

CHILD LABOR LAWS.

Against Senator BEVERIDGE'S bill prohibiting the transportation in inter-State commerce of products of any factory or mine in which children under fourteen years of age are employed or permitted to work, three objections of some gravity may be urged: (1) The measure, if enacted, will cure but a very small part of the evil at which it is aimed, not more than one-sixth, probably, of the children below the age of fourteen performing manual labor in the United States making any contribution whatever to inter-State commerce; (2) the bill is a direct encouragement of helpless inefficiency on the part of State Governments which Mr. Root has very well said would, if not checked, lead to a very large extension of the powers of the Federal Government; (3) the bill not only immensely extends the sweep of Federal control over State affairs, but it introduces a principle and an instrument of centralization the acceptance of which would reduce the powers and functions of State Legislatures and administrative officers to a degree that would leave them no power of regulation save within a much diminished area of minor and strictly local matters.

A special bulletin of the Census Bureau shows that in 1900 there were 1,750,178 children between ten and fifteen years of age employed in manual labor. Of this number 1,054,446 are employed in agriculture, and are excepted from the operation of the bill. It is further shown that 138,065 children are engaged in domestic service or as servants or waitresses in restaurants and the like. There remain, therefore, 557,717 children below the age of fourteen who work in mines and factories or are employed as office boys, messengers, bellboys, and in other like callings, chiefly in cities. Probably not over 300,000 children in the entire country take part in the production of commodities entering into inter-State commerce. This is the measure of the remedial value of Senator BEVERIDGE'S bill. It really reaches but about half of the children other than those working on farms who are the objects of philanthropic solicitude. It may be said at once that child labor is an evil, it is cruel, it is wasteful of the productive forces of the Republic, it tends to mental and physical degeneration. For our part, we are inclined to insist that it is not worth while to make further breaches in the Constitution, and new and large transfers of power to the Federal Government, for the attainment of a result so deplorably imperfect. We must still depend upon State laws to protect one-half of the children who should be protected.

Mr. SHERMAN, Commissioner of Labor for the State of New York, says in his annual report that he has vigorously prosecuted offenders against the law forbidding the employment under the age of fourteen, or of children between the ages of fourteen and sixteen, without a certificate. The warnings were heeded and prosecutions undertaken were successful in most cases up to the ending of the school year; then "the children simply poured into the factories." The Judges, notably in New York City, refused to hold offenders for trial, and elsewhere, as in Syracuse, they would not impose fines. The reason of this is twofold. One is the theory of the law, which is believed to have an educational import only, so that in vacation time a lenient view is taken of offenses. The other is that parents believe they have a right to the earnings of their children, which they renounce, some of them with reluctance at all times, and others only during the period of compulsory school attendance. It is to be noted that few white children of native blood come at all within the scope of the law. It is the children of immigrants and of negroes in the South who for the most part are found in factories. These immigrants come from countries where child labor is universal, even necessary for the support of parents. They are naturally slow to change their habit. This manifestly is a case for patient, persistent, and firm enforcement of local laws, aided by the creation of a supporting public opinion. There will be far fewer evasions than of a Federal law.

The vital defect and wrong of Sena-

tör BEVERIDGE'S bill is that it strikes at innocent goods in order to punish the guilty producer. The constitutional question is at once suggested. The Supreme Court has held that lottery tickets may be excluded from the mails and from inter-State commerce. That is a proper exercise of police power, because lottery tickets have no innocent use. Diseased meat and falsified canned products have so little innocent use, and are so manifestly harmful, that their exclusion from inter-State Commerce is proper. But when the Federal Government once begins to exclude staple manufactured goods, of which it may be said that they have no guilty use, from transportation across State lines, a step will have been taken so far in advance of any other threatened extension of power of Federal control that the functions of State Legislatures and State Governments will, in a very large measure indeed, be abrogated. Grant the principle of Mr. BEVERIDGE'S bill, and it becomes perfectly competent for the Federal Congress to enact that no goods shall be transported without a certificate from the manufacturer certifying that they are a product of Republican labor, or that they have been produced in factories where no operative works more than four hours a day and only on alternate secular days. Such legislation now seems improbable, but if we have to accept this child labor bill as Constitutional and proper, it is perfectly evident that there is no limit save its own discretion to the constraint which a Federal Congress might put upon the industries of the States.

We should suppose this aspect of the proposed legislation might appeal to the people of the Southern States. It is among them and by reason of the inaction of their Legislatures that the evils of child labor are most prevalent, flagrant, and notorious.