repeated. Regulations of labor in the interest of working women appeal to a fairly universal human interest, probably second only to that which sustains child labor laws. Water closets, seats, and hours are of quite fundamental interest, furthermore, with all women workers, being different in this respect from most of the provisions relating to men. Since the state has women factory inspectors the women workers have had a chance to

effectuate desires that before they could not even voice for fear of losing their positions. But although their interest is very real, it is not organized, and therefore it does little but bring to the attention of the inspector the conditions that prevail in the factory or store she happens to be visiting. While this serves to enlist her interest very keenly, it does not hold up her hands, - in the way a well organized union would, for example. Very few women workers of the state are unionized; one of the women factory inspectors formerly came from a Detroit union, and she was very efficient. The women clerks, whose long hours on Saturdays and at holiday time render them in special need of protection from the law, are least of all women in a position to be organized; their work requires little skill, and the market affords other women who are always waiting ready to take their places: unions cannot flourish under such conditions. If it is good public policy to regulate the conditions of their work, of which there can be no reasonable doubt, the bulwarks sustaining the enforcement of the law must be found somewhere outside the employed classes themselves, very much as with child labor laws.

Of this intelligent and active public support, there has not yet been much in Michigan. A great public thoughtlessness is being but slowly overcome. The Consumers' League has made some efforts to encourage early trading

at holiday time, to promote early closing in one place or another, and to secure some measure of enforcement of the ten hour law; but all these movements are still too young to have very great volume of definition. What seems to have most held up the hands of the inspectors, especially the women inspectors, is the general sentiment of chivalry which has been successfully appealed to with many employers, and the universal sympathy with her work entertained by all the women of the state who happen to know about it. The most definite organization of this sentiment is again found, probably, in the Women's Clubs, and again it is woefully lacking in accurate information on local conditions and precise methods of getting things done. It is these very things which must join with the National literature of the time to stir the public conscience and give it a broader outlook. At present it is too narrow and too inert. It ignores too many crying industrial ills, and looks upon them as in some way grounded in the nature of things, and so to be endured by the parties concerned rather than to be changed by other parties. Both sociology and philanthropy are very much excluded, for example, from the consciousness which looks with indifference upon the proposal to require hotels to provide heat for the rooms of their female help, and says that such women are not the kind who want to stay in their rooms.

The guarding of machinery is peculiarly based on larger reasons of public policy. The inspector inspecting is much less the agent of the employees than is the woman inspector in discharging her duties. The truth of this statement lies in the fact that the men at work have usually become so habituated to the danger which lurks in an unguarded gear, set-screw, etc., known to the men at work around it, and so it is seldom that an insistent demand from a workman, even a union workman, who might be supposed to voice a common need, is made upon inspectors to put guards on particular machinery. The employees in a factory through which he is going do not expect him to guard every saw, or every in-running gear, or to come up to any definite standard. It goes without saying that no high standard is demanded of inspectors by employers and their superintendents. In short, the public which must be relied upon to hold up the inspectors hands and inform his mind has no representative on the spot.

The Metal Polishers are in some places well organized and they create an exceptional situation. The same system affects all the men in the shop, and all have the same interest in its proper working; it guards each man from dust in the same way. When an inspector is going through a shop, especially a union shop, the men are more than apt to call his attention to the blower if it is not working well. The

specifications in the law give him a definite standard to maintain, and the men hold him to it with more or less strictness. Where the unions are rather strong they make frequent calls upon an inspector to examine this or that blower system, and when he finds it clogged and leaves an order to clean it out the order is something more than a formality. It is of the nature of an official sanction to a demand of the men. But there is peculiar irony in the fact that the reason why the system is clogged often lies in the carelessness of the men themselves.

One might expect that the individual inspector inspecting would have the social pressure brought to bear upon him indirectly. Instead of coming to him through the frequent contact with men who know how machinery should be guarded, etc., and embody standards of firmness and reasonableness, it might come through the commissioner of labor; in a measure this has been the case. The department instructs every inspector to be slow in bringing a prosecution, but that when he does find it necessary the department will stand behind him. But aside from this the public will does not find its channel of expression in this direction. As brought out above, the organization of the department is comparatively loose, and an inspector is left chiefly to the influences which come to bear upon him in his personal

experience. No collection of published matter on known guards, on dangerous machinery, on the circumstances of accidents, on unsanitary conditions, on special points which the past experience of other states or of Michigan have brought into the foreground, is placed in his possession, and followed up with inquiries and reports.

This condition, like others already discussed, seems to be quite naturally the accompaniment of the general political system of the state, and its lack of special social organization. The man who becomes commissioner has but undergone a longer and more vigorous political training than the inspector. His studious interests have not had to be developed either, nor are his ordinary associates very deeply interested in his official duties. He, also, must put in much of his best thought on petty politics, by the very nature of the case, and must, in so far, be insulated from the currents of public will which might come to him through periodicals, the reports of other states, etc. Besides he is apt to have the professional politician's confidence in indirect methods, his distrust of much public criticism because some of it is animated by mere partisanship, and a profound conviction that disinterested support from any quarter is not to be reckoned on with assurance.

There is much to explain such a general attitude on the part of a commissioner. Such approval of the present commissioner as I have heard has not been of the kind that would spontaneously rally to the support of an appropriation he might be seeking from the legislature, or of his retention in case of threatened removal. The criticism of him, furthermore, has been mostly animated by partisanship, quite apart from reasons connected with any actual delinquency of his in the performance of his official duties. That he happened to have connected himself with the conservative wing of the dominant party, for instance, colored all the statements about him and his work which appeared in one of the foremost newspapers of the state. This kind of influence is not what helps effectuate the public will, but it is none the less conspicuously strong as the fair and disinterested kind is conspicuously weak. One will look in vain for much functional pressure brought to bear upon the commissioner by the trade unions. Their attention has been directed elsewhere. At the 1907 convention of the State Federation of Labor, for example, which it was my privelege to attend throughout its entire session, I heard neither formally nor informally any mention of the way the Commissioner or any factory inspector was performing his duties. It was a conspicuous omission that the Commissioner

was not invited to the Annual Banquet of the Federation. Later in the year the Detroit Federation of Labor adopted resolutions protesting against his appointment to a Government position he was seeking. The importance of this conduct, if I view it correctly, lies in the fact that the commissioner in question has, by common report, enforced the factory laws better than any of his predecessors and has been in a position to secure much valuable labor legislation, not the least of it being the increase in appropriation for inspection which has more than doubled the number of factory inspectors./ He is himself a union man, and earlier in his career he received the endorsement of both the State federation and the Detroit Federation, but with the exception of one or two unions outside Detroit, including the Miner Workers, he has never had the coöperation of organized labor. Organized labor has done very little to hold up his hands in the performance of his official duties.

Interpretations of contemporary political situations are always dangerous, but it is worth while to inquire after the reason for this attitude of organized labor. If I see the situation correctly, it was that the commissioner had taken a position on several political questions which organized labor chose to consider favorable to "the privileged interests". He had used his influence for an unpopular street railway franchise, and for the

election of a United States senator who was believed to be an opponent of the Union Shop. Both these positions, and perhaps others, seemed to organized labor to identify him with its enemies on questions of more fundamental concern to them than that of the enforcement of the factory laws. Because these others were nearer to the main current of the contemporary industrial and political conflict, they dominated the attitude of organized labor in regard to the commissioner. Their position was just as special, just as remote from considerations affecting the discharge of the commissioner's real legal duties, as that of certain of the employers associations, which based their hostility to him on his having been "walking delegate for the street car men", and was therefore to be forever distrusted, rather than upon any noteworthy abuse he had made of his office. Both interests are special; neither comprehends the public will; between them there does not seem to be any compromise, and the organized opinion which should embody support of the commissioner for doing his duty, and condemnation of him for not doing it, is as yet either non-existent or too feeble to function.

Finally, it is worthy of note that organized labor has always looked upon the office of Commissioner of Labor as one in the filling of which it ought to have more

voice than any other interest. Early in the history of the Department its protests prevented the appointment of several aspirants. At one time Governor Pingree attempted to appoint a college trained man, from another state as it happened, and his confirmation by the senate was prevented chiefly by efforts made in the name of organized labor. Since the establishment of factory inspection in 1893 organized labor had not succeeded in placing one of its own members in any of the three chief positions in the department until the present Commissioner was appointed Deputy Commissioner in 1901. Since his entrance into the service he has easily dominated it, and its development since then has been due chiefly to his personal efforts and his political, almost purely political, connections with the dominant party. It can scarcely be considered an accident that he has shown more genuine interest in the work of the Department than any of his predecessors, though it is easy for a critic to find serious shortcomings in his work. He carried into the state service a sentiment straight from the wage-earning classes, drawing its life from his trade-union connections and antecedents. But his career seems to have been more than half accidental, or due to personal qualities of a political sort; I can see nothing in the present position of organized labor in the state to guarantee its permanent representation in the Department.

CHAPTER VII.

THE FACTORY ACTS: OPERATION OF PARTICULAR PROVISIONS.

CHILD LABOR.[1]

The Register.- In the administration of a child labor law the chief problem is to get track of children employed and to make sure of their ages and qualifications. For this purpose, besides providing for factory inspectors, the Michigan law provides that no child under the age of sixteen years shall be employed in the regulated industries unless the employer first obtains and places on file a certain sworn statement, and keeps a register of all children employed, both open to the scrutiny of factory inspectors. Inspectors have never required the keeping of this register. They have adopted this course to save the employer the trouble of keeping a roll separate from his regular pay roll; and one which would need constant revision, because children are apt to change places so often. One result of this policy, in large factories, is that the superintendent often claims to be ignorant of the employment of a child under sixteen found at work without

---

1. Section two of the factory act contains the heart of the child labor law (Act 175, 1907).

a statement, and says that he was hired by some foreman. Because the latter may claim not to know the law, or for some other common reason, the inspectors often do not well see how they can deal harshly with him. It is in reality the business of the superintendent to keep the foremen informed of the law, and to see that they observe it, but responsibility is not focused on the superintendent so definitely as the keeping of the register contemplates. This seems to be one reason why so many orders to "file sworn statements" are given year after year, sometimes in the same establishment.[2] In one factory in the State, probably the one empbying the most children, I saw a register kept by the superintendent for his own convenience, and in this factory the filing of sworn statements is very strictly observed; it is not so well observed in some other large factories, whose excellent "system" does not include use of this register. The inspectors say that they accept the bundle of certificates in lieu of the register, - an inadequate proceeding, because it does not force the office to keep the certificates checked up regularly with some complete list of the children employed.

---

2. e.g. Packard Motor Car Company, Detroit, Report of Bureau, 1906, 216; 1907, 265-6; 1908, 265. H. J. Heinz and Company, Grand Rapids, Report of Bureau, 1907, 256; 1908, 244.

The Working Paper.- Necessity. To recall the picture of the inspector inspecting will help make apparent the reasons why a statement of age came to be required, and what its functions are. The law of 1893 required simply a written statement, but the law was amended in 1897 to require the statements to be sworn. Nothing could be more obvious than that the inspector on his rounds, catching sight of a child, can apply no adequate test of age. He cannot even do much to test the correctness of the statements made in the certificate, because a child even if under age will, of course, very rarely contradict them. The inspector inspecting is forced to depend on the certificate, and to content himself with making sure that the child has one, and that it is his own. There is no requirement in the Michigan law that physical marks of identification shall be included in the certificate and none are placed in it. This leaves a possibility that some children may make use of papers taken out by other children, simply by being coached to answer questions to correspond with them. A few cases of such substitution are discovered by employers and factory inspectors, and still more are suspected. In her report for 1907 the woman who issued the papers in Detroit makes the following statement:[3]

---

3. Report Bureau of Labor, 1908, p. 2.

"In addition to this, during the year I made out 255 duplicates of statements formerly issued..... I wish particularly to speak of the issuing of duplicate sworn statements, where the parties claim to have lost the original papers. There is every reason be believe that often these statements are not lost, but that this subterfuge is used to secure an additional paper (permit) so that it can be used by another child who was unable to regularly obtain a so-called permit. There should be some way to obviate this fraudulent practice so that the provisions of the law may not be thus annuled."

Since there are no other figures relating to this practice of substitution, its extent cannot be well estimated. Where notaries issue certificates, which is everywhere outside of Detroit and Grand Rapids, it is almost as easy for a child to get one of his own as to use one belonging to another child. The perfectly obvious necessity for a certificate carries with it, among other things, a necessity for some means of preventing a child from using a certificate to which he is not entitled.

The Working Paper - As issued by notaries.-

The sworn statement which employers are required to have on file is to be "made by the parent or guardian stating the age, date and place of birth of said child, and that the child can read and write ....." If the child has no parent or guardian he may swear to this statement himself. Outside of Detroit and Grand Rapids certificates may be

sworn to before any notary public.. It is noteworthy that the law does not require the person who issues the certificate to ask any other evidence of age, or literacy, except the oath of the parent. Where the certificates are issued by notaries they are always issued simply upon this oath; a notary has no more right or duty to go behind the oath in such cases than in any other case in which a person desires to make affidavit. That they frequently issue certificates to children who are under age or illiterate, but whose parents are willing to swear to both age and literacy, became apparent to the inspectors very early.[4] They still find papers issued by notaries which state on their face that the child is thirteen, or which leave the space for age blank, or are otherwise improperly made out.[5] For some of this carelessness there can be no valid excuse, but that it has continued for ten years seems to prove that it is inevitable. Since certificates are issued by notaries in all that portion of the state outside of the two largest cities, there is

---

4. Report of Bureau, 1898, Appendix, 37, 138.

5. Report 1906, 320; many inspectors testify to the same effect.

opportunity for many children to be employed under age, or unable to read and write. Still it is impossible to estimate how many are really so employed, as the Department of Labor has never made a systematic investigation of the matter.

It is practically certain that but few of the illegitimate certificates are discovered. It is an accident if a dhild betrays himself into discrediting the certificate when questioned by the inspector. In a small number of cases inspectors have taken the time and trouble to consult the birth records of the county to verify the child's age, and have sometimes found it to be under fourteen. But this takes too much time to be done very often, and certainly inspectors cannot do it regularly. There has never been a prosecution against any parent for perjury, in spite of the large number that have been suspected of it. The necessity for taking oath restrains some parents who would send their children to work if no oath were required, but to such parents as are not so scrupulous, the law does not seem to offer much obstruction. I have been unable to hear of a single case in which a parent sought a certificate from a notary and was unable to find any notary who would issue one; no one has presented the claim that this is at all probable. In

Jackson the factory inspector secured a commission as notary, established office hours, and offered to issue certificates to parents without charge. Those who applied to him and were refused often secured certificates from some other notary, and he later on found them at work. Michigan's experience along this line, according to the reports of the Bureau of Labor, to the statements of the factory inspectors I have been able to interview, and of employers and others with opportunity for observation, has been the same as that of other states. Parents, through necessity or other causes, have not scrupled, in some cases, to perjure themselves, and have thus been able to force into the factories children whose exclusion was the chief purpose of the law. Inexcusable carelessness of some notaries has increased the opportunities for evasion.

By personal inquiry I have found that the necessity of securing a working paper is not a matter of common knowledge among working classes in the smaller cities. The age limit of fourteen years is more generally known, but the full extent of the penalty is also known - and it is nothing more than that the child will lose his job if he happens to be caught by the factory inspector. To persons willing to perjure themselves this sort of penalty is not likely to be very much of a deterrent.

The Working Paper. - In Detroit and Grand Rapids. - In Detroit the Department of Labor has a permanent office, now in the Majestic building. There is a woman in charge of this office who has some ordinary office duties, but whose main duty is to issue working papers. She is appointed factory inspector, not to do any inspecting, but solely to issue these papers.[6] In Grand Rapids the woman who is thus delegated has charge of the State Free Employment Office, located in that city. Besides these two women, any of the other inspectors in these two cities may once in a while issue a paper, as when the regular woman happens to be out of the office, or absent on vacation.

The established process of issuing a working paper being about the same in both cities, I shall describe it for Detroit. The child presents himself at the office with one of his parents. The woman in charge fills out a certificate with his age, date and place of birth, and the statement that he can read and write. He is required to write his name in the certificate, and usually to read something from some section of the child labor law. The parent is then required to sign the certificate and swear to it. At this point it has been the practice,

---

6. This should be borne in mind. I call her "inspector" in the following discussion.

until recently, to require the child, sometimes but not always, to bring a record of baptism, or some other evidence of age, before giving him the certificate; also to send him to the office of the school board to get his school excuse, if the certificate is being issued while the schools are in session. In Detroit a recent alteration has taken place in this practice, which will be spoken of later. While it lasted it had certain features which are worthy of comment.

It will be remembered that the law does not require any evidence of age, and, of course, the exact nature of the evidence is not prescribed. The inspector has not made it a rule to require evidence in case of every child, but only in doubtful cases. A doubtful case was usually one that struck the inspector as a doubtful case - one which the child was undersized or appeared to be immature, or was a foreigner, or became confused in giving the date of its birth, etc. There are no general rules laid down by the department. What the evidence shall be has also been a matter of discretion with the inspector. The usual form was a certificate of baptism. Where the child was unable to secure such a record he might be sent to the court-house for an official birth register, which was not given first choice because it would cost him fifty cents; besides, the

office has found that the records for fourteen and fifteen years ago are very imperfect.[7] Sometimes a child was required to bring a certificate from a doctor. If he happened to be born in some other city he was often required to write for a record of baptism or an official birth certificate. For a child born abroad a passport was accepted, but such cases were not frequent and the kind of evidence required was not well established. Sometimes no evidence was required except the oath of the parent.[8] On the whole, a commendable spirit seems to have animated those who issued the papers, and much firmness was shown under trying conditions.

The disadvantages of the system are apparent. In case of a change of office girl the new incumbent has had to learn the kinds of evidence mostly for herself; she has had few department rules to help her, and the elaborate analysis of different sorts of evidence, such as is contained in the laws of some other states, or included

---

7. It is said by authority that before 1905 not over two thirds of the births in the state were registered. Journal American Statistical Ass'n. Dec. 1907.

8. When a child is sent after some documentary evidence and fails to get any his certificate is often refused him. No case has arisen where a child unable to furnish such evidence has tried to use legal process to force the inspector to give him a certificate.

in literature of the National Child Labor Committee, has not been placed at her disposal. In the absence of specifications in the law, the department has not worked out for itself a system which can be considered entirely systematic, or even thoroughly established. It is equally important that intelligent assistance and criticism from the public has never been brought to bear on the officials who issue the working papers.

The test of literacy is largely formal. If a child can write his name he can write. If he can pronounce words so they can be tolerably well understood, he can read. This test is also not prescribed by law; it is not entirely uniform at different times; there may be even an occasional case of its omission; but no one can think very seriously that a formal test such as is given here is any more certain guarantee of literacy than when used in testing voters, or anywhere else. Everybody has known people who could pronounce words but yet could not read, that is, they could not read well enough to do enough reading to keep in practice. I found two boys in one factory who read for me some "want-ads" in the morning paper. One was for a bookkeeper, the other was for second-hand clothing. The boys told me that in <u>both</u> of these the advertiser wanted "somebody to work for him", and that they felt able to do the job and would be willing

to apply for it! Since there has never been a systematic investigation of the illiteracy of the working children of the state, I cannot tell how extended it may be. But it is certain, I think, that however literate they may be on the whole, the check upon illiteracy offered by the law is not very great.[9]

The following table[10] presents some evidence on several points connected with the issue of certificates in Detroit.[11]

CERTIFICATES.

	1901	1902	1903	1904	1905	1906	1907.
Number applied for	3126	3644	4046	(2928)	(4088)	3710	4195
Number issued	2581	3203	3431	2552	3444	3441	3992
Number refused	545	441	509	379	644	369	198
Under 14	268	238	249	241	326	187	109
Not able to read and write	255	198	198	135	318	182	89
Number physically unfit	22	5	3	3	-	-	-

9. Michigan's Child Labor problem is more one of children at work illiterate than at work under age.

10. Compiled from the factory inspector's reports, 1902, 182; 1903, 4; 1904, 14; 1905, 18; 1906, 17; 1907, 29; 1908, 2.

11. In Grand Rapids the number of children applying for certificates is of course much less, and the limited

This table shows that some children were refused certificates because they could not read and write. But it is hard to tell why the number should have varied so much from one year to another; it probably confirms my own observation that the standard is variable, and that there is some laxity in administration. The fall in 1907 in the number refused may be partly due to a change of office girls which took effect that year. The number refused for physical unfitness is negligible; the records are not well kept.

I have not found that it is generally known among the working classes in Detroit that one has to be able to read and write in order to get a paper; it is known simply that he must be, or at least claim to be, fourteen years old. Of course children sometimes come to the office prepared to submit to the test of reading and writing, but I do not believe that parents look upon the necessity for passing this test as one of the reasons for keeping a child in school.

11.con. - demand for child labor in that city does not make it possible for so many children to be employed. The records show no more than ten certificates refused in any one year for inability to read and write, but the general average of schooling of the children applying for papers in Grand Rapids is, beyond question, much higher than that in Detroit.

The law does not require any record of working papers to be kept by the official issuing them. The only records which are in fact kept are in the following form:

June 24, 1907.

"Catherine Beinburska, 229 Tillman St., Detroit, Born April 1, 1893, sworn to by Mother, Rosie Beinburska, issued by Heath."

If a certificate is withheld for any reason, the reason is apt to be stated in the margin; as, "Can't read", "Under age", "Sent for birth record". Upon what evidence the certificate was issued, and to what place the child goes to work are neither of them recorded. There has never been a demand from any quarter that they should be recorded or that the evidence should itself be filed. Organizations interested in child labor have not approached the office with suggestions.

The change that has recently taken place in Detroit relates to the coöperation between the woman who issues the working papers, and the school authorities. It affects both the matter of evidence of age and the question of work during vacation. A child applying for a working paper must first bring a school excuse from the school authorities, who are now making it a rule not to issue a school excuse unless the child submits some documentary evidence to prove that he is at least fourteen

years old, and therefore old enough lawfully to obtain an excuse.[12] The factory inspector, upon receiving the excuse, does not herself require any further evidence of age; she relies upon the school authorities' having obtained it. The records kept by these latter officials consist of nothing more than the applications for excuses filed alphabetically. They state whether documentary evidence was received or not, but do not record its exact source and character. These applications also give the grade in school, if it is a public school, or the "reader" in which the child was studying, if a parochial school, according to the child's own statements made when he applied; these are not verified in any case, nor is the school census or school record referred to. The school authorities also apply no test of schooling, but leave it to the factory inspector to determine the question of ability to read and write. This new system seems to be a great improvement over the former one, because it requires evidence of age in every case. It is causing some confusion while the public is becoming adjusted to it.

---

12. Under the Compulsory School Law (Act 179, 1907). Discussed below.

Contact with School Laws. - It may be considered one of the purposes of child labor laws to keep children in school, and one of the purposes of school laws to keep children out of factories. Michigan's present compulsory school law requires all children to attend school continuously the whole of every school year until they reach their sixteenth birthday, unless they sooner shall have finished the eighth grade, or, after reaching the age of fourteen, shall have been excused from attendance on the ground that their "services are essential to the support of their parents."[13] If this law operated perfectly everywhere, it would of course prevent the employment of children under fourteen in any employment, and would be a fairly safe guarantee that such children as were excused from school to go to work had attended school long enough to be literate - viz. for seven years, from their seventh to their fourteenth birthday. Its enforcement is placed in the hands of truant officers, who are appointed by local authorities, and whose procedure is prescribed with some exactness. It is necessary to inquire briefly how the law in fact operates.

---

13. Act No. 200, Public Acts of 1905, as amended by Act No. 179. Public Acts of 1907. Other grounds for excuse may be ignored for our present purpose.

To what extent are all children under fourteen actually kept in school the whole of every year? It is not possible to tell with any exactness, but some general observations of value may be made.[14] Until very recently the school census has been far from adequate. It is not compiled and published in such form that one can ascertain the number of children who have reached the age of seven, but are not yet fourteen; neither do the published school records of enrollment and attendance show conditions for this particular age period. In some recent years the factory inspectors have found at work in the state as many as one hundred children under fourteen,[15] but not all of these were found during the time when the schools were in session. Not long ago one of the factory inspectors said that the truancy law was better enforced in the larger cities than in the smaller ones;[16] if this is true, there must be some opportunity for children in the smaller cities to avoid attending school. In Bay City I found that the truant officer was much more feared by the small boy than was the factory inspector; I am inclined to believe that in some such small cities the truancy law is much better enforced than it is in Detroit. It is of course an easier task;

---

14. Detroit School Report, 1904, p. 18.

15. Counting the orders to discharge children published in the report for 1907, gives a total of ninety children.

16. Report of Bureau, 1903, App. 291.

there is not so much moving around by people with children, and the schools are not so overcrowded, nor so much weighed upon by the presence of a large foreign element. The general sentiment in the state in regard to school attendance has always been good. The laws, however, have not been adequate until the last ten years, even if fully enforced; and systematic and general use of a reasonably complete school census, to get track of children who ought to be in school, is a matter of but two or three years. Even yet no such use is made of it in Detroit, and grave doubts of its very completeness in that city are entertained by social workers in the social settlements there. Until the official records of the census are made available for use by the truant officers there will continue to be much opportunity for school children of all ages to escape them. Outside of Detroit the census is probably better taken, and is coming to be used by truant officers in a systematic way, but it is in Detroit, of course, that the problem of child labor is most serious; over half the children employed in factories in the whole state are employed in that city.

How far are the services of the children actually at work in Michigan, under the age of sixteen, "necessary

to the support of their parents?" Outside of Detroit and Grand Rapids there is practically no guarantee for most of the children at work that their services are thus essential. These children, numbering over 2,000 in 1906,[17] are working on statements sworn to before notaries, and notaries, of course, do not make a practice of refusing to issue statements without requiring first the presentation of a school excuse. Lack of diligence on the part of truant officers, and lack of knowledge on the part of school authorities that the children were truant, are not the only reasons why these children were not brought into school. Another reason is, that school excuses and working papers have a very confusing similarity and are at present issued by different authorities who do not coöperate. Notaries public give children working papers without requiring a school excuse; the children go to work on these papers, and when the truant officer chances to trace the truant into a factory, he finds him in possession of a working paper. This paper is, of course, a different thing from a school excuse, and is not exactly a legal check to the truant officer; he could still, under the law, drag the child out of the factory and compel him to go to

---

17. Report of Bureau of Labor, 1907, p. 403-405.

school because he has not an excuse to stay out of school. But it is a practical check - for the boy and the employer and the parents and even the teachers, in many cases, seem to think that the working paper is somehow a legal permit to stay out of school; and so the truant officer is, in effect, non-plussed. Inquiry in several cities failed to find a case where a truant officer took the child from work and sent him to school under these circumstances. Therefore, as I have said, there is no guarantee that the necessity for the services of these children at work outside of Detroit and Grand Rapids has ever been inquired into.

This confusion between the school excuse and the working-paper, has had similar results in Detroit and Grand Rapids. Until recently, it was the practice of the factory inspector who issues the working papers, in each of those cities, to require a school excuse to be first secured and presented, except in vacation. The exception permitted a great many children to get working papers during the summer without having the necessity for their services investigated; perhaps 1500 children, in the course of a summer. Such of these children as chose to stay to work in the fall were as effectually guarded from the truant officer, by the possession of their working

papers, as truants were in the rest of the state, by the possession of theirs. At Grand Rapids some of the papers issued during the summer were stamped "not good after September", with good results. This summer, (1908), in Detroit at least, the practice has been adopted of requiring every child who gets a working paper to present first a school excuse secured from the school authorities, just the same as though the schools were in session.

It is perfectly obvious that the child labor law and the compulsory school law are out of harmony, not in their standard, but in their administrative features. They ought to be modified so as to put the issue of both school excuses and working papers into the same hands, or into the hands of different persons whose coöperation is assured.

When are the services of a child "necessary to the support of the parents?" Whenever the truant officer says they are; discretion is placed with him. When a child applies for an excuse, his address is taken and the truant officer is sent to his home. By observing the surroundings, the circumstances of the family, and talking with the parents, he makes up his mind whether it is necessary for the child to work. His report to headquarters is always final, whether it is for or against. Truant officers

differ very much in their standards. Out of something over 2300 applications made in Detroit from September, 1907, to July, 1908, something like 150 were refused.[18] In Bay City the truant officer happens to be a man of strict ideas, who almost always refuses to recommend a permit. Of course it is necessary to place the discretion somewhere, and there does not seem to be any better place to put it officially than with the truant officer. Still this official is not apt to be a trained social worker, expert at suggesting ways to avoid taking the child out of school, or helpful at assisting in one way or another so that it may not be necessary. At Kalamazoo, where the Organized Charities Association is very efficient and watchful, it has recently asked the school authorities to permit its agents to make the investigations of "necessity".

In some places and at some times factory inspectors have reported to the school authorities whenever they have discharged a child for any reason, so that the truant officers could look him up, and see that he attended school and did not go to work somewhere else. As a rule, however, this commendable practice is not strictly followed. It would not seem to be difficult to bring about this measure

---

18. Estimate made by Supt. of Ungraded Schools of Detroit, who has this work in charge.

of coöperation, at least in the larger cities, if the Commissioner of Labor saw fit to devote some attention to the subject, or even if the superintendents of schools made it a point to get into touch with local factory inspectors.

To those interested in child labor in the state, and its relations to school attendance, there is no more difficult question than that which centers around the parochial schools. A large proportion of the foreign children of the State, especially the Poles and Italians, belong to the Catholic church and attend the church school until they are confirmed. During such attendance the school law excuses them from attending the public schools.[19] Of course it is from precisely this element of the population that most of the child labor comes. The factory inspectors and other persons have sometimes cast reflection on the character of the instruction in these schools,[20] and it is not uncommon for them to be much more lax than the public schools in vigorously maintaining a high standard of attendance; occasionally a parochial school will not

---

19. Section 1, Exception (a).

20. Report of Bureau, 1901, Appendix, 4.

coöperate with the truant officers at all. It is also widely believed that children may sometimes not get into the parochial school until two or three years after they have reached the compulsory school age of seven. In such cases, the education of a child who starts to work at fourteen, may have good reason to be defective. But a more serious phase of this matter is that children are confirmed at the age of twelve or thirteen and often expect to go at once to work. In fact, the classes of people from which child labor mostly comes, especially in Detroit, have come to look upon confirmation as a sort of graduation from school, after which it is the most natural expectation that the child go to work. There is thus a social custom which tends to increase the temptation of parents to help their children elude the truant officer, and to misrepresent their ages in order to get a working paper. Children have even been known to misrepresent their age to the priest in order to be confirmed earlier.[21] In at least one school the age of confirmation was raised from twelve to thirteen, with a view to coping with the situation in some degree. Adequate figures on the curriculum, the enrollment, the

---

21. Related to the writer by the priest in question.

attendance compared with the enrollment, are not available anywhere. Because these parochial schools are so closely identified with the religion of a large section of the population, public authorities generally have, in many ways, dealt with them very delicately.

Ten Hour Day.[22]- The ten-hour day and sixty-hour week, up to 1907, applied to all males under eighteen and all females under twenty-one employed in any manufacturing establishment or any store employing ten or more persons. In factories the ten-hour day for all hands has long been the established custom. Inspectors rarely think to ask employees about their hours; I found one inspector - an efficient man - who did not know about this provision of the law at all; it is not the practice to make inquiries in regard to overtime. The women inspectors sometimes discover a case of violation and leave an order which is usually willingly complied with. It is likely that the Department has failed to discover a few cases of overtime in factories which have occurred at rush seasons. In

---

22. Section one of the factory law (Act 113, 1901 as amended by Act 175, 1907).

stores, however, the situation is such as to permit of more definite characterization. The sixty-hour week is insisted on by inspectors, and is probably nowhere exceeded by the large stores to which the law applies. Still they keep open twelve or thirteen hours on Saturday, and male employees under eighteen and female employees under twenty-one have uniformly worked in stores from eight in the morning till nine or ten in the evening. Though many employers have known of the law, scarcely any of the clerks have known of it; it was unknown to the officials of the clerks' union of Detroit. Partly through a suggestion of the Consumer's League, the inspectors are recently bringing the law to the notice of merchants, since it has been amended so as to apply to all women, and they are readily agreeing to comply with it - not, however, by keeping their stores open but ten hours on Saturday, but by agreeing to make use of some kind of relay system. I have found nobody who ever heard of a prosecution under this law; there are none mentioned in any of the reports of State Factory Inspection, and I do not believe that there have been any.

Nightwork. - Nightwork for children is prohibited in manufacturing establishments between the hours of six o'clock P.M. and seven o'clock A.M.[23] This provision has never demanded much attention from the inspectors. In Detroit, at least, inspectors are occasionally sent out at night to see whether any children are at work, especially in bake-shops; occasionally some are discovered. There has been at least one prosecution which resulted in a conviction and a heavy fine. In the absence of the glass industry, one great field for the employment of children at night does not exist in Michigan; the blast furnaces do not employ many children. There have been children working at night in some of the canning factories. Such night work as goes on in the messenger service, in making late deliveries for stores, in carrying cash in stores, sometimes as late as ten o'clock, and in theaters, is not prohibited by law, and public attention has not been called to it very much.

---

23. Buried in section 2 of the factory law, loc. cit.

Dangerous Employment.[24]- The factory law prohibits the employment of any child under sixteen at any manufacturing employment "whereby its life or limb is endangered, or its health is likely to be injured or its morals may be depraved". The law does not specify any particular employment that shall be considered dangerous. In suits for damages it is always a question for the jury whether the employment was really dangerous, under the circumstances, for a child of the plaintiff's age, and if the jury finds that it was, a prima facia case is made out against the employer for negligence.[25] There are many who believe that this section has had a great influence toward discouraging the employment of children under sixteen; factory inspectors, manufacturers, and representatives of employers' liability insurance companies are agreed on this. The principal way in which it comes about is that some employer gets mulcted in heavy damages for the injury of a child on some machine; other employers hear about it and refuse to hire children on such machines, or other doubtful machines. To some extent the factory

---

24. Section three of the law. Age raised in 1907 to 18 for males and 21 for females.

25. See a succeeding chapter.

inspectors know of such cases and speak of them to employers, but this depends upon the observation of the particular inspector; the Department of Labor has never made a collection of such instances, and until very recently had adopted no general list of machines from which children under sixteen should be ordered by all inspectors. Each inspector has been expected to exercise his own discretion, and little attempt has been made to furnish him helpful information.

Except for the work of the women inspectors to be discussed presently, the department has not paid much attention to conditions dangerous to morals. The authority of inspectors to require a physical examination of children under sixteen who seem physically unable to continue the work at which they are found,[26] is scarcely ever exercised; it is said to be under this provision that the women issuing working papers occasionally send a child to be examined by the health officer before granting him a certificate.

---

26. Section four of the law.

Effect of the law.- Is there any way of measuring the effect of child labor legislation upon the number of children employed? None that is at all satisfactory. The law is only one of many causes of effects which are themselves difficult to measure; besides it has not been in operation long enough. The total number and per cent of children employed in manufacturing in the state is shown by the following figures taken from the United States Census.[27]

(Manufacturing.)

	1900	1890	1880	1870
Total wage earners	162,355	148,674	77,591	63,694
Children under sixteen	2,636	2,641	4,362	2,406
Per cent of total	1.62%	1.78%	5.97%	3.78%

This table shows a constant decrease from 1880 to 1900 in the number and per cent of children employed in manufacturing, while the total number of employees in manufacturing increased. Was this decrease due to the law? Partly, perhaps, but how much? The greatest decrease was between 1880 and 1890, before the truancy laws were well enforced, and while they were still so drawn as practically to

---

27. Twelfth Census, Vol. VIII, 411.

excuse children who might be at work; also before the child labor laws began to prohibit the employment of children over twelve years old, before certificates of age were demanded by employers, and before factory inspection had been established. The great bulk of the decrease shown by the census figures must have been due either to inaccuracy of the census, or to causes aside from the law. That the laws were effectively enforced before 1890 is not borne out by the evidence presented in a previous chapter. Since 1893 the factory acts have been enforced by the factory inspectors, and the truancy laws have been strengthened and their enforcement improved: the census figures show a decrease in the employment of children during this period, - but how far this decrease is owing to the law cannot be shown by any statistics I have been able to find. Indeed, the rate of decrease is so much slower since the laws began to be enforced than it was before that one might say that the enforcement of the laws tended to <u>retard</u> the rate of decrease, which would be manifestly absurd. Nothing worth while on the point can be gained from the census.

The number of children found by the factory

inspectors for every year since 1893 is shown by the following table.[28]

	Factories Inspected.	Total number Employees.	Number between 14 and 16.	Per cent between 14 and 16.
1893	2066	71,403	1756	2.46%
1894	2688	80,378	1669	2.08%
1895	3137	112,048	1989	1.78%
1896	2991	101,053	1444	1.33%
1897	3796	116,081	1954	1.68%
1898	4556	138,595	2634	1.90%
1899	4739	154,553	4014	2.59%
1900	5491	160,582	3443	2.14%
1901	5572	183,756	3822	2.11%
1902	6444	206,555	4731	2.29%
1903	7097	223,297	5177	2.32%
1904	7168	212,831	5129	2.36%
1905	7170	232,203	5095	2.19%
1906	7770	257,699	5841	2.26%
1907	8335	283,834	6607	2.32%

---

28. Compiled from reports of factory inspection and Bureau of Labor. Factory Inspection, 1894, 100; 1895, 161; 1896, 255 1897, 22; Bureau of Labor, 1898, App. 22; 1899, App. 202; 1900, App. 163-4; 1901, App., 185; 1902, 508; 1903, 224-5; 1904, App., 246; 1905, App., 178; 1907, 404-5; 1908, 177 and 200. All

If any figures from the Reports of the Bureau of Labor are reliable these are reliable, because they are the ones most carefully collected and compiled. They appear to show that the employment of children is on the increase. The apparent decrease in the percentage of children employed from 1893 to 1898 is not significant, in view of the sudden jump of the percentage which begins in 1899 and maintains itself; and in view of the fact that it was not until 1898 that employers began to be generally required to provide sworn statements of age in accordance with the law of the year before. If the figures showed a decrease, either in the number or per cent of children employed during the course of its operation, it would be a much better evidence both of its having been well drawn and of its having been well enforced; that the law has served to retard the increase is probably true, but it cannot be proved by these figures any more than by the census figures.[29]

~~It is in Detroit, of course, that child labor presents the most serious problem, since quite half the children employed in factories in the whole state are employed in that~~

---

28 con.- percentages computed by the writer. The number of children found employed under the age of fourteen has not been reported consistently since 1897; this valuable item is therefore not available.

~~cally coextensive with Detroit, 2555 children in factories,~~ ~~almost twice as many.~~

not 29. How much influence has the child labor law had on the school attendance in the city of Detroit? It is not possible to separate the effects of the child labor and truancy laws, but the effects of them both, as well as of a large number of other causes, are shown by the following table.[31]

	School Population	Attendance	Per cent attendance of Population
1880	39,467	10,226	25.9%
1890	72,673	16,892	26.0%
1900	81,077	27,297	33.7%

School attendance during the last two decades has increased more rapidly than school population. Part of this increase may be in ages which the child labor law does not affect. Between the years 1880 and 1890, when so great an apparent decrease was taking place, according to the census figures already presented, in the number of children employed in factories throughout the state, the percentage

30. Report of Bureau, 1903, App. 38.

31. Reports Supt. Public Instruction, 1880, 61; 1890, lx; 1900, 246. Same, 1880, 74; 1890, lxxxv; 1900, 246.

of the school attendance to the school population, in the chief manufacturing cit just held its own. This may indicate either that the children who did not go to work in the factories did not attend school, or that the decrease in the number of children employed in factories was not so great as the census figures would seem to indicate. The increased attendance from 1890 to 1900 coincides with the establishment of factory inspection and the stiffening up of truancy laws.

The only industry in Michigan in which children form a considerable proportion of the operatives is the making of cigars. The following figures relate to the manufacture of tobacco, cigars and cigarettes.[32] They show that the industry did not suffer noticeably from the child labor laws.

	1890	1900
No. of establishments	373	600
Capital invested	1,516,952	1,957,635
Value of product	3,512,603	5,588,982
Total wage earners	2,422	4,109
Children under sixteen	55	200
Per cent of children	2.27%	4.87%

---

32. Twelfth Census, Vol IX. p.

Of course the aggregate amount of industry in the state has increased enormously during the time the child labor laws have been in force, and the effects of the laws upon this aggregate have been imperceptible. No industry already established in 1893, so far as I could hear, has claimed to have been driven out of the state by the child labor law. One glass bottle factory, so one of the factory inspectors tells me, tried to start in Detroit but returned to Pennsylvania after a few months. One of the reasons its manager gave for leaving was that in Michigan he could not work his child employees at night. There is now a single glass bottle factory in the state, employing but two dozen children,[33] and said by the factory inspector to be willingly complying with the law.

So far as I have been able to investigate, the several tables given above exhaust the sources from which one might expect to find statistical proof of the effect of the child labor laws. They are very far from satisfactory. Perhaps a better use might be made of them than I have made, but there can be no doubt of the fact that statistics relating to child labor in Michigan are woefully lacking. Furthermore, it is probably better, on the whole, to err on the side of conservatism and say that the figures

---

33. Report of Bureau of Labor, 1908, 108.

do not prove anything, than to assert that they prove with any conclusiveness either enforcement of the law or economic effects of it.

GUARDING MACHINERY.[34]

On the general aspects of guarding machinery much has already been said in the chapter on the work of factory inspectors. The provisions of law are partly mandatory, and partly they depend upon the discretion of inspectors. "All gearing and belting shall be provided with proper safeguards, and wherever possible machinery shall be provided with loose pulleys." This duty is absolute; it does not depend upon orders from the factory inspector. For the employer to neglect it constitutes negligence, as a matter of law; what is "proper" and "possible" is, of course, always a question for the jury.[35] "All vats, saws, pans, planers, cogs, set-screws, gearing and machinery of every description, shall be properly guarded when deemed necessary by the factory inspector." Belt shifters must be provided, also, within his discretion.

---

34. Section 5 of the law (Act 113, 1901).

35. See Chapter V.

Gearing and set-screws are probably the most general dangerous features attended to by the factory inspectors. In Detroit and Grand Rapids gears are very well looked after, but in several other districts I visited it was possible, upon entering almost any factory, to find exposed gears which the inspectors in Detroit would have ordered guarded. After going through a factory, and pointing out set-screws needing guards, it is the practice of some inspectors to leave an order to "guard all set-screws", but other inspectors merely order particular set-screws guarded, and in most districts it is easy to find some unguarded. This is sometimes due to the installation of new machinery since the last visit of the inspector, or to the careless use of an old-fashioned set-screw in making alterations or repairs.

In practically every factory one may see guards of one sort or another which have been placed there according to the orders of a factory inspector. In the same factory one may often see the need of more guards. It is quite general to find saws unguarded, partly because some saws are almost impossible to guard, partly because some inspectors do not know how to guard in every possible case, and partly because the men working on the saw will sometimes take the guard off because they say it hinders

them in their work. For much the same reasons guards are sometimes not found on shapers, planers, and other wood-working machinery. Punch presses and stamp presses are unguarded because no satisfactory way of guarding them is known to the inspectors. Not every inspector orders a band of iron around an emery wheel to keep the pieces from injuring somebody in case the wheel bursts. Belt shifters are sometimes ordered. Fly wheels and belts are often ordered fenced.

There was, of course, a great deal of machinery unguarded when the law went into effect.[36] Much guarding has been done.[37] Once in a while it is possible to point to some guard which has clearly prevented an accident, but, for the most part, it must be taken for granted that accidents have been prevented on general grounds of probability; there are not now, and never have been, statistics of accidents which can be called anywhere nearly complete, or classified in any intelligent way - it is therefore not possible to make use of them. Machinery is

---

36. Reports of Factory Inspection, 1894, p. 100 (5024 orders).

37. No classification of the orders made by factory inspectors has been made since 1897. It is impossible to ascertain increase or decrease. Since 1903 orders made have been published without classification.

being better guarded when it comes from the maker than it used to be, but there is still much to be desired in this respect. The very efficient inspectors of some of the employers' liability insurance companies, with their special training and with the knowledge of how hundreds of accidents have occurred, find unguarded in almost every district of the state dangerous machinery which the state factory inspector of that district has overlooked.

There is very little machinery of which the dangerous character is fully sensed by the men working around it. They all become more or less used to it in time, and it is seldom that an insistent demand, from a worker or from a union, is made upon inspectors to put guards on particular machinery. To this the matter of blowers for emery wheels is an exception which will be noticed elsewhere. But, generally speaking, the employees in a factory through which an inspector is going do not expect him to guard <u>every</u> saw, or <u>every</u> in-running gear, or come up to any definite standard. In fact, as already mentioned, some workmen object to guards put on for their own protection. It goes without saying that no high standard is expected of inspectors by employers and their superintendents. The public, which must be relied upon to hold up the inspector's hands, has no representative on the ground.

LOW WATER ALARMS.

The act providing for low water alarms on stationary boilers was passed in 1899 (Act 209). All stationary boilers in use in the state, must be equipped whenever ordered by the factory inspector. The alarm must be one approved by the Commissioner of Labor.

Inspection began in 1900. It was already somewhat general to equip boilers with alarms. In Detroit, which had had a local ordinance requiring low water alarms for some years, 378 boilers were found, of which 299 had alarms.[38] In the whole state, 2624 factories using steam were inspected; the number of boilers in use in them is not given, but 741 had low water alarms.[39] For a few years a great many orders were made on the subject, which were often complied with reluctantly, sometimes by buying some cheap and unsatisfactory device. In a few cases the same order was repeated at the same place several years in succession.[40] Compliance, however, became general in time. There were inspected in 1907, 6612 boilers, of which 5950, or 90%, had low water alarms; 371 had no low water alarms; 291 were

---

38. Report Bureau of Labor, 1900, App., p. 36.

39. Report Bureau of Labor, 1901, App.186, addition by the writer.

40. e.g. Losh and Young, Adrian, Report Bureau of Labor, 1901, pp. 81, 85; 1902. 298, 321; 1903, 49. (Appendix in each case).

said not to need them, because boilers were connected, etc.[41] This matter is very carefully looked after by inspectors, especially because they must get a blank filled to send to Lansing, stating the make of the alarm and whether it was in good condition or not. They make it a rule to have the alarm tested by the engineer to see whether it will whistle. Some makes of alarms cannot be tested because of their construction, but there are not many of these. An alarm sometimes gets out of order by being neglected so it fills with sediment, or it may be broken; occasionally one is found plugged up for some reason, perhaps because the engineer does not wish his negligence in allowing the water to go down to be made known by the warning whistle.[42] The law does not in terms require that the alarm be kept in good condition, but an alarm of some make found frequently in bad condition is apt not to be retained on the approved list. Inspectors have sometimes recommended a law punishing the engineer for wilfully obstructing the alarm, or letting it get out of order.

---

41. Report, 1908, 506.

42. The following table shows the proportion of alarms found in good condition. (Compiled from factory inspection reports.) (See next page).

Opinion in regard to the wisdom and efficacy of this law has always been divided. As recently as 1905 a bill was introduced in the legislature to have the law repealed,[43] and it passed the lower house. From common report I find that those who object to alarms claim that low water is the cause of but an insignificant number of explosions, and furthermore that an engineer who has an alarm is thereby encouraged to become careless in reliance upon it and to neglect to pay close attention to his boiler. Supporters of the law claim that low water is the cause of some explosions; that no really competent engineer will come carelessly to rely on his alarm, and that there are in the state many incompetent persons operating boilers, for whom the alarm is especially necessary; that some "engineers" are required to do other work, away from the boiler, and an alarm will call them back;

42, con.-

	1900	1901	1902	1903	1904	1905	1906	1907
Factories with alarms.....	741	1896	2564	2904	3066	2888	5666	5950
With alarms in good condition.	592	1718	2292	2578	2777	2565	5140	5450
Per cent	79.9%	90.6%	89.4%	88.8%	90.6%	88.1%	92.5%	91.6%

For 1906 and 1907 the figures relate to boilers; for the other years to factories.

43. H.B. 26.

and that the whistle's main purpose is really to warn other employees in the neighborhood and thus enable them to seek a place of safety.

Many stationary engineers have no mature opinion of the law, but among the men at work there is no vigorous condemnation, and there is much approval. Employers incline still to be indifferent or even skeptical. This is notably true of employers who hire competent engineers for that work exclusively. The opinion of factory inspectors is uniformly favorable, although they concede that alarms are less needful in places where the engineer has no other duties. They cite a number of cases in which the continued whistle of an alarm has warned employees working in the neighborhood, so that they have reached a place of safety before the explosions occurred. The Steam Boiler Insurance Companies approve of low water alarms, on the whole, but make no difference in their rates because of them.

Whether boiler explosions have been in fact decreased by the operation of the law, cannot be ascertained. The bureau has not kept a regular record of explosions. In a few cases noted in the earlier years it is not stated whether the exploded boilers had alarms on them or not. Furthermore, boiler insurance has meanwhile come into use extensively, and the frequent inspections by the

insurance companies have no doubt prevented many explosions. In 1906 there were found to be 4571 boilers insured out of 6409 in use;[44] in 1907 there were 4766 insured out of 6612 in use.[45] Insurance is easily the chief influence, at present, working to diminish explosions.

FIRE ESCAPES.

To order fire escapes on certain buildings two or more stories in height lies within the discretion of inspectors (Sec. 6). The buildings included are manufacturing establishments, hotels and stores.[46] I found inspectors uniformly impressed with their duties in regard to fire escapes; they say they should hate to have to feel remorse for any deaths by fire resulting from any neglect of theirs. This has led to a fairly general, and very noticeable, provision of fire escapes everywhere. Still it does not lead all inspectors to test regularly the doors and windows to see whether they are locked, or to look carefully after the signs which must be "placed in conspicuous places". It

---

44. Report, 1907, 493.

45. Report, 1908, 504.

46. Sec. 6 of the law, (Act 113, 1901) amended in 1907 to include theatres, schools, public halls, apartment houses and public buildings (Act 289).

is also not difficult to find an occasional factory or store where the absence of an escape is more than a questionable exercise of discretion. Because of the high cost of escapes, owners sometimes bring great pressure to bear to have an order remitted, - with very rare success. Some cases of delay in obeying orders have occurred; for example, in cases of hotels owned by non-residents; prosecutions have probably been unduly delayed in such cases. That laws for fire escapes which were already in force, but enforcible by local authorities, were of little use is shown by the large number of escapes the factory inspectors have ordered every year since they began in 1893.[47] The inspectors reckon some of the most tangible results of all their inspection efforts in connection with fire escapes, calculating, probably with considerable accuracy, that over 1200 people have been saved by coming down their fire escapes.[48]

The law of 1893 (Act 126) gave some standard specifications for escapes, and that of 1895 (Act 184) required all escapes to be built according to specifications approved by the factory inspector. Complaint of makeshift

---

47. First year, 88 escapes (p. 106, 1893); second year, 80, (p. 161, 1895); third, 84, (p. 256, 1896).
48. Never published, but current among the inspectors of Detroit.

escapes has never been made in any of the factory inspectors' published reports, and none was related to me by inspectors. I have been unable to find any cases in the Supreme Court reports in which the adequacy of escapes was called in question.

49
BLOWER LAW.

A blower, or a blower system, consists of a set of hoods placed over the emery wheels, or other dust producers in a shop, all attached to suction pipes. In these pipes the air current to carry away the dust is maintained by an exhaust fan, situated at the outdoor end of the system of pipes. Such a system, whenever ordered by a factory inspector, is required by a special law wherever emery wheels of any sort are in general use for polishing (Act 202, 1899). A section (Sec. 9) of the regular factory act (Act 113, 1901) gives inspectors power to order exhaust fans for grindstones or other dust-creating machinery. This latter applies to woodworking establishments while the former does not.

---

49. For the most of the facts about the Blower Law I am indebted to Mr. Henry J. Eikhoff, its author, factory inspector ever since 1900. For convenience I discuss here the section of the regular factory act relating to exhaust fans, although it is distinct from the so-called Blower Law.

The Blower Law was first enacted in 1887. It imposed a penalty of $100 for wilful neglect or refusal to install a system for carrying away the dust. The penalty might be recovered in any competent court by an action of debt, which, of course, any citizen might institute. Though state inspection was not established, still the law proved somewhat effective, especially in Detroit. The Metal Polishers Union was strong enough here to bring prosecutions and its demands were listened to by employers.

Between 1893 and 1899 the factory inspectors, under section twelve of the general factory act, did, in fact, order the installation of a number of blowers.[50] Since the new law was passed the only importance it has had has been due to its specifying the standard apparatus. Factory inspectors order dust collecting systems just as they do other guards for machinery in cases where they have discretion, and no use has ever been made by anybody of the provision of the Blower Law of 1899 which gives some power to sheriffs and constables. The newer factories, especially wood-working establishments, usually install blower systems as a matter of course. Small and old establishments of various sorts have needed orders. A

50./ e.g. Report of Factory Inspection, 1894, 105; 1898, 82. This is important in view of the demand of the Polishers for a special law.

system is somewhat expensive, costing as much as ten or fifteen dollars per man to install and perhaps as much as twenty-five cents per man per day to operate.[51] It is probably the most expensive of all the appliances which the factory inspectors order employers to provide, sometimes costing even more than fire escapes. Inspectors are very careful about ordering them. During the depression following 1893 they were especially conservative.[52] I found a case where an order was delayed for three years until a concern was in a financial position to put in a system without becoming bankrupt. In another case, a woodenware factory in a district in which the growing scarcity of lumber is causing the lumber industries to decline, I found a very dusty room, in which children were working, with no blower system. The factory had threatened to shut down if one were ordered, and the inspector had exercised his discretion.

Where the metal polishers' union is strong, as in Detroit, the attention of inspectors is by them sometimes called to the need of a blower system somewhere, and

---

51. Estimated by a manufacturer using one.

52. Alluded to in various places, e.g. Report of Factory Inspection, 1897, p. 8.

more often to some system which is said not to be carrying away the dust. This makes the inspectors more alert than in districts where the unions are not strong.

In wood-working establishments there are no blowers, probably, which can carry away all the dust, but they carry away most of it - that is, where they are kept cleaned out. Where pipes are allowed to fill up with dust and dirt, - as also happens, sometimes, in polishing rooms, - it is often because the employees themselves are careless about cleaning them out. Where men work by piecework, especially, they hate to take the time to clean a blower pipe.

Women have never been employed in Michigan to operate polishing wheels, either before or since the amendment forbidding it in 1905 (Act 172, section 7 of the law). The prohibition is also found in other states, and probably has good grounds for it aside from the interest of the metal polishers themselves in keeping women out of the industry.

Since 1903 factory inspectors have had the power to make orders for "sufficient light, heat and ventilation" in basements where polishing is done (Act 193, 1903, Section 5a of the law). Such orders have been made in one shop. This is one of the few provisions in the Michigan factory acts relating to light, heat or ventilation.

WATER CLOSETS - FOR MEN.

Except where women or children are employed a manufacturing establishment, workshop, hotel, or store, in order to come within the requirements of the law relating to water closets, must employ five or more persons. There must be at least one closet for every twenty-five employees (Act 113, 1901, Sec. 10). This is a mandatory provision. By using some tact the inspectors have succeeded in getting closets into practically all such buildings as did not have them, and newer factories, of course, put them in without notice. There has never been a prosecution.

TENEMENTS.

The law dealing with tenements went into effect in 1900. A superficial investigation that year in various cities discovered a few home workers, but no real "sweat-shops".[53] An addition to the law was made in 1901 and it is now quite detailed (Act 113, 1901, Sec. 19). Inspection of tenement shops has been confined to Detroit

---

53. Report Bureau of Labor, 1901, 193.

WATER CLOSETS - FOR MEN.

Except where women or children are employed a manufacturing establishment, workshop, hotel, or store, in order to come within the requirements of the law relating to water closets, must employ five or more persons. There must be at least one closet for every twenty-five employees (Act 113, 1901, Sec. 10). This is a mandatory provision. By using some tact the inspectors have succeeded in getting closets into practically all such buildings as did not have them, and newer factories, of course, put them in without notice. There has never been a prosecution.

TENEMENTS.

The law dealing with tenements went into effect in 1900. A superficial investigation that year in various cities discovered a few home workers, but no real "sweat-shops".[53] An addition to the law was made in 1901 and it is now quite detailed (Act 113, 1901, Sec. 19). Inspection of tenement shops has been confined to Detroit

---

53. Report Bureau of Labor, 1901, 193.

and Muskegon. The following table is for Detroit.[54]

	Places Inspected	Making Clothing.	Making Knit Goods	Making Cigars	Orders Made	Persons Employed
1901	759	371	178	188	118	1511
1902	565	207	226	128	23	1002
1903	522	204	166	146	53	971
1904	464	161	163	128	12	939
1905	683	262	255	149	13	1282
1906	675	154	360	161	2	1541
1907	407	141	114	152	6	1128

Clothing, knit goods, and cigars are the only tenement-shop products of consequence. None are "sweat-shops" of the sort known in the East.[55] Many of the clothing shops are not in homes at all, but in rooms of large down-town buildings. The same is more or less true of the cigar-shops. The fluctuations in the number of inspections

---

54. Reports Bureau of Labor, 1902, 150; 1903, 280; 1904, 295; 1905, 260; 1906, 267; 1907, 299; 1908, 280.

55. National Consumers' League Annual Report, 1907, 49. By V. P. Randall, formerly tenement inspector in New York City.

given in the above table, between 1904 and 1905, for example, casts doubt on the accuracy and completeness of the figures; my own observation of the work of the Department confirms the doubt. The large number of orders at first related mostly to water closets and to "clean up shop". Orders of late, mostly to "clean up", are not recorded. A very few children have been found; in 1901, for instance, there were 79 under sixteen, 10 under fourteen;[56] in 1906, thirty-six were found under sixteen. Of the 675 places visited in 1906 five hundred and seventeen were connected with living rooms, including the 360 in which work was done on knit goods; this work was said to have been done by one person in the family, averaging about four hours per day and receiving twenty-five cents for the four hours work.[57] Perhaps a half dozen cases of disease have been discovered in these shops since the law has been in operation. Inspectors have often made orders against the filthy habit of biting off the ends of cigars which prevails in some cigar shops, but there is no law against it and it continues, though probably to an ever-decreasing extent.

---

56. Report Bureau of Labor, 1902, 150.

57. Report Bureau of Labor, 1907, 298-299.

The law in regard to written permits has not been enforced. They are not "posted" at all. Firms giving out work have not been made to "require the production of a permit" from persons to whom they give work. Such persons have not first obtained a "written permit from the factory inspector". The register of names and addresses kept by the firm is simply for its own convenience.

Factory inspectors spend a vast deal of time every summer getting from firms which give out work the names and addresses of the persons to whom they give it out. There can be no doubt but that some are always overlooked. The names and addresses secured are recorded in a large book, and some inspector goes to all of them, inspecting and measuring each, and getting a blank filled for statistics, - perhaps making an occasional order, but not saying anything about a permit to workers unless conditions happen to be such that no permit would issue. The office records kept by the department do not show any dates, either of the issue of permits or of inspection. The list is kept so that when the Board of Health reports cases of disease these can be compared with the list and if any happen to be there recorded they can be looked after; in this way one or two cases have been discovered. The list, however, is not revised from the

summer of one year till the summer of the next; thus the Department has no clue to new places starting work during this time. Some places are not reported by the firms giving out the work; I accidentally discovered one such place where the work was from a firm which had denied giving out any work.

The large measure of inspection secured by the law has been of some use, but it has been too cumbrously managed; it takes longer than it should. The presence of the law on the statute books may have deterred some dealers from resorting to sweat-shop methods, if they happened to know of the law's existence by reading it or reading of it. Requiring of permits, or even the inspection, has not brought the requirements of the law home to the classes among which sweating might flourish. That there have been few of such classes - few of the very rawest immigrants of any sort - is one of the principal reasons why Detroit has not developed sweat-shops. On the whole it has probably not seemed profitable to anybody to attempt to compete with the sweat-shop goods of the East already in possession of the market.

In Muskegon all the work is home work, taken out from one knitting mill. As in Detroit, permits are not

prerequisite, but annual inspections are made. In 1907 there were 167 homes inspected, where 306 females were employed, perhaps an average of three hours per day. 91 were under sixteen. The work there does not seem to have developed many abuses, though four permits were denied on account of sickness in 1907, and in 1906 a few girls found were as young as seven years; in some rare instances children work the greater part of the night.[58]

It is possible that there may be a small amount of home work in some of the other cities in the state, but probably not enough to demand special attention. Considering the limits set by the money appropriated for purposes of factory inspection, the Department of Labor has thought it advisable to neglect the comparatively unimportant matter of tenement shops in favor of the factories and stores. The difficult and detailed nature of tenement inspection has also had something to do with it. By better organization, the work could be handled better without taking so much time of the inspectors.

---

58. Reports Bureau of Labor, 1906, 274; 1907, 299; 1908, 292.

ELEVATORS, STAIRWAYS, ETC.[59]

Before 1893 a great many elevator shafts were unguarded in factories, warehouses, and stores. Often someone was seriously injured by falling down a shaft. The inspectors made many orders on this subject in the early years of the department.[60] They still look after elevator gates very carefully. Conditions are now uniformly good, although an occasional order is necessary to keep the automatic gates in good working order. A bar, less satisfactory than a gate, is sometimes found, but very rarely. Sometimes employees, to save time, carelessly fasten a gate up. Safety clutches are in almost universal use; the inspectors look after them under the section of the law requiring the apparatus of elevators to be kept in a safe condition. Inspectors commonly do not give them an adequate test. There have been cases where owners have refused to put them on. Well holes seem to be noticed and guarded by all the inspectors, by some more consistently than by others. Handrails are often ordered on stairways; occasionally rubber or iron treads are ordered put on the steps. Modern factories are regularly built with doors sliding or swinging outward, and these doors are kept unlocked, but in older factories an occasional order is still necessary. Some inspectors do not

---

59. Sections 5 and 7 of the factory act (Act 113, 1901).

60 Report of Factory Inspection, 1897, p.

look consistently to see which way doors open, and whether they are unlocked or not.

SANITATION, VENTILATION, LIGHT, HEAT.

Sanitary conditions mean to most inspectors nothing more than the condition of water closets. Some inspectors show themselves especially vigilant and exacting; others sometimes fail to look at the closet, or are satisfied with the rather low standard which the habits of employees seem to make necessary. Some little controversy has followed the lack of specific provision in the law. There is probably more complaint as to the closets in stores than in factories, and some of these are said to be in none too good a condition.

Neither the effects of different occupations on health, nor the sanitary conditions regulated by other states, have ever been made a study by the Department; no general instructions along this line are given to inspectors. Except for the early provision for exhaust fans to carry away dust, the laws are just making a beginning in this direction. The tenement shop law of 1899 is discussed in another connection. In 1905 sufficient means of light,

heat and ventilation was prescribed for basements in which polishing wheels are in use, and in one basement orders have been left. In 1907 similar provisions found a place in a special act relating to foundries; and also in 1907 the duty of providing heat and ventilation was made mandatory upon hotels for the sleeping rooms of their female help (Act 175). The same act required heat, light, and ventilation in stores where goods are manufactured, altered or repaired. The administration of these recent laws has just begun, but the inspectors report promising success.

THE LABOR OF WOMEN.

Prohibited employments.- No female outside of the proprietor's own family may be employed to sell liquor,[61] no female under 21 may be employed in any capacity where liquor is sold,[62] or in any industry at employment whereby her life or limb is endangered, or health likely to be injured or morals depraved by such employment,[63] and no female

---

61. Act 170, 1897.

62. Act 175, 1907, Section 2.

63. Act 175,1907, Section 3.

may be employed to operate any emery wheel used for polishing.[64] Women have never been employed in the state to operate polishing wheels, and the enforcement of the prohibition against the employment of women to sell liquor is not placed with the factory inspectors; the city police look after this pretty carefully. The other prohibitive provisions were applicable until 1907 only to younger girls and I have spoken of their operation in connection with child labor. The constitutionality of any of these laws has never been passed upon by the Supreme Court.

Hours.- In 1907 the prohibition of employment of females under 21 for more than ten hours per day or sixty hours per week was amended so as to include all women (Act 175). It applies to all manufacturing establishments, and to all stores employing ten or more persons. Regular employment of women under 21 for more than ten hours was found to be very rare, although the women inspectors occasionally made an order in regard to it.[65] The sixty-hour week is secured without trouble in factories, and has been insisted upon with success in the large stores, which,

---

64. Blower Law, Section 7, (amendment of 1905, Act 72.)

65. Report Bureau of Labor, 1905, 278.

indeed, show little desire to keep open longer than this. The ten-hour day in stores, however, for women under 21, was not until very recently insisted upon for Saturdays, and did not obtain. The Department is now calling the serious attention of the large stores seriously to the new law, - since it applies to women clerks of all ages, - and with promising success. Until recently, at least, the ten-hour law was scarcely known at all to the clerks themselves. As long as the Saturday-night closing movement has not made progress, the merchants have not seen their way clear to observe the law. The law permits employment for more than ten hours for the purpose of making a shorter workday on the last day of the week, and for making certain repairs to machinery in factories; no case of prosecution under this section has yet arisen, and whatever effects the exceptions might have on them have not been disclosed.

Dressing rooms and separate closets.[66] - Certain manufacturing establishments, workshops, hotels, and stores are required to provide wash- and dressing-rooms and water closets. Every such institution in which two or more children, young persons or women are employed must

---

66. Act 113, 1901. Section 10.

do this, and closets must be separate wherever "two or more persons and one or more female persons are employed". A small shop or store employing one man and one woman would seem to be within this provision. But small stores, those which do not employ as many as ten persons, are not subject to regular inspection, although some such have been visited and required to put in closets.[67] Since 1893 the inspectors have found it necessary to order closets in a number of factories and workshops; at present one is rarely found without. In a few instances, as those in which an employer chose to discharge one or two female employees rather than go to the expense of putting in a separate closet, the requests of the women who were about to be discharged have prevailed upon the inspectors to secure a cancellation of the order. It is sometimes a hard matter to make all parties concerned live up to the requirement that closets shall be kept in a proper condition. Employees are apt to be careless, and there have been cases where orders to clean up have been made in the same hotel or store several years in succession.[68] Since 1901 almost

---

67. e.g. Report of Bureau, 1906, p. 250.

68. e.g. a hotel in Lamont Co., Report of Bureau, 1906, 261 and 1907, 320.

all the orders relating to closets for women have been made by the women inspectors. Dressing rooms are quite generally found in the factories, but they are not always kept in as good order as they might be. Many of those now in use in the older factories have been put in because of orders by the factory inspectors. Sometimes these dressing rooms are merely curtained off from the rest of the factory, but the newer and larger factories and some of the more progressive stores have very excellent accommodations in this respect, of which they are justly proud.

Seats.- The provision of seats for females in factories and stores in the law of 1885 (Act 39) was found not to be observed very widely in 1891, and to be entirely unknown to a large proportion of the dry goods stores visited.[69] The special law on this subject passed in 1893 (Act 91) requires all persons who employ females in stores, offices, shops, or manufactories to provide proper seats for them, to permit their use, and not to make any rules preventing their use when tho employees are not "actively employed in their work". The penalty for neglect

---

69. Report Bureau of Labor, 1892, passim .

or refusal to provide seats, or for making any rules requiring "females to remain standing when not necessarily employed in service or labor", is fixed at not more than $25 and costs. The simple right of any clerk to complain to the prosecuting attorney has never been exercised by anybody, so far as I have been able to learn; certainly not by anyone connected with the retail clerks union of Detroit, where it might be most expected. This law does not contain any reference to the factory inspectors, but these have for a long time considered it among the provisions which they are to enforce. Some of the men inspectors seem sometimes to forget about it, but it is left mostly to the women inspectors anyway. Sometimes the employees in factories prefer to use boxes instead of the regular seats or stools provided. It is not impossible to find factories in which most of the seats seem to have been removed. In large stores one will usually find seats, for the women inspectors look closely to these every time they visit a store, but one visit a year is not always sufficient to prevent the removal of the seats, especially in busy seasons. Small stores, not being regularly inspected, are not so well equipped. But it is in regard to the rules against using seats that most difficulty is found. The inspectors inquire of the clerks if there are any such rules, and orders on the subject are not infrequent: but casual inquiry of almost any clerk discloses that she has <u>at some time</u> worked where the seats were not to be used.

CHAPTER VIII.

THE COAL MINE LAW.

Coal mining has become an important industry in Michigan only recently. It is chiefly confined to the Saginaw Valley and it became well established there about 1898. In that year the State Bureau of Labor and Industrial Statistics made a special investigation of it. Sixteen mines were found to be in operation, employing upwards of 1300 men.[1] Most of the men were said to have come from outside the state.

Many of the miners had come from mining districts of Ohio, Indiana and Pennsylvania where they had been familiar with unions and used to mine inspection. Inspection was, in fact, a matter of conversation and discussion before the local unions took root. In May of 1898 the factory inspector of the Saginaw Valley wrote to the Commissioner of Labor with reference to conditions of labor in coal mines,[2] doubtless at the suggestion of the miners. In the canvass of the coal mining industry made by a special agent of the Department that same year mine inspection was

---

1. There are now about 3000 men employed. Report of Bureau, 1908, 435.
2. Report of Bureau, 1899, Appendix, 137.

one of the things on which the operators were asked to express themselves and all were reported to be in favor of it.[3] In the report of the Bureau for the year, appearing the next spring (1899), this special canvasser recommended the establishment of mine inspection to protect the miners and prevent "terrible calamaties".[4] A similar recommendation appears in the report of the factory inspector from the coal mining district.[5]

During the winter of 1898 the unions began to acquire some stability at different mines, and the agitation for a state mining law was intensified. Among the provisions which the miners wanted such a law to include were mine inspection, escapement or air shafts, ventilation, the weighing of coal before it was screened, and the state examination of foremen.[6] A bill for a mining law was introduced in the legislature in 1899, which passed with some modifications. The Miners' Union sent representatives to appear in behalf of the bill, and the Commissioner of Labor gave it his support. The operators appeared against the bill. They secured the elimination from it of the proposal for weighing the coal before it was screened, and

---

3. Report of Bureau, 1899, 205 ff.

4. Report of Bureau, 1899, 215.

5. Report of Bureau, 1899, App. 157.

6. For most of the facts pertaining to the mining laws I am

(See next page)

for examining foremen. They objected to the requiring of air shafts on the ground that they were not necessary, and invited the legislature to visit the mines, at the expense of the operators, and see for themselves. Many of them did so, and as a result the requirement was retained. The men wished to have specified in the law the exact strength of air current which should be required, but the operators preferred to leave this matter to the discretion of the mine inspector, which was accordingly done. The following is a summary of the provisions of the act (Act 57, 1899).

1. Inspector to be appointed by the commissioner of labor, to inspect coal mines under his direction, report to him and have his annual report incorporated in the annual report of the Commissioner. To receive three dollars per day and expenses, not to exceed $1500 per year. Appropriation made and placed with the Commissioner.

2. Escape shafts not less than eight feet square to be provided, to have suitable means of egress and be located as prescribed. Not to apply to mines already provided with "suitable" escape shafts, but all others to be equipped within three months after the main shaft is in operation.

3. Only a competent and trustworthy engineer to be permitted to operate any cage or hoisting device.

---

6 con. indebted to the mine inspector, the operators' commissioner, the officials and members of the Miners' Union, and a few obliging operators.

4. Safety catches and covers to be on all cages: no more than ten men to be allowed to ride upon a cage at once, and no one to be allowed to ride on one cage when a loaded car was on the other; top of shafts to be enclosed by gates.

5. Weighmen to be sworn.

6. Employees to have a right to name a check-weighman to be paid by them.

7. Employer to furnish timber for props etc., at the miner's place of work.

8. Means to be provided to supply "a sufficient amount" of fresh air "when necessary or when required by said inspector of mines".

9. Inspector to have power to enter mines to inspect or to collect statistics.

10. Penalty for violation.

The provisions relating to checkweighmen flowed from the desire of the miner not only to get all the pay that he earned, but also to have some means of making sure that he was getting it.

The Commissioner appointed as mine inspector a practical miner and member of the Miners' Union.[7] He found conditions fairly satisfactory, but reported that the ventilation in some mines was "not as good as it should be", and recommended that the exact strength of the air current be specified; this would save controversy.[8]

---

7. He resigned in 1902 to accept a better position as Superintendent of a mine. His successor is also a practical miner and member of the union. Both, of course, are Republicans.

8. Report of Bureau, 1901, 188.

By 1901 the industry had become thoroughly organized: the operators had formed an association and had employed a commissioner to represent the association in dealings with the men, and the industry was being carried on under a scale, or joint agreement.

The men continued their agitation for the things which had failed to be included in the law of 1899, and perhaps for some others. In the legislature of 1901 two bills were introduced to amend the existing law. One received no attention.[9] The other, which provided for a state coal mining board of examiners for mine bosses, passed the house and reached the senate committee on public health,[10] where a hearing was given to representatives of both miners and operators. As a result of this hearing the committee saw fit never to report out the bill.

Agitation for various legislation continued among the miners, and another attempt was made to secure a law when the legislature again assembled in 1903. The bill containing their demands had the coöperation and support of the Commissioner of Labor, and it reached the senate as

---

9. H.B. 624.

10. H.B. 85. Senate Journal, Index, 121.

its predecessor in 1901 had done. The operators were opposed to many of its provisions, and their opposition was voiced by their commissioner, who appeared in Lansing against it. He promised to the officers of the Miners' Union and to the Commissioner of Labor that if the bill were withdrawn he would see to it that a committee of the operators would take up the matter of a new law with a committee of the miners and they would work it out together just like a scale and present a joint recommendation to the next legislature. The bill of 1903 was accordingly allowed to die.

When the miners and operators met the next year to form a scale, they took occasion to remind the commissioner of the operators of his outstanding promise. He secured the appointment of a committee of operators to confer with a committee of miners in the near future. The miners then chose a committee to draft a law. It did so, assisted by suggestions from earlier laws proposed in the legislature, by the laws of other states and by the suggestions of the state mine inspector. A very inclusive measure it was, which came before the joint session with the operators, with the commissioner of the operators as mediator. This conference lasted several days, and the proposals were

thoroughly discussed in every clause. The result of the conference was that a compromise bill was agreed upon, which was typewritten and sent to Lansing with the approval of both operators and miners. It speedily passed without opposition and without a single alteration; the original typewritten bill is on file as the official copy of the law in the office of the Secretary of State.

No attempt will be made to discuss the provisions of this law in detail. It called itself a revision of the earlier law of 1899, but it is much more comprehensive and complete. Its provisions may be said to relate to ten subjects, as follows: mine inspector; ventilation; gas; cages, hoisting shafts and hoisting; escapement and air shafts, weighing the coal, timbering, explosives, oil, abandoned mines, boiler houses, sanitation, and the penalty for violation. The act is known as Act 100, Public acts of 1905, and is included in the booklet of labor laws issued by the Department of Labor as well as in its report for 1906 and 1908. A few sections of the law will be selected for special treatment as illustrating important points.

Ventilation.- The two most important sections relating to ventilation are sections seven and eight, which are as follows:

> Section 7. For the purpose of ventilation, the mines shall be furnished with one hundred cubic feet of air per minute for each person employed and three hundred cubic feet for each animal used therein, measurements to be made at any point of the intake airways. It shall be circulated through the mines in such a way that each working place shall be kept in a healthy condition, free from noxious gases or deleterious air. To secure this result the current shall be split or subdivided when in the judgment of the mine inspector, such is necessary. But mines that have been in operation more than two years prior to the passage of these amendments to the "Inspection of coal mines act No. 57," public acts of 1899, shall not be required to change their system of ventilation, in so far as they (sic) pertain to splits and subdivisions.
>
> Section 8. All doors set on entries for the purpose of conducting ventilation shall be made sufficiently tight to effectually obstruct the air current, and any employe of the coal company who wilfully or maliciously refuses to keep such doors closed shall be subject to a fine not to exceed five dollars, or imprisonment in the county jail not to exceed thirty days, or both, at the discretion of the court.

Ventilation is the one thing which is continually brought to the attention of the miner all the time he is at work. Because it is at best not so good as the outside air there is apt to be complaint no matter how well ventilated it may be. The definition of the volume of air

given in section seven is a valuable addition made to the old law. The inspector measures the air current accurately with an anemometer, and there is small room for the controversy that was formerly complained of. The very careful qualification relating to splits and subdivisions contained in this section is typical of the balancing of interests shown by the phraseology of almost every section of the act. The purpose of section eight is to provide for means to direct the air to the places where it is needed by obstructing its passage to places where it is not needed. The most interesting thing about this section is that it prescribes a penalty for an offending employee, to be imposed by the state, for a species of carelessness for which the company has means of disciplining him, by reprimand or warning, by laying him off or discharging him. But the operators are very glad to see this provision in the law, because in rush seasons it is often very incorvenient to lay a man off, and besides the provision is a recognition of the fact that the bad ventilation may be due more to the carelessness of employees than to the negligence of the operators. That the miners conceded it indicates a certain willingness to admit this contention, and may also have for one of the motives which led to it a desire to have provided a means

for disciplining some refractory member of their own number, a means at once independent of the operators and thought to be superior in many ways to any trade union discipline available. That there is no provision in the factory acts for the punishment of a man who removes a guard presents a striking contrast to this provision of the mining law.

Cages, etc.- One of the provisions relating to cages, (Sec. 14) requires them to be equipped with safety catches, which, along with the cages, ropes, fastenings, etc., must be examined daily, and cages must be tested quarterly by letting them drop to see whether the catches actually work or whether they allow the cage to fall to the bottom of the shaft. These daily examinations are made carefully at some mines, but very perfunctorily at others. The quarterly test by drop is by common confession not made at some mines at all, and the miners say they have conclusive proof that it is neglected at almost all of the mines. Some of the operators say that safety catches are unsatisfactory devices, that they will not always work no matter how often they are tested, and that a careful examination of cables and fastenings with frequent renewal of the ropes is the only guarantee of security. No accident has yet occurred; such cages as have fallen have happened to be loaded only with coal.

Other provisions.- Of the other provisions of the law there is not much complaint. The section (Sec. 31) requiring the state oil inspector to examine the oil used proved to be of no use, because the inspector's authority extends only to kerosene oil. The miners say, also, that the section requiring the foreman to visit every part of the mine at least twice per week is not lived up to; its purpose was to add a little to the insurance against accidents from falling roof. These accidents are, in Michigan, the most frequent of all in the mining industry, and there does not seem to be any sure way of preventing them by law. As long as the miners, for the sake of making more money, take risks as to their roof, accidents will continue. The operators say that the sections (25 and 35) of the law relating to the use of explosives by the men are none too well observed.

Very many of the provisions of this coal mining law simply define by statute what had long been the established practice, both for general reasons of a commercial sort and because certain precautions were dictated by the requirement of the common law that the employer must, in various directions, use ordinary care. That these same requirements should be embodied in a statute has at least

the advantage over the common law of appearing to the employees to be more fair, as being deliberate and definite. None of the provisions of this law have yet come before the supreme court for interpretation in cases involving employers' liability, so it is not possible to say with assurance what change if any is made by it in the old common law doctrine. It would seem, however, that it made a change in at least one case. Section three of the law provides that "only a competent and trustworthy engineer shall be permitted to operate the cages and hoisting devices in all coal mines". This seems to make the duty absolute upon the employer, whereas the traditional common law rule requires the employer only to use ordinary care to provide a competent fellow servant.

There has never been a prosecution under this law.

ORGANIZATION AND THE LAW.

Among Michigan's Labor Laws the Coal Mine Law is unique, both in the circumstances of its origin and the conditions surrounding its enforcement. This fact is partly due to the character of the coal mining industry in Michigan and partly to the thorough organization of the industry on

both sides, ~~in Michigan.~~ Men engaged in coal mining are practically all subjected to the same dangers and interested in the same conditions. Thus all are concerned in the provisions for safe hoisting, for ventilation, escape shafts, etc. Such a universal common interest, accompanied by discussion more or less informed as to legislation in other states, leads to an organized and somewhat permanent opinion among the miners as to what conditions ought to be prescribed by law and as to how well they should be enforced by the mine inspector. When the conference of miners and operators met in 1904, there had been already a considerable amount of discussion among the miners, and a quite mature common opinion had been developed. The representatives of the miners thus had a fairly definite standard set before them to which they were expected to come up. They were themselves familiar, furthermore, with all the details of the conditions which it was proposed to regulate by law. It was a situation in which one would expect an unusually efficient representation.

Because the industry was organized, and had been organized for some years, there was an established procedure to which all parties concerned were accustomed. The mass of miners, whose interests were vitally concerned, had

confidence in the men chosen from their own number to represent them, and they knew from experience the conditions and limitations of action in such conferences, that they usually resulted in compromise,—and they were paying close attention, prepared to hold their own representatives responsible according to established trade-union customs. The representatives of the miners, for their part, knew the sentiment of the miners through having taken part in their discussions, they knew both that they would be held to account for their shortcomings and that they would be supported in certain demands, by the organized miners, and they were also taking part in a kind of activity in which they were thoroughly at home, through having taken part in similar conferences before, in connection with the making of scales. The committee of the operators and the operators' commissioner, on their side, also knew what were the conditions of work in mines, and the laws and general conditions of mining in other states; they knew also from experience what a serious matter it was to discuss with a committee of miners a general grievance; a strike might even stand in the background, and injustice or unreasonableness would disturb harmonious relations developed through a series of years, would ramble, and would inject itself into the next convention met to form a scale, or into the next difficulty of any sort.

Both sides, including both the representatives and those represented, knew also that if a reasonably satisfactory agreement were not reached the same matters would have to be threshed out before some committee of the legislature. The operators knew from recent experience that an attempt at rather extreme legislation stood in the background; they had seen and perhaps exaggerated the eagerness with which some "politicians" urged such legislation upon a cumbersome, not specially informed, and politics-ridden legislature. The miners, on their part, knew of corresponding dangers. They had gone to the trouble of having bills introduced in their interest, and had paid the expenses of some of their number to go down to Lansing and represent them, only to see some of their measures linger along discouragingly and then fail to come to their passage or lose most of their significant provisions, in some way not well understood; they had learned their own disadvantage before legislative committees and vaguely, perhaps unreasonably but none the less surely, suspected special influences working against them clandestinely. They were also more or less persuaded that the conservatism of legislators was extreme, more than loath to consider anything seeming to encroach the least bit on the sacred rights of property. Thus both sides had something to fear, if they

did not agree, from legislative as well as from purely industrial sources.

When this conference, representing fully both employers and employees, had taken plenty of time to discuss every section of the proposed law, and had worded its compromises with all the precision of a mining scale, it is no wonder that the legislature passed it speedily without alteration. No other proposed labor law, so worked out or so supported, ever went before the legislature.

That the law was accepted as entirely satisfactory and final by both sides could hardly be expected; the same might be said of most laws passed in the usual way by the legislature without all this previous performance. But both sides feel fairly well satisfied. Such things as the miners wanted, but were unable to get through the conference, they are pretty well convinced they would not have been able to get through the legislature; and most of all, the process by which these demands were lost is an open book to them. They have a fairly complete knowledge of the reasons underlying the compromise and of the arguments used, and they have entire confidence that there was no special influence of the clandestine sort. Though they may not be entirely resigned, still they are not at all bitter; suspicions of some kind of unfairness do not ramble in their minds; class consciousness of the hardened, subversive sort is more than usually

lacking among them. To the operators the whole procedure was probably even more satisfactory than to the miners. They succeeded in eliminating from the measure proposed by the miners several obnoxious provisions with probably less trouble and expense than they could have done it at Lansing, and the carefully worded compromises of the law are probably more inclusively protective of their rights than would have been apt to be the case with a law originally drawn by the miners and then redrawn by some committee of the legislature, not familiar with the situation. In fact, although this method of securing legislation cannot be considered as thoroughly established, because the miners reserve always the right to appeal directly to the legislature, still it is significant that a bill for the inspection of oil used in mines, introduced through the efforts of the Deputy Commissioner of Labor in 1907, met the opposition of the Commissioner of the operators for no other reason than that it emanated from a "politician" and had not originated in the "regular" way.

There is also a difference because of the organization prevailing in the industry, between the way this mining law is enforced and the way the factory acts of the state are enforced. In spite of the dominant influence of

political considerations in the selection of a mine inspector, as in the selection of a factory inspector, still no man would dare aspire to the position of mine inspector unless he were an experienced miner and also a member of the miners' union. The miners are so well organized, and so influential in their section of the state, that no state official would dare defy them in the appointment of an inspector. This insures not only that a man reasonably well qualified for the place will be appointed, but that after appointment he will continue to maintain fairly close relations with the employees who are most interested in the enforcement of the law. This is a condition which prevails in no other part of the industrial field in Michigan, no part of the field in which factory inspection prevails. How it operates is illustrated by the practice of the present mine inspector in regard to testing the scales at a mine: he does so only upon request of the miners' committee at that mine - which is a safe procedure because the committee may be relied upon to make the request quite often enough to safeguard the interests of the employees, and if there is no test of the scales at a time when some disgruntled miner thinks there ought to be, he has only his own committee to blame, and has no ground at all to suspect that the inspector is being tampered with by the operators.

Furthermore, the organized miners, as it were, multiply the eyes of the inspector and stiffen his backbone. By the character of their work they know quite as well as he does when legal conditions are obtaining, which is not apt to be the case with a factory worker, and thus they establish a standard to which the mine inspector is constrained to conform in conducting his inspections and making his orders. What is more he can make his orders with more assurance because the miners' organization stands ready all the time to give him as much moral support as a man could wish; he need not fear a loss of his job through doing his duty! The operators, also, know that the organized men stand behind the reasonable utterances of the inspector, and this adds to the impressiveness of the orders of even a state official clothed with the authority of the law. But because the operators are also organized there is a very obvious check upon the inspector yielding to any extreme and unreasonable demands of the men, or making any of his own. It probably has also a sobering influence upon any tendency of some miners to criticize him unreasonably. The fact of the latter seems to be that there is sufficient

organization on both sides to bring about a sort of _oise, through which the public will is brought to bear in a peculiarly happy way, by organized representatives right on the ground, and by which it is effectuated in the mine inspector much more truly and with much greater ease than is the case with the ordinary factory inspector. If the bipartite organization of the mining industry is satisfactory to the parties concerned, and to the consuming public, on other grounds, its influence upon the operation, as well as upon the passage of the mining law, will certainly not discredit it. But that a similar organization, with similar results, is either likely or possible, or desirable, all things considered, in other parts of the industrial field, by no means necessarily follows.

CHAPTER IX.

WAGES.

Most of the laws relating to wages are lien laws. It will scarcely serve the purpose of this study to enumerate all their various forms and all the different steps in the procedure which their operation involves. They have been already discussed in chapter one almost as far as they are pertinent. It may be said, however, that Michigan now has lien laws securing wages which affect real estate (C.L. 10710-10739), forest products (C.L. 10756-10770), water craft (C.L. 10788-10836, Am. by Act. 17, 1903), certain kinds of personalty (C.L. 10743-10755; 10784-10787), and a few other forms of property. The tendency, on the whole, has been to extend the lien and to make it easier of enforcement.

There have been two or three wage laws which are not lien laws and which deserve attention. They relate to the limited exemption against wage debts, the securing of an attorney fee, and the payment of wages in script.

Limited exemption against wage debts.- In 1885 a law (Act 14) was passed limiting the kinds of personal

property which should be exempt from execution against claims for "work, labor or services". It provided that only specified personal property to the value of $500 should be exempt as against such claims. This provision came before the state supreme court in 1897; its constitutionality was at issue.[1] Section 1, Article 16, of the constitution declares that the personal property of every resident to the amount of five hundred dollars, and consisting of such property as the legislature shall designate, shall be exempt from execution for any debt. The court held that the law of 1885 was invalid, as being in conflict with this provision of the constitution, because it related only to wage debts, not "any debt", and if it were construed in connection with another existing statute defining exemptions from execution for any debt, "It would not be difficult to suppose a case where, by the application of both exemption laws, so little property would be left to the debtor as to wholly deprive him of the right of exemption given him by the constitution." It was also said that the act in question was invalid as class legislation, because it singled out one class of persons, namely those to whom wage debts were owed, and gave them protection above all other classes of persons to whom other debts were owed. Such discrimination was, of course, not within the power of the legislature under the constitution.

---

1. Burroughs v. Brooks, 71 N.W. 460.

Another part of the same law of 1885 provided that in suits brought to recover for the personal work or labor of the plaintiff, security for costs should not be ordered in case the plaintiff should file with the court an affidavit that he had a good and meritorious cause of action and was unable to procure security for costs. The same privilege was extended by the act to assignees of claims for work and labor. The supreme court interpreted this provision to mean that whenever the justice had discretion as to whether he would order costs or not, this act applied, but that when the statutes required security for costs to be given, without leaving the court any discretion, as in case of non-residents of the county, the act made no difference.[2] It is not of much importance, but it is a slight recognition of the disability under which a poor litigant sometimes suffers.

Attempt to add Attorney Fee.- A more significant attempt to assist the wage earner in his use of the courts was made in 1887 (Act 147). A law already existed prohibiting stay of execution in wage cases (Act 157, 1883).[3] The amendment of 1887, procured by the Knights of Labor, added

---

2. Osowicki v. Ferrick, 106 Mich. 41.

3. Proceedings State Assembly, 1887, 71.

a provision to the effect that in cases where the plaintiff secured judgment for a claim for work and labor there should be added to all other costs allowed by law, an attorney's fee of five dollars, to be recovered by the plaintiff and collected in the same manner as all other costs. This proposal appealed to the lawyers in the legislature, and was looked upon by the workingmen with much favor, for the complaint that justice is expensive is a long standing one. But the supreme court made short work of this law when a case came before it in 1889. The court held this law for an attorney fee in wage cases unconstitutional.[4] It was said that such laws made an unjust distinction between different classes of suitors, and so were not within the power of the legislature. The principle was made clear in this way: in such suits the plaintiff was given a distinct pecuniary advantage over his antagonist, for if the plaintiff should win he could recover not only the ten dollars costs regularly allowed by statute, but also an additional $5, by way of a penalty on the defendant, while if the defendant should win he could recover no more than the regular ten dollars costs. Such an unjust distinction between classes

---

4. Chair Co. v. Runnels, 77 Mich. 111, citing Wilder v. Ry. Co., 70 Mich. 382.

of suitors, it was said, puts one of them at a disadvantage, and removes the "equality before the law" which is among the most cherished traditions of the Common Law. This ruling, from the point of view of the legally minded, seems unassailable. Perhaps the scientific basis for the opinion is too well known to need reciting. Whatever recognized disadvantage a man may suffer under before the courts because he has limited pecuniary resources and may happen to be pitted against one having much greater resources, the way to solve the difficulty, in the interests of higher public policy, does not lie in the direction here attempted. The science of politics is concerned, and it dictates very clearly that the legislature ought not have the power to set litigants on a different level, even though it may sometimes exercise it in the direction of obviating a manifest miscarriage of justice; for if the legislature has the power, not being restrained by the constitution, there is no guarantee that it will not exercise it in the interest of some class of persons already more privileged than is in accord with good public policy: for instance, it might decree that all rich men and no poor men should recover their costs, and the only remedy of the public would be to elect a legislature that would

repeal the law. It is fundamentally a question of the advantages and disadvantages of a written constitution over against the advantages and disadvantages of an unwritten one, a broad question, not always recognized to be involved but settled in America beyond reach of practical controversy.

Payment in Script.- In Detroit, the payment of wages in money is said to have been an important demand of the printers and cigarmakers as early as 1866, and it was secured in some cases by the usual trade-union methods. A bill to prohibit the payment of wages in script or store orders was introduced in the legislature as early as 1885.[5] At this time script was widely used in the lumber woods, and it was the lumbermen who were most eager for the law. It had the support of the Knights of Labor. But there was no law passed on the subject until 1897 (Act 221, C.L. 5489-5491). In this year the State Federation of Labor made it one of their special demands, and it was about the only one to pass. To make it constitutional it was necessary to limit its application to corporations. By this time the payment of wages in script is said to have largely disappeared, partly because men to work in the woods were easier to get if their wages

---

5. H.B. 192, By Mr. Barry of Saginaw.

were paid in cash. There has never been a thorough investigation made of the extent to which payment in script has prevailed at any time. It is probable that the law has had some effect. One hears an occasional complaint still, but there is no longer any general agitation on the subject. The script law of 1897 says nothing about how often the wages shall be paid, and they are sometimes still delayed, and sometimes script is voluntarily accepted to cut short the period of waiting. In the coal mining industry the payment of wages is elaborately regulated by the scale, or joint agreement.

In Michigan, as elsewhere, the laws relating to wages are not of much significance as labor laws. The fundamental reason for this lies in the fact that they relate to property. The so-called problems of the wage-earning classes do not rise out of their not being secure in such property as they have, but out of their having no property worth mentioning and not expecting to have any.

CHAPTER X.

SELECTED MISCELLANEOUS LAWS.

STATE COURT OF MEDIATION AND ARBITRATION.

The law authorizing the creation of a state court of mediation and arbitration was passed in 1889 (Act 238). It came from organized labor and was handled in the legislature by a Union Cigarmaker.[1] The court was to consist of three members, to be appointed for three year terms by the governor; it was not provided that he should appoint them, but that he might do so whenever he should deem it necessary.[2] The law gave the court power to examine books, papers and witnesses. Parties to an industrial dispute might submit it to them in writing and agree to continue in business till the court should render its decision, which should be in within ten days; there were no compulsory features about the matter. It was made the duty of the court to proceed to the scene of a threatened strike or lockout and endeavor to mediate; they might proceed to a regular investigation of the trouble if they saw fit. They should make a yearly report to the legislature. Each arbitrater was to receive five dollars per day while serving, and the clerk was to receive $1200 per year without per diem.

---

1. House Journal, 1889. [illegible]; Legislative Manual, (biog. of Jasnowski).
2. House Journal, 2071.

For a number of years the court was not appointed. The report of the Bureau of Labor for 1897 says:[3] "The court can demand subpoena witnesses and administer oaths and demand books and other evidence, but cannot compel either party in a labor dispute to submit to the decision of the court, consequently it is inoperative. The court has not been appointed and will likely not be, until the law is amended." In 1897, however, Governor Pingree saw fit to appoint the court, and it has been in continuous existence[4] since May 26 of that year.

No published report was required by law and none appeared until 1904, when a brief statement of the character of the court and what it was trying to do was published in the annual report of the Bureau of Labor.[5] An amendment to the original law, passed in 1903 (Act 69), provided for the publication biennially of ten thousand copies of the report of the court. The "First Biennial Report of the Court" appeared in the report of the Bureau of Labor for 1905.[6] It has been an annual feature of this

---

3. p. 431.
4. Report Bureau of Labor, 1898, 271.
5. p. 153-154.
6. p. 289 ff.

report ever since. In 1905 (Act 297) the law was again amended to provide for but 500 pamphlet copies. The report consists regularly of a list of the labor troubles which have come to the attention of the court, a statement of what the court has done or offered to do in connection with each, and a reproduction of whatever correspondence passed between the court and any of the parties concerned.

The reports for 1903 to 1907 inclusive show that during that time the court arbitrated but two strikes, and furnished one member to some unofficial board in one or two others.[7] What services it has been able to perform are almost entirely in the way of mediation. In two coal strikes in the Saginaw valley and one Street Railway strike in Kalamazoo, members of the court helped to bring about conferences which came to a settlement. As indicating something of the volume of work performed by the bureau it may be said that in 1905 it "investigated" thirteen strikes, and the same number in 1907; what an "investigation" consists of is not stated, but it seems that it is not always exhaustive. The total expenses of the court for 1905 were $1675.96, and for 1907, $1341.97; these amounts

---

7. Between 1897 and 1903 the Board did something, but no reports of its work for this period have been published.

are quite representative, although in 1899 the expense of the court was $2930.66, and in 1900 it was $2085.96.[8]

The court has always had difficulty in learning of pending disputes before they have broken out, and in fact has had to depend largely on the newspapers for its notifications. In 1905 (Act 297) an amendment to the law made it the duty of the mayor of any city, the supervisor of any township or the president of any village to furnish "information of the threatened or actual occurrence of any strike within his jurisdiction". The reports contain no comment on the working of this feature of the law, but I find by inquiry that it has not resulted in the court's being informed much better than before.

Most of the cases of refusal to arbitrate come from the side of the employers, but sometimes it is the men who refuse. It is a commonplace that neither side is apt to look with favor upon arbitration until it feels that it cannot win, and in such a situation the other side is most unwilling to arbitrate. In its efforts at conciliation and mediation the Court can sometimes bring about a conference of the disputants without either side appearing to be anxious for it, and after bad feeling, pride, etc. has gone so far as to prevent either of the parties from making advances. If the court was expected to furnish an orderly method for the settlement of industrial contro-

---

8. Reports Board of State Auditors.

versies, and so make strikes and lockouts practically unnecessary, it has not met expectations. In some trades, where organization has become established, provision by joint agreement for voluntary, unofficial arbitration, has made promising progress; it has been the policy of the court to foster such arrangements. It is unlikely that the law can do much to further industrial peace before organized labor has actually gained the voice in the control of the business for which it is seeking, and has demonstrated its fitness to exercise this control; until then there will be no recognized principles according to which the many particular questions involved in strikes may be resolved.

MICHIGAN FREE EMPLOYMENT BUREAUS.

Free employment bureaus were established by Michigan in 1905. Twelve years before this the report of the Commissioner of Labor had commented on the unjust exactions of some of the private bureaus,[9] but there had never been a systematic investigation of them and there was no public demand for a state bureau to regulate them, or for any other purpose. The law creating the free State

---

9. Report Bureau of Labor, 1893, XIX-XX.

service (Act 37. P.A. 1905) was among a number of other measures which the Commissioner of Labor desired, and which passed without attracting much attention. It was not mentioned at all in any of his published reports before its introduction. The chief purpose of the bureau was thought to be to help solve the problem of the unemployed. The commissioner knew in a very general way of the State bureaus in other states; at that time they existed in twelve states. Complaints in regard to the conduct of private employment bureaus had come to his attention, but the influence on them of the public bureau was not specially thought of. The measure had neither organized support nor organized opposition, but it met the ready approval of the legislature, perhaps partly because it carried with it no appropriation, and in the summer of 1905 bureaus were established in Detroit and Grand Rapids.

The Commissioner was authorized to spend for advertising not over five hundred dollars from any of the money appropriated for the Department of Labor. A few general advertisements, and a few favorable notices, appeared in the papers. The chief reliance of the bureau, however, has been upon the "help wanted" and "situations wanted" columns of the daily papers, although circulars and telephone calls have not been neglected. In Detroit

the superintendent had an assistant to look after the office almost from the first, and so he was enabled to make some calls personally on employers, but he never laid very much emphasis on this phase of his work. In Grand Rapids the office is in charge of a woman whose other duties, especially in the issue of working papers, have kept her from leaving the office for systematic personal work; the factory inspector in that city has occasionally called the attention of employers to the work of the bureau. In both cities a limited inquiry shows that a good many workmen do not know of the existence of the bureau, and probably most employers do not think of it very seriously when they are in need of help.

The bureaus have filled some positions. One cannot be sure from their reports exactly how many positions they have filled, because it is not stated upon the basis of what information a position is considered filled. It was a practice in Detroit, for example, to count a position filled if a man was sent to fill it and did not come back, and no further call came from the employer. It is also a practical impossibility to estimate the cost per position secured, because both offices for a long time were conducted in quarters already maintained for factory inspection, and

the rent cannot be apportioned to different branches of the service with any accuracy. Furthermore, the superintendent of Detroit was paid as a factory inspector, and his assistant and the woman in charge of Grand Rapids had both been employed for quite awhile issuing working papers and doing other office work in connection with the Department of Factory Inspection. For some time the Detroit office has had to pay no rent because it has been located in the City Hall. But while the cost cannot be arrived at it may be said that it has not been very much, because it is conducted in such close connection with factory inspection that it may be considered in the nature of a "by-product", entailing little extra expense on the Department of Labor.

Neither is there any sure way of estimating the influence of the bureau upon unemployment, because there are no figures on unemployment for the three year period in which it has been in operation. It would be a great mistake to look upon all the positions which it has filled as so much reduction in the aggregate number of the unemployed; it is impossible to tell how many of these same persons would have secured positions through their own efforts or through patronizing private bureaus.

Because there never has been an investigation of these private employment bureaus, it is also not possible to measure any effects which the operation of the public bureau has had upon them or their business. The superintendent at Grand Rapids thinks that one private bureau was driven out of business there.[10] There are ordinances in some cities regulating the conduct of these private bureaus, but the injustice and extortion which some of them practice continue to be complained of. An attempt to bring them under the jurisdiction of the Department of Labor was made in 1907, but failed meeting the organized opposition of the private agencies and the the anti-union employees' associations.

Of course the number of persons applying for work, and the number of persons applying for help, and the comparison between them, is significant much more of the state of the labor market than it is of the efficiency or inefficiency of the bureau. Furthermore, no applications for work are recorded unless there are positions waiting for them, and so the reports of the bureau are of no value in estimating the strength of the demand for work, or making comparison between it and the demand for help. It gives us no additional information to learn that a good many unemployable persons

---

10. cf. Report Bureau of Labor, 1907, 398.

applied at the public bureau because there was no fee attached to its service,[11] nor does it add to our information to note that more unskilled than skilled laborers applied for work.[12] The fact on which the bureau prides itself the most is that it secured some men to work on farms, 396 in 1905, 457 in 1906, 582 in 1907, being for the last two years an average of between five and six per cent of all the positions secured.[13] There is no reason to think that all these men would otherwise have failed to go to work on farms, and there is no way of telling how much the services of the bureau have increased the aggregate number of farm laborers. Still it was this service that was specially dwelt on by the reports of the bureau,[14] that was especially commended by the governor,[15] and that no doubt had much influence in securing the appropriation of five thousand dollars in 1907 to continue and extend the work which had been carried on.

In passing the employment bureau law of 1907 (Act 211), providing for offices in some of the smaller cities, the legislature saw fit to strike out a provision relating to a general superintendent. The bureau since established

---

11. Report of Bureau, 1906, 300, etc.

12. Any annual report.

13. Reports, 1906, 1907, 1908. Per cent computed.

14. Report Bureau of Labor, 1907, xiv-xv.

15. House Journal, 1907, p. 26.

in Detroit, Grand Rapids, Saginaw and Kalamazoo, operate independently of each other. They do not send reports of the state of the market to one another, and are not considered by any man who has any duties in connection with them as constituting a system. All, however, follow the same general methods except that an attempt is being made in the smaller cities, notably in Saginaw, to record all applications for work.

The conflict which is going on in the industrial world has had considerable influence on the work of the bureaus. In both Detroit and Grand Rapids there are anti-union employers' associations which maintain free bureaus for their own ends. These are similar to bureaus maintained in other large cities of the country, and working men coming from these other cities are familiar with such institutions and apply first to them instead of the free State employment bureaus, with which they are not familiar. They place a great many men in the course of a year, mostly in factory employment, because they are naturally patronized and upheld by the members of the association who pay for maintaining them. These same members, furthermore, having a bureau of their own, have no need to patronize the free employment bureau and so the latter has the "help wanted" side of its market decidedly curtailed. Another reason

why members of these associations, and others in sympathy with the anti-union movement, do not patronize the free state bureaus, is because they suspect them of being tainted with unionism. This is due chiefly to the fact that the Commissioner of Labor, under whose control these bureaus have been since the first, is himself a union man, having been for several years business agent for the Order of Street Railway Men of the city of Detroit. The superintendent of the Detroit bureau was also once a Union Printer. But the woman in charge at Grand Rapids never belonged to a union and the two new bureaus established in Saginaw and Kalamazoo are not in charge of union men. In case of a strike it is the practice of all the bureaus to send any employer help, if he applies for it, simply telling the workman sent that there is a strike. I have not found evidence that the bureaus show any special favoritism to union men, and certainly their practice in this respect has not been enough of itself to justify the attitude of the more bitter employers. They are almost forced to suspect the State Bureau on general grounds, simply as one of the "necessary precautions of war", and to refuse to give it support. They are engaged in a struggle with the unions, and as long as the bureaus have the remotest connection

with unionism they will seem to some anti-union employers to be identified with the enemy and therefore to be avoided. It is unfortunate that this should be the case, but it seems to be inevitable. Of course it does not affect the patronage of the bureaus in trades in which unionism is no issue.

On the whole, the experience of Michigan can add but little information to those interested in Free Public Employment Bureaus as a promising social experiment. They have been in operation too short a time; established political customs have put in charge of them, from top to bottom men, who have not seen exactly what is experimental about them. An organized and attentive public interest has been lacking to bring home to those in charge the real nature and problems of the service. Furthermore, the reports have shown very little classification of any kind, and none at all informed with an intelligent purpose. Finally, one of the chief services which the public bureaus are supposed to render, that of supervising the private bureaus, has never been placed with the State Bureau of Michigan.

BAKER CONSPIRACY LAW.

The only statute ever in force in Michigan relating to conspiracy was the so-called Baker Conspiracy Law, passed in 1877 with a view to discouraging strikes and repealed in 1891 in response to long continued efforts on the part of organized labor. Some of the history of this law was given in chapter one, so much of it as seemed pertinent to the rise of the wage earning class. It is here proposed briefly to make a more critical examination of its provisions, its purpose, its operation and its repeal. The law (Act 11, 1877) was as follows:

> An act to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies or other corporations, firms or individuals.
>
> Section 1. If any person or persons shall wilfully and maliciously by any act, or by means of intimidation, impede or obstruct, except by due process of law, the regular operation and conduct of the business of any railroad company or other corporation, firm or individual in this state, or the regular running of any locomotive engine, freight or passenger train of any such company, or the labor and business of any such corporation, firm or individual, he or they shall, on conviction thereof, be punished by imprisonment in the county jail not more than three months, or in the state prison for a period not exceeding one year.
>
> Section 2. If two or more persons shall wilfully and maliciously combine, or conspire together, to obstruct or impede by any act or by means of intimidation, the regular operation and conduct of the business of any railroad company or any other corporation, firm or individual in this State, or to impede, hinder or obstruct, except by due process

> of law, the regular running of any locomotive engine freight or passenger train, on any railroad or the labor and business of any such corporation, firm or individual such persons shall, on conviction thereof, be punished by imprisonment in the county jail for a period not more than three months, or in the State Prison for a period not exceeding two years.
>
> Section 3. This act shall not be construed to apply to cases of persons voluntarily quitting the employment of any railroad company or such other corporation, firm or individual, whether by concert of action or otherwise.

It will be noticed that the punishment prescribed in each case is imprisonment only. This was done designedly. In support of the bill it was said that in the recent strike on the Grand Trunk Railroad the strikers had resorted to intimidation and violence against those who would take their places and "that the statutes had been searched in vain for anything that could be applied to the evil"; that the offenders could be prosecuted "only for trespass, or, in the case of two or more persons, for assault and battery, but the engineers' brotherhood has a large fund for self-protection and aggressive operations and the fines with which these offenses are punished would be paid and the violence would go on till their ends were attained".[16] In the interest of the public which, of course, did not want to see traffic

---

16. Memorial by the author, House Journal, 1887, p. 203-205.

interrupted, and in the interest of the men who would gladly take the place of the strikers, it was considered wise to pass the bill in the form given above. There can be no doubt that its chief purpose was to prevent the violence and intimidation which sometimes accompany strikes; there can be as little doubt that in the minds of some persons the measure was calculated to discourage strikes in general. As noted in chapter one, the third section of the law, permitting a peaceful strike, was added to the bill only after its introduction and after considerable discussion.

The law was approved by the governor February fourteenth 1877, and went into effect August 21, 1872.[17] Thus it was passed several months before the great railroad riots of July of that year and could have been in no sense inspired by them, and it went into effect after they were well over and could have had no influence on the conduct of the strike in Michigan. If there was less violence in Michigan than in some other states it was entirely due to causes aside from the Baker Conspiracy law.

The only case under this law which ever reached the supreme court was not a case involving a strike at all,

---

17. How. Ann. Stat., Ed. 1882, Vol. II, p. 2846. sec. 9274.

but a case wherein the chief engineer of one railroad company was convicted of conspiracy for interfering with the water in a mill race in order to build a railroad pier in defiance of a competing railroad company.[18]

But although no authoritative interpretation was ever put on the law by the supreme court, still various parties interested put their own interpretations on it. On exactly what ground the organized workingmen of the state sought the repeal of the law during the eighties is not easy to see, but it can be approximated. They seem to have been impressed with the tendency of the law to discourage all strikes, and to discourage boycotts. The whole tone of the discussions in the Labor Leaf, (1884-1887), inclines toward this view, and the same may be said of the views of the men I have been able to interview who were interested in the repeal. Supporters of the law always contended that this was an improper interpretation, as not being sufficiently discriminating; they said that the law was in terms aimed not at strikes but only at the violence and intimidation of strikes, and that it made an express exception of such strikes as were peaceful. I have been unable to find that they said anything at any time as to the influence of the law on the boycott; certainly the Memorial against repeal sent to the legislature of 1887 by

---

18. 64. Mich. 272, 1887.

Mr. Baker, which is the principal existing document on the matter, makes no mention at all of this aspect of the law's influence. The supporters of the law took high ground in their insistance on the established rights of civil liberty, which could not tolerate molestation of any individual laborer engaged in earning his living, or interference with any man by other men in the use of his private property: these are very fundamental rights and well cherished in the traditions of the country. They insisted further, with perhaps more immediate effect, "that no legislation should be adopted the tendency of which would be to place the business of the country in the hands, or under the control, of irresponsible bodies, unknown to the law, and representative of no one but themselves": this made a powerful appeal to the vague fear of anarchy and spoliation which has not yet disappeared from the public mind in its feeling toward organized labor and strikes. There can be little doubt that many of those who held opinions on the subject of the repeal of the Baker Law honestly believed that "if any considerable number of persons desire to repeal the conspiracy law it is because that law stands in their way and is an obstacle to their illegal purposes"[19]. Yet in spite of this strong language the law was after some delay repealed.

---

19. House Journal, 1887, p. 204.

Of the history of the law's operation there is not much to be said. In Detroit there were at least two cases tried under it in inferior courts, and discussed somewhat in labor circles,[20] but to exactly what tenor and effect is a matter for conjecture; the references to them are either brief or not very discriminating, and I can conceive of their having for their principal effect simply the deepening of the sentiment among laborers that the law was a hindrance to strikes. The men accused were acquitted in both cases, but their having to stand trial was no doubt looked upon as injustice and considered by some as a means of inhibiting the instigation and interfering with the conduct of a perfectly legitimate method of industrial warfare. The most important case under the Baker law, however, was at Saginaw in connection with the great ten hour day strike of the saw mill men in 1885. In this strike several acts of violence were committed, and feeling ran very high. A leading role in the conduct of the strike was taken by Mr. T. B. Barry, a popular labor leader of the time, already mentioned in connection with certain legislation of 1883. During the strike Mr. Barry was arrested several times on different

---

20. Labor Leaf, Apr. 23, 1887.

counts under the Baker Law, and was, of course, required to find bail several times. His trial came in January of 1886, and the Knights of Labor raised a fund to help in his defense;[21] the strike and his own prominence had aroused intense interest among many workingmen and the proceedings were followed with rather close attention. The prosecution sought to show that Barry was the leader of the strike, that men under his leadership committed acts of violence, and that he must have known that they would do so and in continuing to lead the strike, knowing violence to be inevitable, he was responsible for it under the Baker Conspiracy law. The defense brought evidence to show that Barry counseled the men to refrain from violence in all of his speeches, and that he several times interfered to prevent it, and contended that he was therefore not responsible for it. There were also brought out in the course of the trial sundry remarks of his in his activity as leader which might be interpreted to mean that he told men to "come on" perhaps with the intention that they should show violence. The jury, after being out twenty-three hours brought in a verdict of not guilty.[22]

---

21. Labor Leaf, Sept. 25, 1885.

22. Facts as to the trial from the Free Press, 1886, January, especially 10-24. See also Labor Leaf.

It cannot be shown that the Baker Law had any influence in checking violence in this Saginaw valley strike. In the trial of Barry the center of contention was the question of intent. This question gave rise to a very nice point, one on which the opinion of the wage earners and the property holders is peculiarly likely to be divergent, and in which a very great deal depends on the complexion of the jury. Men who have themselves been in strikes or seen their workings from a sympathetic point of view may very probably be impressed with the sporadic character of the violence that sometimes accompanies them, believing it to be usually the work of the more excitable elements of the crowd and very far from being sanctioned by the real leaders, much less deliberately planned by them or by the strikers as a whole. On the other hand, men of property, or of individualistic temper, or who have never seen the workings of a strike from the inside, are not unlikely to have very little sympathy with strikes in general, to be impressed with their almost inseperable accompaniment of violence, and rather inclined to distrust the honesty of those leaders who so strenuously deny responsibility. There is even an opinion among workingmen, that jurors, especially, are apt to be disturbed in this way in their habit of mind, because they are usually more aggressive and individualistic

than most persons and come almost entirely from classes of society in which a strike is not looked upon with sympathy, and not understood from the point of view of those who, upon occasion, participate in strikes.

I believe this natural difference of viewpoint is what chiefly accounts for the fact that many lawyers and business men could read the Baker Law and see in it only beneficence, while the mass of workingmen could call it "infamous".[23] The latter got their opinion less from reading the law than from their conception of a courtroom dominated by lawyers, and trial before a jury whose ideas of fair play have grown up in an experience in which aggressive group action, like a strike, with its advantages and its dangers, has had no place. As the average uneducated man is not apt to draw fine distinctions, but inclined to go to the general tendency of the matter, it is not difficult to understand that the organized workingmen of the state moved directly and inevitably to the conclusion that the Baker Law was a measure whose tendency was to discourage strikes, chiefly by making leaders more unwilling to undertake the leadership of a strike. This notion is probably quite as true as the other one that the law would discourage violence.

---

23. Labor Leaf, Sept. 30, 1887.

Whatever those engaged in the industrial conflict may conclude I can see no reason why the student should come to the conclusion that the persons who demanded the repeal of the Baker Law could have been animated only by the motive of desiring to remove from their path obstacles standing in the way of illegal and subversive purposes. For those who believe that strikes are sometimes permissable, and still more for those who believe that strikes are at present the chief weapon in the hands of a rising class, it is not difficult to see why the Knights of Labor dubbed the law under discussion "the infamous Conspiracy law".

A bill to repeal the law had already been introduced in several sessions of the legislature before that of 1891, in which it passed (Act 23). It was handled in the lower house at this session by a Union carpenter from Detroit, and supported actively by several sympathizers with organized labor.[24] There was some debate, but it is a fair inference that the repeal was not wrought by dint of thoroughgoing and discriminative argument presented to the legislature at this time. The legislature happened to be democratic, and the political influence of organized labor and sympathizers was somewhat greater than usual.

As to the effects of the law while it was in force nothing precise can be ventured. Strikes took place from

---

24. Free Press, March 5, 6, 1891.

1877 to 1891, accompanied by some intimidation and violence; the same thing is true both of the period before 1877 and that since 1891. Too little information is on record as to each strike, and too many causes were all the while at work, to permit of any statistical proof of the effects of the law. The most one can say is that its probable tendency was to decrease both strikes and the violence of strikes, which may, or may not have justified it. Certain it is also that the law played its part in stimulating the organization of labor, as was brought out in chapter one, and also in deepening the class consciousness of the workingmen, by which I mean here the notion that laws unjustly affecting their legitimate interests are passed either with hostile intent or through ignorance of the conditions they presume to regulate. In view of the criminal statutes and the common law the legislature of 1891 probably believed the law to have been ill advised.

CHAPTER XI.

CONCLUSION.

Labor legislation comes into existence because the public begins to feel a sense of responsibility for the wage-earning class. At bottom, the matter is one with the enlargement of the social consciousness. Public attention comes to be directed to the conditions of life which surround that large proportion of the population dependent upon current earnings, and, entering by sympathy into that life, the public feels impelled to act in various ways to enrich its conditions and make it more human and worthy. Labor legislation is one of these ways. In Michigan this public attention has been attracted largely by the self assertion of the wage-earning class through labor organizations, but partly by other means. The self-assertion, also, upon examination, takes forms aside from demands for legislation; probably it takes these other forms more emphatically.

It may be said that most of the conditions of life of the wage-earning class are still fixed in features of the social order which are traditional and customary, including all the law which is not labor law at all; labor laws are recent, and they affect but a very small part of

the sphere of the wage-earner's life. From a related point of view it may be said that the Michigan public has directed its attention and bestowed its best thought and energy upon a myriad things other than labor legislation; even in the field of legislation labor measures have never had anywhere near a paramount place.

Perhaps one may say that labor legislation is among the things to which public attention has as yet been drawn but casually. Deep and serious reflection has been sparingly devoted to it. And because public interest has not passed the casual stage, it is easy to be both optimistic and pessimistic of the situation. Pessimistic because so little of the serious thought of the public has been given to such matters as perfecting the issue of working papers to children, and the means for keeping them in school especially when economic pressure upon their parents is most keen; and to insisting upon factory inspectors chosen for fitness in the first place, kept informed while they are at work, and retained for efficient service; and to lessening the sad and unnecessary waste of social energy due to preventable industrial accidents; and to the more equitable distribution of occupational risks; and even to demanding intelligent and pertinent information

from the Bureau of Labor Statistics. Public reflection on these matters seems to partake of the same superficial quality that characterizes most matters aside from politics, taxation and business methods. Perhaps it is even less mature than thought about almost any other kind of legislation that Michigan has had to work out for herself. Michigan's labor laws will suffer in almost every respect when they are laid down beside those of most Eastern States and compared section for section. Difficulties and imperfections which the state is just beginning vaguely to perceive have long since been remedied in several other states.

But this is not the only way, perhaps not the fairest way to compare labor legislation. The ordinary business man is quite right in saying that conditions in Michigan are different, although he usually presents the observation narrowly and for selfish reasons. Conditions are different. The chief industries of the state continue to be farming and lumbering, whose devotees have interests to serve by legislation connected very little with labor laws. Even the pace set in factories is by competent observers set down as far less gruelling than that in most industrial states, not to mention the countries of

Europe. The suggestion is that public attention all this while has been devoted, possibly, to matters of more real moment to the state than labor legislation; which is no ground for pessimism, surely. With a growing complexity in the social structure of the state, which can only come with time, though it may be hastened by the multiplication of men calling attention to social questions, Michigan's labor laws will receive the same careful study as other laws now almost neglected, and the same sort as they have received in older communities.

Finally one comes back almost with amazement to the shrewdness with which organized labor, almost single handed, has really accomplished so much that is really in the interests of public policy. Remembering always that they have wanted other things more keenly than legislation, and wanted other legislation more keenly than that actually secured, so that their proposals have had to be tested in the crucible of democratic discussion, they have done marvelously well. Numbering now scarcely thirty thousand members, intrenched in but a very small part of the industrial field in a few of the cities, able in the only case where the issue was clear cut to carry but a single outlying county in the state and to elect not more than two members to the recent constitutional convention, those with assistance, they have still done remarkably well. For almost all the labor laws of

Michigan have been due, at bottom, to the insistence of organized labor; I feel justified in asserting this about the laws secured by the Bureau of Labor although it is not so obvious. Looking superficially at the child labor law one notices that working papers are issued over most of the state according to a method long abandoned in many other states, but one discovers upon examination that in Detroit and Grand Rapids, where the need is greatest, a more improved method is in use, and that it works fairly well. On provision of fundamental things like elevators, fire escapes, water-closets, and the more obvious kinds of guards for machinery there is more ground for commendation than criticism. The most important occupational diseases are said to be those connected with the inhalation of dust, and the Michigan law for dust collectors has no superior. The coal mine law is, on the whole, satisfactory, and likely to remain so as long as the miners' union continues to be influential. But excellencies of one kind or another have been pointed out in the foregoing chapters, where they have been loaded with their proper qualifications, and repetition is unnecessary. The credit due to organized labor, moreover, must not be thought of always by itself; the unions have been working under certain free conditions in which other classes of people have had a chance to participate by discussion and

activity, so it is the sound instincts of democracy, after all, which are fundamental. It is unfortunate, perhaps, that the unions, the best organized of any public interest concerned with labor laws, are so much preoccupied at present with other matters apparently almost wholly selfish; this may or may not be a temporary condition.

When all the land in the State is fairly well settled, and when the timber which grows of itself and the richest of the ore beds are depleted, perhaps social organization will have reached an intensity all along the line which will show itself in improved labor laws as well as elsewhere. That social organization is yet so inarticulate, and social pressure so slightly focussed upon labor legislation, can be better gathered, with its implications, from various parts of the foregoing chapters, than from a condensation here.

BIBLIOGRAPHY.

Revised Statutes of Michigan, 1846.

Compiled Laws, 1857.

Compiled Laws, 1871.

Howell's Annotated Statutes, 1882.

Compiled Laws, 1897. (C.L.)

Index to Compiled Laws and Public Acts, 1906.

Laws of Michigan, 1830-1835, 1835-1836, 1837-1864, (Annual);
1865-1873, (Biennial).

Public Acts, 1875-1907 (Biennial).

Journal of the House of Representatives of the State of Michigan,
1867, 1877, 1881, 1883-1907 (Biennial).

Journal of the Senate of the State of Michigan,
1867, 1877, 1881, 1883-1907 (Biennial).

Legislative Manual of the State of Michigan,
1867, 1877, 1881, 1883-1907 (Biennial).

Annual Reports of the Bureau of Labor and Industrial Statistics,
I-XXV, 1884-1908.

Annual Reports of Inspection of Factories, I-IV, 1894-1897,
(included since 1898 in Reports of Bureau.)

Labor Leaf, (Detroit) Nov. 1, 1884-Nov. 12, 1887, (Called
Advance and Labor Leaf after Feb. 19, 1887.)

Detroit Free Press, 1866, 1867, 1877, 1882-1897.

Detroit Tribune, 1867, 1877.

Proceedings of the Michigan State Assembly, Knights of Labor, August , 1887, (Muskegon).

Michigan Federation of Labor, Proceedings of Annual Convention, 1889, 1890, February 1891, December 1891, 1893, 1894, 1895, 1896.

Reports Board of State Auditors, 1894-1907.

Annual Reports of the City of Detroit, 1885 - 1893. (Reports of Board of Education and Metropolitan Police, including Truant Officers and Building Inspectors.)

Annual Reports of the Superintendent of Public Instruction, 1880-1900.

Tenth Census of the United States. Volume II. Industries.
Eleventh Census of the United States, Volume on Manufacturing/
Twelfth Census of the United States, Volume VIII; Volume on Occupations; Volume #69.

Reports Board of Education of the City of Detroit, 1904, 1907.

Appleton's Annual Cyclopedia, 1866 - 1883.

F. J. Stimson, Handbook to the Labor Law of the United States, Scribner's. 1896.

Josephine C. Goldmark, Child Labor Legislation, (Compilation) Supplement to Amer. Acad. Pol. Sci. January, 1907.

Mrs. Florence Kelley, "Some Ethical Gains Through Legislation"

W. F. Willoughby, State Activities in Relation to Labor, Johns Hopkins University Studies in History and Political Science, Series XIX, Nos. 4-5, April-May, 1901.

Alba M. Edwards, Ph.D., The Labor Legislation of Connecticut. Amer. Econ. Assn. Vol. VIII, No. 3, August, 1907.

J. Lynn Barnard, Ph.D., Factory Legislation in Pennsylvania: Its History and Administration, University of Penn. Publications, Pol. Econ. and Pub. Law, No.19, (1907).

F. R. Fairchild, Ph.D., The Factory Legislation of the State of New York, Amer. Econ. Assn., Vol. VI, No. 4, Nov. 1905.

T. V. Powderly, Thirty Years of Labor, 1859-1889.

Michigan Supreme Court Reporter.