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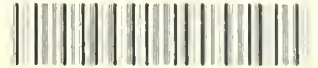
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THE EVOLUTION OF CHILD LABOR

LEGISLATION IN ILLINOIS: 1818-1917

(TITLE)

BY

FRANK EDWARD STORMENT

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF

MASTER OF ARTS IN HISTORY

IN THE GRADUATE SCHOOL, EASTERN ILLINOIS UNIVERSITY
CHARLESTON, ILLINOIS

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THE EVOLUTION OF CHILD
LABOR LEGISLATION IN
ILLINOIS 1818-1917

BY

FRANK EDWARD STORMENT

B. S. in Ed., Eastern Illinois University, 1972

ABSTRACT OF A THESIS

Submitted in partial fulfillment of the requirement
for the degree of Master of Arts in History at the Graduate School
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1978

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"The Evolution of Child Labor Legislation in Illinois, 1818-1917" traces the development of social, economic, and political attitudes towards child labor in the State of Illinois. These attitudes evolved from a general acceptance of working children as part of the socio-economic structure to the realization that the industrial employment was causing a moral, social, and economic degeneration of American life. These changing attitudes were reflected in the legislation passed by the Illinois General Assembly between 1818 and 1917.

Between 1818 and 1874 most legislation offered token protection to the child, but emphasized the moral well-being rather than the physical and mental effects of child labor. Such legislation was supported by the general belief that most work was morally correct and socially beneficial for children. As Illinois evolved from a frontier society to a leading industrial state in the eighteen-sixties and seventies, however, the traditional forms of child labor such as agricultural workers, domestic servants, and apprentices were replaced by industrial employment.

The legislation passed by the state legislature between 1877 and 1891 reflected a growing awareness of the abuses of industrial child labor. While the legislation of this period attempted to correct these abuses, most of the laws were crippled by the lack of adequate provisions for enforcement. During these last two decades of the nineteenth century legislators were torn between promoting the economic growth of the state's industries and, at the same time, satisfying the demands of labor unions and social reformers.

By 1893, however, the Illinois Legislature began to reflect the ideals and goals of the Anti-Child Labor Movement which was to sweep the United States until the First World War. The legislation of this period, with provisions for enforcement, was met with strong opposition from both manufacturers and parents. Much of this opposition stemmed from the intense competition of the period and the general ignorance of the physical and mental effects of pre-mature toil.

The Office of Factory Inspectors, created by the 1893 Child Labor Law, began a vigorous campaign of enforcement; and with the help of labor unions, civic organizations, and social-urban reformers was instrumental in checking the growth of child labor, as well as, educating the general public to the effects of industrial employment on children. Interwoven with the changing attitudes towards working children was the belief that "if the child was to be kept out of the factory, he must be kept in the school room." The continuous efforts of these groups to improve the standards and enforcement of the child labor laws served as the impetus for other far reaching labor reforms during the first two decades of the twentieth century.

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INTRODUCTION

The American metamorphosis from a rural-agrarian to an urban-industrial economy was sharply accelerated in the three decades immediately following the Civil War. Among the many factors which contributed to this change were the spectacular growth of the factory system and the mechanization of industry. The reduction of labor to the performance of a simple repetitive task, when coupled with the widespread poverty and intense marketplace competition which characterized the period, swept thousands of children into the abyss of industrial employment.

The key to competitiveness, in any nation governed by the laissez faire economic ethic, rests upon the ability of businessmen to drastically cut their cost of production. By the mid-nineteenth century the American entrepreneurial class had already learned that the employment of children afforded an excellent opportunity for reducing cost; a half century later the exploitation of children by American industry had assumed serious proportions. Yet little of this exploitation, even in an industrial-capitalistic economy, would have been possible if certain attitudes had not already been present in American society.

The socio-economic values which justified the use of child labor were present long before the nineteenth century

industrial revolution began. Religious doctrines such as the puritan work ethic, the concept of American individualism, and the theories of laissez faire economics had been in various stages of development since the early colonial period. When reinforced by the pseudo-scientific spirit of Social Darwinism and growing commercial incentives, these concepts presented a formidable justification for using the cheapest possible labor. The urban-social reformers, who sought to end child labor abuse in the late nineteenth century, quickly discovered that before they could succeed they must change these attitudes of the American people.

Illinois, as it evolved from a frontier society to a leading industrial state, was a microcosm of the attitudes which justified the industrial employment of children and deterred effective child labor reform. This point is well illustrated by the actions of the Illinois General Assembly in the area of child labor legislation. Between 1818 and 1874 most legislation--while offering token protection to the child--did not attempt to regulate a minimum age, the hours of labor, or the condition of employment. Some effort was made to correct these defects between 1877 and 1891. But the legislation of this period was crippled by the lack of provisions to enforce the new laws. By 1893, however, the Illinois legislature began to reflect the ideals of the Anti-Child Labor Movement which was to sweep the United States until the First World War. The concentrated efforts of this reform group were instrumental in breaking down many of the

barriers to child labor reform. Furthermore, their continuous efforts to improve the standards and enforcement of child labor legislation often served as the impetus for other far reaching labor reforms.

The abuses of child labor and the forces which sought to correct them were national in scope. Illinois, first as a developing and then as a leading industrial state, was representative of the forces which would lead to effective child labor reform. The history of child labor legislation in Illinois, therefore, is more than an examination of the legislative processes of the state; it is a study of the changing social, economic, and political values of the American people.

CHAPTER I

THE BARRIERS ERECTED, CHILD LABOR AND AMERICAN ATTITUDES: 1619-1818

The industrial employment of children, which stirred the humanitarian concerns of the late nineteenth century urban-social reformers, is commonly associated with the post-Civil War industrial revolution. The attitudes which justified the use of children in factories and mills, however, had their roots deep in the pre-industrial history of the American people. Child labor¹ served two basic purposes in early America. Children supplemented the adult labor supply and learned the skills necessary to perpetuate the economy of their times. When combined with the relative youthfulness

¹Throughout most of American history there was no clear legal definition of child labor. The apprenticeship laws stated maximum ages--usually eighteen for females and twenty-one for males--beyond which a person could not be bound without their consent. There were few attempts made, however, to set minimum age requirements below which a child could not be employed. In the last half of the nineteenth century it was generally assumed that most kinds of regular employment were not harmful to children of 14 or 15; that is, child labor was a problem limited to children under fourteen. Gradually the idea of sixteen as a more desirable age for going to work gained acceptance; still later the realization spread that 16 and 17 year old wage earners also needed protection and assistance in making industrial adjustments. In 1938 the child labor provision of the Fair Labor and Standards Act set the minimum age at sixteen, although some hazardous occupations were prohibited to children under eighteen. U.S., Department of Labor, Children's Bureau, Child Labor: Facts and Figures, Pubn. 197 (Washington D.C.: Government Printing Office, 1933), p. 12; The American People's Encyclopedia, 1971 ed., s.v. "Child Labor."

of the general population, these factors made children an integral part of the total work force.

In colonial America almost all children could be put into one of three categories: those who worked within the family unit; those who were apprenticed to learn a specific trade or craft; and those who were indentured because of poverty, neglect, or orphanage for their keep. For these young people the period of childhood and adolescence was relatively short; the transition from childhood to adulthood was both brief and early when compared with today's protracted "growing-up" period.

The hard realities of life on the colonial frontier required the help of every member of a family. Young hands were put to work as soon as they could hold a plow, swing an ax, spin thread, or bake bread. Such labor was seldom questioned since work was accepted as being morally correct and socially beneficial. The concept of the dignity of work was a cornerstone in the doctrines of the Puritans, Quakers, and other religious groups who held that work and religious duty were inseparable.

The choice of a vocation was a serious business; parents, teachers, and ministers continually stressed the sacredness of work and the need to find one's calling early in life. For those working outside the family unit, on-the-job training started as early as ten years of age; and learning a trade meant starting a seven-year apprenticeship no later than the age of fourteen.

While most families needed their children at home, the practice of apprenticing children outside the family increased as the colonies grew and prospered. Poor families, whose children were denied such opportunities for training in most European countries, found the practice of apprenticing especially attractive. Writing on this subject shortly after the American Revolution, Benjamin Franklin observed that it was difficult for a poor man to place his children with skilled craftsmen in most countries in Europe. This was due, according to Franklin, to the fear among artisans of creating rivals. In America this fear of rivalry did not exist because of the chronic labor shortage, and artisans willingly received apprentices in hope of profiting from their labor once they had learned the craft or trade.² The demand for apprentices was so great according to Franklin that

Artisans . . . will even give money to the parents to have boys from ten to fourteen years of age bound apprentices to them till the age of twenty-one; and many poor parents have by that means, on their arrival in the country, raised money enough to buy land sufficient to establish themselves, and to subsist the rest of their family by agriculture.³

The opportunity to apprentice one's children to a skilled craftsman had its limits even in the New World; most children who were bound-out became indentured servants. Both apprentices and indentured servants were bound by legal contract

²Jared Sparks, ed., The Works of Benjamin Franklin, II (Boston, 1836), pp. 475-477, in Arthur Mann, ed., Immigrants in American Life: Selected Readings (Boston: Houghton Mifflin Company, 1972), pp. 28-29.

³Ibid.

to serve for a fixed period of time. Apprentices, however, learned a specific trade or craft; indentured servants--some of whom became apprentices--most often worked as farm laborers or domestic servants. The skills acquired through these tasks were usually of a more general nature than those learned by the apprentice.⁴

The demand for children as indentured servants was illustrated by the frequency which colonial leaders turned to England with her horde of poor children. These paupers, taken off the streets of London and other English cities, were transported to the colonies by charitable contributions raised for that purpose.⁵ This practice helped meet the growing demand for labor in the colonies, while it relieved the English governmental and charitable institutions of the burden of caring for these wards.

The importance of such children to the early colonists is shown in the following letter to the City of London, dated November 17, 1619. After a lengthy introduction thanking the City for sending one hundred children the previous year, the writer continues:

And forasmuch as we have now resolved to send this next spring very large supplies for the strength and increasing of the colony . . . and finding that

⁴Grace Abbott, The Child and the State, 2 vols. (Chicago: University of Chicago Press, 1938), The Legal Status in the Family, Apprenticeship and Child Labor, 1: 190-91.

⁵Abbot Emerson Smith, Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776 (New York: W. W. Norton and Company, Inc., 1971) pp. 148-49.

the sending of those children to be apprentices hath been very grateful to the people: we pray your lordship and the rest in pursuit of your former so pious actions to renew like favors and furnish us again with one hundred more for the next spring.⁶

Undoubtedly officials in both London and the Virginia Colony considered such a transaction to be an act of Christian charity. If these children were able to survive the voyage to the New World and the hardships of colonial life--many did not--they would be far better off than those who had remained behind. Once their apprenticeships or indentures were served they were given an opportunity to secure both land and economic independence. The same letter continues:

Our desire is that we may have them twelve years old and upwards . . . They shall be apprenticed the boys until they come of twenty-one years of age and girls till like age or till they be married, and afterwards they shall be placed as tenants upon the public land with the best conditions where they shall have houses with stock of corn and cattle to begin with, and afterwards the moiety of all increases and profits whatsoever.⁷

Young adults--so removed from the conditions of poverty, who survived the long voyage and the terms of their indenture, faced with a hitherto unknown social and economic mobility--found little occasion to question the wisdom of such a system.

Before the creation of the Registry Office by Parliament in 1664, records of servants transported to the New

⁶Susan M. Kingsbury, ed., The Records of the Virginia Company of London, The Court Book, from the Manuscript in the Library of Congress, I (Washington, 1906), pp. 270-71, in Leo and Marion Bressler, eds., Youth in American Life: Selected Readings (Boston: Houghton Mifflin Company, 1972), p. 12.

⁷Ibid.

World were kept by only a few of the cities which served as points of embarkation. Many of these records have been lost or destroyed. As a result, it is difficult to determine how many poor children were transported to the English colonies. A letter written August 18, 1627, reported that ships carrying fourteen to fifteen hundred children were being brought to the colony of Virginia; however, no records exist to substantiate such a mass shipment.⁸ The Council for New England was also known to make numerous requests for a hundred children from London for which there are only scattered records.⁹

Recent studies of records which do exist, while for a slightly later time period, suggest the relative youthfulness of the servants transported to the American colonies. One such investigation of the records preserved at the Guildhall in London shows that out of 2,955 individuals leaving England under indenture between 1717 and 1759, sixty-five percent of all males were between the ages of 15 and 20.¹⁰ Whether or not such studies can be considered representative of the total number of servants transported to the New World, one thing is obvious: that large numbers of minors were transported to the English colonies during the colonial period.

⁸Abbott, Legal Status in the Family, 1: 191.

⁹Smith, Colonists in Bondage, pp. 149-50.

¹⁰David W. Galenson, "British Servants and the Colonial Indenture System in the Eighteenth Century," The Journal of Southern History XLIV, No. 1 (February 1978), pp. 42-45.

The wholesale transportation of children, however, had already come under heavy criticism in England by the mid-seventeenth century. This, at least in part, was the result of the growing practice of kidnapping. Originally the kidnapers preyed upon orphaned street children of the English cities; the large profits to be made meant that all children of the English lower class were soon potential victims. Lured by promises of sweets and other gifts children were sold to ship captains, transported to the colonies, and auctioned to the highest bidder as indentured servants for a period of service usually upwards of four years. The only recourse for the parents of such children was to secure a warrant from the high court to search the suspected ship; however, this was a time-consuming process and once the ship had left port there was little that could be done. The practice of kidnapping reached such proportions that Parliament passed an ordinance in 1645 imposing harsh punishment on anyone found to be involved in such a scheme.¹¹

While incidents of kidnapping continued throughout the colonial period, the wholesale transportation of English children was considerably reduced by the turn of the eighteenth century. This was more a result of the growing trade in African slaves, however, than it was of the growing criticism in England or the laws which prohibited kidnapping.

Another factor which contributed to the reduced demand for English children was the adoption by each of the

¹¹Smith, Colonists in Bondage, pp. 68-71.

English colonies of their own poor law systems.¹² These laws were directed at orphans or children whose parents were incompetent or who neglected to teach their children the value of work. While cloaked in the words of Christian charity, the poor laws served a four-fold purpose in colonial society: they provided a large inexpensive labor supply; removed the financial burden of support from relatives and local governments; provided such children with care and training they would otherwise be denied; and turned them into useful, productive citizens who would raise families of their own. By the early days of the Republic, poor laws were well established in most of the sixteen states.

Depending upon the locality, overseers of the poor, parents, guardians, and county and local officials had the right to bind their charges as apprentices or indentured servants.

¹²The modern apprenticeship system began in twelfth century England. Its original purpose was to insure the continuation of selected crafts, while exercising control over their population and quality. With the disintegration of the feudal system in the mid-fourteenth century the indenturing system appeared as a method of controlling the lower class of English society. When the poor no longer had a claim for support upon the lord of the manor, wandering and begging increased. Neither the traditional dispensation of alms by the Church nor the institutional care was adequate for those in dire need. The unsuccessful efforts to restrain such behavior by punishment culminated in the Forty-third Statute of Elizabeth. This law placed the obligation of caring for poor persons, including children, upon relatives or the local parish. So far as poor children were concerned, the official of the parish had the right to indenture them for their keep till the age of twenty-one for females and twenty-four for males. The basic principles contained in this first English poor law were brought to the New World and incorporated into colonial law apparently without question. Helen I. Clarke, Social Legislation: American Laws Dealing With Family, Child and Dependents (New York: Appleton-Century Company, 1940), pp. 264-65.

That these practices--like the later industrial occupations--drew heavily upon the poorer class was considered an unavoidable, if perhaps somewhat unfortunate, circumstance.¹³

In pre-industrial America most people could easily identify with the tasks performed by child indentures. Work under the direct supervision of a parent, craftsman, master or mistress contained safeguards against excessive labor and abuse. Apprentices and indentured servants were commonly treated as part of the employer's family, and the terms of the contract usually defined the rights and responsibilities of both parties to the agreement. Legal recourse was often provided to either party if the provisions of the indenture were broken. The practice of indenturing, as it developed in the United States, was not itself a social evil. It did, however, influence public opinion and the establishment of legal precedence which would later justify the industrial employment of children.

Industrial child labor, on the other hand, had very little in common with traditional apprenticeship. By the early nineteenth century the growing factories and mills afforded little training beyond simple repetitive tasks and long hours of toil, most often in unhealthy conditions. Those employed in industry had limited opportunity to rise above the socio-economic status of their employemnt. Neither did the industrial employment of children offer the traditional

¹³Stephen B. Wood, Constitutional Politics in the Progressive Era: Child Labor and the Law (Chicago: University of Chicago Press, 1968), p. 5.

protections of the indenturing system since the personal relationship between employer and employee had no place in the factory system.

The utopian idealism of the early factory system, such as the textile mills in Lowell, Massachusetts, quickly fell victim to the steadily increasing competition in the marketplace.¹⁴ The low wages paid to women and children became increasingly attractive to the new merchant-manager class and the stockholders for whom they worked. As more and more women and children were drawn into the mills and factories of the Northeastern United States, criticism of such practices began to appear. As industrialists became sensitive to public opinion, they tried to justify the use of these laborers. In 1815 the newly formed Cotton Manufacturers' Association began a campaign to counter the growing criticism of the Free Traders, who were pointing the prophetic finger of doom at the poverty and vice of the European

¹⁴Francis Lowell, who introduced the modern factory system concept to Americans, believed that work in a factory need not be a degrading human condition. The Appleton Mills in Lowell, Massachusetts, was an excellent example of this conviction. One of the first mills to employ young female operatives, it offered regular pay and independence to hundreds of young women. The mills provided dormitory living, planned recreation, and working conditions considered above average for that time. While the famous Lowell System was sharply criticized for its long twelve hour work day, its proponents argued that it actually strengthened the physical and moral stature of mill operatives by teaching them the proper values of work and recreation. However, as control of these mills passed from the hands of the technicians who had designed them to the commercial operators and stockholders, the profit motive would outweigh the humanitarian values of the system's creator. Victor S. Clark, History of Manufacturers in the United States, 1607-1860 (Washington: Carnegie Institute, 1916), pp. 450-51.

manufacturing centers. These early industrialists argued that their mills were providing employment to persons for whom agriculture supplied no opportunity for a livelihood. This was quickly countered by their opponents who pointed out that there was a labor shortage rather than a labor surplus, and that there had never been a time when someone who was able and willing to work could not find employment. Ignoring these arguments, the cotton manufacturers continued to remind the public that work in their mills kept these otherwise unemployable women and children from seeking public support.¹⁵

As the western frontier expanded into the Ohio and Mississippi River valleys children moved with it. In 1810 the first territorial census for Illinois revealed that 72.7 percent of the total white population was below the age of twenty-five, and that 54.5 percent was below the age of fifteen. For the next fifty years the percentage of the population under twenty-five would remain relatively constant.¹⁶ In a frontier-agrarian society, where young people were in abundance, it was only natural that children--as part of a family unit, as hired hands, or as indentured servants--would compose a large share of the workforce.

¹⁵U.S., Congress, Senate, Report on the Condition of Women and Child Wage Earners in the United States, S. Doc 645, 1910-1913, 19 vols., Beginning of Child Labor Legislation in Certain States: A Comparative Study, 6: 31-32.

¹⁶U.S., Department of Commerce, Bureau of the Census, Historical Statistics of the United States: Colonial Times to 1970, 2 vols. (Washington, D.C.: Government Printing Office), 1: 27. Percentages given here were computed by the author.

It was also natural, in a society where survival depended upon one's abilities, that great emphasis would be placed upon personal initiative and self-reliance. The Scotch-Irish and Germans who represented the largest number of settlers in early Illinois possessed an over-mastering zeal for personal freedom, which prompted one observer to write:

A striking characteristic of these people was their love of the frontier. From the time it appeared on the continent their stream had been the vanguard of settlement. As frontier conditions passed away in one place they packed up their few possessions and pushed farther into the interior. Few sons were born in the same locality that their fathers had been; few men died near where they had been born. . . . These people were true pioneers; they had become experts in grappling with frontier conditions. They blazed the trail for permanent settlers who were to follow; always, of course, a part of them dropped out of the procession and became permanent settlers themselves.¹⁷

When reinforced by other traditional American values, notably the puritan precept against idleness, this frontier individualism bolstered the existing attitudes towards child labor. The employment of children, it was commonly believed, provided beneficial habits of discipline and developed technical skills that would improve the likelihood of success in the competitive struggle to be waged in adulthood.¹⁸

When Illinois became a state in 1818 most of the attitudes which would support the industrial employment of

¹⁷Solon J. Buck, Illinois in 1818, 2nd ed., rev., with an Introduction by Allan Nevins (Urbana: University of Illinois Press, 1967); p. 97.

¹⁸Wood, Constitutional Politics, p. 5.

children had already been established. The sacredness and dignity of work, the stigma of becoming a burden to society, the importance of personal initiative, and the need for self-reliance had become part of the American frame of reference. When coupled with the economic incentives of child labor and the general belief that children were destined to work, there seemed little reason to expect a change in attitudes.

CHAPTER II

THE ILLINOIS INDENTURE SYSTEM: 1809-1860

The shortage of free adult workers was a recurring theme throughout American frontier history. Government land was still within the reach of most, and squatting privileges were open to all. While the demand for labor continually grew, there was no certain labor supply outside the family. The labor of children and slaves were the traditional alternatives to this inadequate supply; but in the Northwest Territory, of which Illinois would constitute the western portion, slavery had been prohibited by the Ordinance of 1787. This limit on the alternatives to free laborers would become the major political issue in the territorial history of the state; and its outcome would insure the importance of the working child to the economic development of Illinois.

The French were the first people to introduce slavery to the land between the Mississippi and Wabash Rivers. Many of these early slaves were the servants of the French and Canadian gentry who had acquired large tracts of land in the region. Others were brought up from New Orleans to work in the mines and salines around the Fever River. The actual number of slaves brought into the area during the French period is impossible to determine; however, a census taken in 1752 reported a total of 436 black slaves, but it did not

include the number of Indian slaves known to have been kept by the lower class element of Frenchmen in the region.¹

After the occupation of the French settlements in the Illinois country by Virginia troops under George Rogers Clark, the region was organized as a county of Virginia. Between 1778 and 1784 a few Virginians settled in the area, but the white population remained predominately French until the turn of the century. In 1784 Virginia ceded her claims to the Illinois country to the federal government. The act by which this cession was accomplished contained one clause of great importance to the future of the territory. It provided

that the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have professed themselves citizens of Virginia shall have possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties.

At the moment this provision confirmed to the inhabitants their title to a few negro slaves; in future years, however, it would be invoked as a guarantee of the institution of slavery.²

In 1787 the Confederation Congress passed the ordinance by which the territory north of the Ohio River would be organized. The enlightened provisions of this ordinance laid the permanent foundation for the American territorial

¹Harry Hansen, ed., Illinois: A Descriptive and Historical Guide, rev. ed., (New York: Hasting House, 1974), p. 15.

²Buck, Illinois in 1818, p. 180.

system.³ The most famous feature of the Ordinance of 1787 was the sixth article of compact which provided that "there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted." This would seem to be a positive prohibition of slavery north of the Ohio; but, in view of the guarantee of the Virginia act of cession, it was interpreted from the beginning as applying only to the further introduction of slavery.⁴

³Under the provisions of the Northwest Ordinance, the governmental structure of each territory would be developed through a series of distinct stages or grades. In the first stage the government was to be vested in a governor, a secretary, and three judges sitting as a legislature. They were authorized to adopt such laws of the original states as might be necessary. The governor had sole authority to appoint all local magistrates and other civil officers, as well as all militia officers below the rank of general officers. When the population of the territory or district reached five thousand free adult male inhabitants it could enter the second grade of territorial government. A legislature was to be established consisting of a governor, representatives elected by the freeholders, and a council of five members selected by Congress, from ten nominated by the territorial house of representatives. This legislature was to have authority to make all laws not repugnant to the ordinance; but the governor was given the power to convene, prorogue, and dissolve the legislature as well as an absolute veto over all its acts. The legislature by joint ballot was to elect a delegate to Congress, who should have the right to speak but not to vote. No more than five or less than three states were to be formed out of the territory, and whenever any division had 60,000 free inhabitants it could be admitted to the Union on an equal footing with the original states. The last section of the ordinance consisted of six articles of compact between the original States and the people of the territory, which guaranteed the customary civil rights and liberties. The American Peoples' Encyclopedia, 1971 ed., s.v. "Northwest Territory"; Samuel Eliot Morison and Henry Steel Commager, The Growth of the American Republic, 2 vols. (New York: Oxford University Press, 1962), 1: 261.

⁴Buck, Illinois in 1818, p. 182.

Major General Arthur St. Clair was named the first governor of the new territory, and exercised his political control of the area for thirteen years. In 1798 it was ascertained that the population was over the five thousand free adult male inhabitants required by the ordinance and was therefore entitled to enter the second grade of territorial government. Accordingly, Governor St. Clair called upon the people to elect representatives to a general assembly to be held in Cincinnati. The settlers in the western sector, however, were not satisfied with this arrangement since the center of government was so far removed from them. Dissatisfaction grew and early in 1800 the westerners petitioned Congress to be separated from the eastern district.

On May 7, Congress passed an act forming the Indiana Territory, from which the four states of Indiana, Illinois, Michigan, and Wisconsin would eventually be created. Congress chose for governor a man intimately familiar with the area, William Henry Harrison. Within a brief period of time, however, Harrison's popularity and extensive political powers were being challenged by a group of Illinois citizens led by John Edgar and William and Robert Morrison. The dispute had begun as a quarrel over the issuance of land titles⁵ but quickly turned

⁵The policy of the federal government of purchasing land from the Indian tribes before opening it to settlement had proven particularly troublesome in the Illinois country. Until 1814 the only land to which clear legal title could be obtained was in the hands of the early French inhabitants or of those who had bought from them. Clarence Walworth Alvord, The Illinois Country: 1673-1818 (Chicago: A. C. McClurg and Co., 1922; reprint ed., Chicago: Loyola University Press, 1965), p. 417.

into an anti-Harrison movement. While the governor was criticized for his handling of land sales and showing favoritism to Indiana settlers, the major thrust of the movement was for the advancement of Indiana to the second grade of territorial government. The Edgar-Morrison group believed that such advancement would give them better control over territorial land policies. Harrison, at first reluctant to surrender his newly acquired powers, put the issue to a vote in 1804. Public sentiment was strongly in favor of advancement, and in the same year Congress approved a petition for that purpose.

Both groups were pro-slavery, although they sought to achieve the end by different means. As a result, the slavery issue was chosen as the battleground in the struggle for control of the political situation. The pro-Harrison faction favored petitioning Congress for a repeal of article six of the 1787 ordinance. However, the numerous petitions which were sent to Congress for this purpose brought no results.

In 1803 the governor and his judges, under the pretense of securing relief for the labor market, had passed a law permitting the indenturing of servants. The law provided that a person coming into the territory "under contract to serve another in any trade or occupation shall be compelled to perform such contract specifically during the term thereof."⁶ While there appeared to be nothing unusual about this provision, another clause stated that "the children of indentured servants

⁶Buck, Illinois in 1818, p. 185.

would be free upon coming of age."⁷ Obviously the purpose of this law, as suggested by this second clause, was to introduce a form of slavery in the guise of indentured servitude.

In 1805 a new indenture law was passed, which was revised and re-enacted in 1807. It provided that a slave over fifteen years of age might be brought into the territory and within thirty days enter into a formal agreement to serve as an indentured servant for a number of years. The agreement was to be made a matter of record, and should the slave refuse to bind himself, the master was allowed sixty days in which to remove him from the territory. Children born of indentured servants were to serve the master of their mother, males to the age of thirty, and females to twenty-eight. Slaves under fifteen might be brought in and simply registered to serve, males until thirty-five and females until thirty-two years of age.⁸

The anti-Harrison faction vehemently opposed each of these laws, not from a moral standpoint but because they believed that the governor should demand repeal of article six rather than trying to circumvent it. They reasoned that since the citizens of the territory had not been consulted as to their wishes article six was illegal. By 1807 the Edgar-Morrison faction was demanding the separation of Illinois from Indiana; and, the idea was gathering wide popular support among the settlers in the Illinois country. Their cause was placed

⁷ Alvord, Illinois Country, p. 423.

⁸ Buck, Illinois in 1818, p. 187.

within the realm of realization when they were joined by a strong anti-slavery group that had recently moved into north-eastern Indiana, promising to support the Edgar-Morrison crowd if the latter would confine their pro-slavery activities to Illinois. This unlikely coalition gave the anti-Harrison forces control of the legislature, and the petitioning of Congress for Illinois territorial status began.

On February 9, 1809, Congress passed an act establishing the Illinois Territory with boundaries extending from the Ohio River to the Canadian border, and appointed Ninian Edwards as the first governor. When Illinois separated from Indiana it had retained the latter's indenture law; and during the next seven years, while the slavery issue almost completely disappeared from Indiana politics, this law became the subject of heated debate in Illinois. Early in this period a feeling began to emerge among an increasing number of Illinois citizens that the law was contrary to article six of the Ordinance of 1787. In a territory where pro-slavery attitudes had brought about the division with Indiana only a few years before, such sentiments were bound to be a source of conflict.

The whole matter came to a head when the territorial assembly of 1817-1818 passed an act repealing the indenture law. Governor Edwards, himself a former slaveholder, vetoed the bill, however, on the grounds that its preamble contained a phrase which stated that the indenture law had always been invalid.⁹ This same legislature petitioned Congress for an

⁹Alvord, Illinois Country, p. 461.

"enabling act" which would change the requirements for statehood from sixty-thousand to forty-thousand inhabitants. With the approval of this petition by Congress, the slavery issue became the major point of difference in the election of convention delegates.

When the constitutional convention finally convened on August 3, 1818, it was clear to all present that the new constitution would have to take a definite stand on slavery. The final version of the article on "slavery and involuntary servitude" was without question a compromise between the two opposing groups.

Neither slavery or involuntary servitude shall hereafter be introduced in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor any female person, arrived at the age of eighteen years, be held to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of bona fide consideration received for their services. Nor shall any indenture of any negro or mulatto, hereafter made and executed out of this state, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeship.¹⁰

For those opposed to slavery, this article contained a number of important features. It prohibited the further introduction of slavery and involuntary servitude; forbade the indenturing of males and females of legal age against their will; guaranteed the servants bona fide consideration for their services; and invalidated all indentures made outside the state of more than one year in length.

¹⁰ Illinois, Constitution (1818) art. 6, sec. 1.

On the other hand, pro-slavery advocates also viewed the finished product favorably. It specified that all existing indentures would be honored;¹¹ allowed the continuation of the practice of bringing in bonded negro laborers to work in the salines for one year periods;¹² and failed to prohibit any later revision which would admit slavery. This section, therefore, did not settle the slavery dispute in Illinois as was hoped; it did, however, greatly increase the importance of child labor in the future economic development of the state.

On December 3, 1818, Illinois became the twenty-first state of the Union; the northern boundaries had been set some sixty miles north of the tip of Lake Michigan and the port of Chicago. Few, if any, individuals realized the heights of industrial development both the state and the port town would achieve over the next century. In 1818 Illinois was still a frontier-agrarian economy, and the foremost thoughts in the minds of its citizens was day-to-day survival.

For those who had made their way into Illinois before statehood, the rule of thumb for selecting rich soil was the presence of tall trees; therefore, the wide prairies of the state were viewed by most as lacking fertility. Barren of

¹¹The original draft of section 1 was identical to article six of the Ordinance of 1787. On the second reading, however, it was modified by the phrase "under indentures hereafter made." R. Carlyle Buley, The Old Northwest: Pioneer Period, 1815-1845, 2 vols. (Indianapolis: Indiana State Historical Society, 1950), 1: 89.

¹²Ibid., 1: 90.

wood for fires and for building houses and barns, the prairies were shunned by the early settlers who chose instead to build their homes in the groves and woodlands along the river banks.¹³ Few families were able to accomplish more than building a crude cabin and clearing one or two acres of land during the first year. Clearing land for cultivation was an arduous task: the trees were usually girded and left standing until they fell or could be easily pushed over, then came the back breaking work of clearing away the fallen trees and underbrush and removing the stumps before planting could begin.¹⁴ It was not until 1814, four years before Illinois became a state, that the first brave settlers ventured out onto the open prairies. To their surprise they found rich glacial topsoil beneath the tall grasses; extensive cultivation of this land, however, was destined to wait for the invention of a plow capable of turning over the tough prairie sod. As a result, cultivation of the prairies was for many of these early settlers a frustrating and unrewarding experience. Farming--whether in the woodlands or on the prairies--required the help of every available member of a family to accomplish the seemingly endless task to be performed.

Furthermore, there was an uncertainty to life that is common to all frontier societies. Illinois, at an early date, had earned a reputation for being particularly unhealthy.

¹³Hansen, Illinois Guide, p. 27.

¹⁴Carl Bridenbaugh, Myths and Realities: Societies of the Colonial South (New York: Atheneum, 1970), p. 139.

This was the result of the experience of most newcomers with malarial fevers, spread by the myriads of mosquitoes that found breeding places in the stagnant pools of the river bottoms and on the undrained prairies.¹⁵ Death and maiming from injuries, diseases, and infections were commonplace; and for most of these people home remedies and Indian cures took the place of proper medical attention. Doctors were few and the areas they were expected to cover were often large. In such a frontier environment, orphans and widowed parents were not uncommon.

The original labor shortage from a limited population, therefore, had been aggravated by many factors by the time Illinois became a state. The availability of land had removed many men from the labor market who would have otherwise become laborers, hired hands, or tenant farmers. The "indenture section" of the 1818 constitution, while not fully resolving the question of slavery, had placed severe restrictions upon the use of such labor as an alternative to free workers. The unending toil on the growing farms placed heavy demands upon the already inadequate supply; and as the villages grew into towns, and the towns into cities, the need for new sources of labor grew with them.

The solution appeared to be in the youthfulness of the population.¹⁶ Parents and guardians, who hoped to give the

¹⁵Alvord, Illinois Country, p. 415-16.

¹⁶The 1820 census showed that of the total white population 72.2 percent were below the age of twenty-five and 51.8 percent were below the age of fifteen. These figures represent a decrease of only .5 and 2.7 percentage points respectively from the 1810 census. U.S. Census Bureau, Historical Statistics, p. 27.

child a better chance of success through special training or who saw a chance to improve their own economic conditions, had no qualms about binding their charges as apprentices or indentured servants. Other children, who were forced into the labor market by poverty or orphanage, also became part of this alternative to the inadequate supply of adult workers.

Under these circumstances, it was only natural that one of the first actions of the newly assembled legislature would be to legalize child labor. In the first apprenticeship law, enacted February 6, 1819, the members agreed:

That if any white person within the age of twenty-one years, who now is, or hereafter shall be bound by an indenture of his or her own free will and accord, and by and with the consent of his or her father, with the consent of his or her mother or guardian, to be expressed in such indenture, and signified by such parent or guardian, sealing and signing the said indenture and not otherwise, to serve as apprentices in any art or mystery, service, trade, employment, manual occupation, or labor, until he or she arrives, males till the age of twenty-one, and females till the age of eighteen years, or for any shorter time; then the said apprentice, so bound as aforesaid, shall serve accordingly.¹⁷

There were a number of important features to this section of the law. The fact that it applied only to white children suggest that neither of the slavery groups, at least for the time being, were willing to reopen the slavery issue. More importantly, it established a legal maximum age for child labor, twenty for males and seventeen for females. Possibly the most important feature was that it required the consent of both the child and the parent or guardian before the

¹⁷Illinois, "An Act Respecting Apprentices," Laws (1819), sec. 1.

indenturing could take place. Two obvious items omitted from this law were: a minimum age below which a child could not be employed, and the lack of restrictions upon the type of work performed by a child. Both of these omissions would remain major flaws in the Illinois indenture system.

Section two did attempt to provide some assurance of the safety and well-being of the apprentice by providing legal recourse in the event of, "misusage, refusal of necessary provisions or clothes, unreasonable correction, cruelty, or other ill-treatment." Such complaints were to be heard by a justice of the peace in the county where the master or mistress resided. If the justice found the complaint to be valid, he could release the apprentice or servant from his indenture. It should not be thought, however, that the apprentice was the only one who could get legal action to protect his rights. The same section permitted the master or mistress legal recourse if their apprentice should, "absent himself or herself from the service of his or her master or mistress, or be guilty of any misdemeanor, miscarriage, or ill-behavior." If the apprentice was found to be guilty as charged, the justice was to determine the appropriate punishment for the offense.¹⁸

The possible severity of such punishment can be seen in a second law passed only a month later. It provided that children or servants found guilty of resisting or refusing to obey the lawful commands of their parents or masters could

¹⁸Ibid., sec. 2.

be sent to the jail or house of correction "to remain until they shall humble themselves to the parent or master's satisfaction." Furthermore, if a child or servant were to, "assault or strike his parent or master," he was, upon conviction by two or more justices of the peace, to "be whipped not exceeding ten stripes."¹⁹ While such punishments represented the extremes, this law illustrates the emphasis that was placed on "duty and obedience" in a child or servant.

The major defect of section two of the apprenticeship law was the procedure by which appeals could be made. Both the defendant and the plaintiff had the right to appeal a decision of any justice of the peace to the circuit court, who would decide on the merits of the case. However, in order to get permission to carry the suit to the higher court the would-be appellant was required to post a bond to insure the successful carrying out of the case. This requirement made it almost impossible for an apprentice or servant to make an appeal, eventhough the original decision had not been based on the facts of the case.²⁰

Despite its many weaknesses, the 1819 apprenticeship law would remain unchanged until 1827 when a number of revisions were made. In the meantime, however, the specter of slavery reappeared in Illinois politics. Early in 1823 the pro-slavery forces began to agitate for a new constitutional convention,

¹⁹Illinois, "An Act Respecting Crime and Punishment," Laws (1819), sec. 10.

²⁰Illinois, "Apprenticeship Act," Laws (1819), sec. 2.

with the hope of amending the 1818 constitution to admit slavery in the state. The campaign for the convention lasted eighteen months and attracted national attention. Newspapers served as the major forum for debate and appeared rather evenly divided; however, the influence of the clergy, especially the Christian Church Conference and the Methodist circuit riders, was thrown against the convention. When the final vote was taken on August 3, 1824, the call for a new convention had been defeated; the anti-slavery forces had won the victory.²¹

The demand for laborers continued to increase; but slavery was no longer an alternative source. In 1827 three major changes were made in the apprenticeship law. Sections two and three of this revision were of particular importance since they increased the number of persons involved in the indenturing process. Previously, the mother could bind her children only if the father were deceased. Section two now provided that if the father was not legally competent to give his consent, or "if he shall have wilfully abandoned his family for the space of six months without making suitable provisions for their support, or has become a habitual drunkard," the mother was to have the power to give such consent as if the father were dead. However, in order to get permission to apprentice her children, the

²¹R. Carlyle Buley, The Old Northwest: Pioneer Period, 1815-1845, 2 vols. (Indianapolis: Indiana Historical Society, 1950), 2: 22.

mother was required to appear before the Probate Court where a jury impaneled for that purpose would make the final decision.²²

In addition, section three allowed two overseers of the poor, with the consent of the judges of Probate or any two justices of the peace, to:

bind out any poor child who is, or shall be chargeable to the county, or shall beg for alms, or shall be unable by reason of infamy or inability, to take care of and support himself or herself, or whose parents are or shall be chargeable to the county, or shall beg for alms, or the child of any poor and needy family, when the father is a habitual drunkard, or otherwise unable or unwilling to support his family, or if there be no father, where the mother is of bad character or suffers her children to grow up in habits of idleness, without any visible means of obtaining an honest livelihood.²³

A companion provision in the first Illinois poor law added the county commissioners to this list, who were given the right to bind children, "because of being an orphan or because the parent or other relations are unable or refuse to support such minor."²⁴ Both of these sections allowed poor children to be bound without their consent when their well being became the responsibility of the local government officials. While these provisions showed a growing concern for the moral health of children, and the willingness of the state to stand in loco parentis to protect the child's moral development; they also established a dangerous precedent by binding children without their consent.

²² Illinois, "An Act to Revise the Laws in Relationship to Apprentices," Laws (1827), sec. 2.

²³ Ibid., sec. 3.

²⁴ Illinois, "An Act for the Relief of the Poor," Laws (1827), sec. 4.

Another major change in the apprenticeship law was section twelve, which prohibited any master or mistress "to remove a clerk, apprentice, or servant bound to him or her as aforesaid out of the State."²⁵ The importance of this provision was that it prevented the indentured person from being taken to another state or territory where the terms of the indenture might be changed and the quality of servitude decreased. This was also the first law to require the master or mistress "to cause such child to be taught to read and write," and given the ground rules of arithmetic. It also required the master or mistress "to give said apprentice a new Bible and two suits of clothes, suitable to his or her condition, at the expiration of his or her term of service."²⁶

By 1830 the population of Illinois had almost tripled, increasing from 55,000 in 1820 to 157,000 in 1830.²⁷ As a result the towns grew and the variety of opportunities available to young men increased as well. It was possible for a youth to learn the rudiments of several manual arts on the farm; often he earned his keep in and around the towns where he could learn lime making, sawmilling, cabinetwork, flour grinding, soap manufacturing, tanning, cobbling, fulling, coopering, or blacksmithing. Bright boys were sought for "printer's devils" and in a few years developed into journeymen

²⁵Illinois, "Apprenticeship Act," Laws (1827), sec. 12.

²⁶Ibid.

²⁷U.S. Census Bureau, Historical Statistics, p. 27.

printers. For older boys the professions were easily entered; prerequisites were a few months of clerking and "reading law" in an office for admission to the bar, or the experience of pill rolling in order to become certified in medicine, or the ability to read, write, and cipher to the rule of three for teaching and business.²⁸ As for girls, they worked at home or helped in the home of neighbors while waiting for marriage, the only recognized occupation for them. Despite these increased opportunities in manufacturing and commerce, Illinois was still an agrarian economy, and work on the family farms placed the heaviest demand on the existing labor supply.

In 1837 a second poor law was enacted which expanded the already dangerous precedent of "binding without consent" established by the 1827 laws. By this act the judges of Probate or the county commissioneoners' court could bind any minor "who has neither personal or real property" and "if upon examination it shall appear to the satisfaction of said Judges or Court that it will . . . promote the general welfare of said minor."²⁹ The intention of the legislators was undoubtedly honorable, and their desire to provide further protection for paupered children was sincere; however, this provision was actually a reversion to the English poor laws which had been responsible for the rapid growth of industrial child labor in that country in the eighteenth century. This

²⁸Buley, Old Northwest, 1: 238-39.

²⁹Illinois, "An Act for the Relief of the Poor," Laws (1837), sec. 2.

provision, and other apprenticeship and poor laws which followed, were to have basically the same effect in Illinois within a few years.

The apprenticeship law was completely revised in 1845, which was the last revision under the 1818 constitution. While the new law offered additional protection to the apprentice, it also contained new dangers. The 1819 law regulating apprenticeship had provided that children could be bound only "by their own free will." Succeeding legislation had modified that provision of the first apprenticeship law; however, in most instances the consent of the child was still required. Section one of the 1845 revision changed this by providing that "all children under the age of fourteen years may be bound by indenture or covenant of service, clerks, apprentices, or servants, until they arrive at that age, with or without their consent."³⁰ After the age of fourteen the child's consent was still necessary, except in those cases already mentioned, before they could be bound.

In addition, the number of individuals in the indenturing process was again increased. For the first time, the legislature recognized the mother of illegitimate children as the one from whom consent must first be secured before the child could be bound.³¹ Another provision increased the control of local governments in binding poor children by granting that "the Mayor, or any two aldermen of any city

³⁰ Illinois, "An Act to Revise the Laws in Relationship to Apprentices," Laws (1845), sec. 1.

³¹ Ibid., sec. 2.

or incorporated town, which by its charter is charged with the custody and maintenance of the poor within its limits, may bind minors as provided in the foregoing sections."³²

This was not an unusual provision, for it merely extended the poor law to give the cities the right to bind out poor children; but it was in the cities that manufacturing and the industrial employment of children would begin.

Not all of the provisions of this law, however, would adversely affect the working child. The same section, for example, required that the age and time of service be inserted in all indentures. Furthermore, the legislature tried to guarantee that the child would receive all compensation due to him by providing:

Every sum of money paid or agreed for, with, or in relation to the binding of any clerk, apprentice, or servant, as compensation for his or her service, shall be inserted in the indentures; and all money or property so paid or agreed to be paid, shall be secured to, and for the sole use and benefit of the minor.³³

This acted as a safeguard against the master or parent taking the child's earnings and appropriating it for their own use.

In 1848 a new constitution was drafted which corrected many of the weaknesses of the 1818 document. One of the many changes was a much shorter and clearer statement of the right of the legislature to enact apprenticeship laws. This was written into the schedule which stated that "nothing of this Constitution shall prevent the general assembly from passing

³²Ibid., sec. 8.

³³Ibid.

such laws in relation to the apprenticeship of minors, during their minority, as may be necessary."³⁴ This same provision was written into the proposed Constitution of 1862 which failed to pass; however, it was completely omitted from the 1870 Constitution which made no reference to apprenticeship at all.

A revision of the poor laws in 1854 added the township overseers of the poor to those who could legally bind out children, "of any poor person who has become chargeable to the town . . . and also any minor children who are themselves chargeable to the town." There was an interesting restriction in this law, however, which stated, "no minor shall be bound under the provisions of this law unless such minor shall be chargeable as a pauper."³⁵ While this fact had been implied in each of the previous poor laws, this was the first time it had been included as a definite provision. Factories were for the most part still small manufacturing concerns; but the demand for a cheaper labor supply continually increased. This provision, therefore, attempted to restrict the ease with which an unscrupulous overseer of the poor might bind out children regardless of their economic status. Another first in this law was found in section two which provided that "the overseer of the poor shall inquire as to the treatment of all children bound by them, and all who have been bound by their predecessors in

³⁴Illinois, Constitution (1848), schedule, sec. 23.

³⁵Illinois, "An Act for the Relief of the Poor," Laws (1854), sec. 1.

office, and defend them from all cruelty, neglect, and breach of contract on the part of the master."³⁶ This was the first time that anyone had been made responsible for overseeing the well being of apprentices.

Within four years, however, the protective qualities of this measure, as well as others from previous laws still in force, were threatened by a new apprenticeship law. This 1859 revision made it legal for children from other states to be indentured in Illinois,³⁷ which represented a major change in attitude of the Illinois legislature towards apprenticing. Prior to this time the state had not recognized such indentures. Considering the apprenticeship laws from the standpoint of the apprentice, this new provision was a step backwards. If a manager of a poor house, who knew nothing of the conditions under which he bound children, was allowed to bind out his wards anywhere in the country, there was a great danger that the rights of the child would be abused. Illinois never took the next logical step which would have allowed overseers of the poor to bind children outside the state; but this, at least in part, was the result of the changes in child labor practices which came with the post-Civil War industrial revolution.

The indenture system, as it evolved in Illinois, reflected the changing political and economic needs of the

³⁶Ibid., sec. 2.

³⁷ Illinois, "An Act to Revise the Laws in Relationship to Apprentices," Laws (1859), sec. 2.

state. From the first indenture law, which attempted to introduce a disguised form of slavery into the territory, to the last revision before the Civil War, which added out-of-state indentures to this alternative to the labor supply, the system was filled with contradictions. Legislators had shown great concern for the moral development of the indentured child; yet these same men had provided only token protection for the physical and mental well being of such children. This was not the major flaw in the system, however, for it was a reflection of the general attitude of the period. The real danger of the indenturing system was that it legalized the use of child labor; and, as Illinois passed from an agricultural to an industrial state in the next decade, these legislators had unwittingly opened the door for the industrial employment of children.

CHAPTER III

THE GROWTH OF INDUSTRIAL CHILD LABOR: 1860-1893

The indenturing system had opened the door for the legalized use of child labor; but it was the post-war industrial revolution that swept thousands of children through that door into the abyss of industrial employment. Between 1860 and 1893 the use of child labor in industry and commerce grew at an alarming rate in virtually every state of the union. The events which occurred in Illinois during this period were representative of the factors which contributed to this rapid acceleration of industrial child labor and, consequently, the growing concern for its abuses.

Illinois industry had been in various stages of evolutionary development since her territorial period. As late as the eighteen-fifties, however, most manufacturing concerns were small operations, with highly localized markets. Children employed in these establishments, either of their own free will or under some provision of the apprenticeship or poor laws, seldom found the work more difficult than those employed in other occupations, even though in both situations the hours of toil were long and the working conditions were often hazardous.

In general, the public saw the chief evil of child labor as being the limited opportunity it provided for

education rather than its effects upon the health of the child. Even the early labor unions and reformers--people who were presumably acquainted with industrial conditions and came into contact with working children--demonstrated little concern beyond limiting the hours of toil. The early unionist's desire to limit the working hours of children and provide for compulsory education was both humanitarian and self-protecting. While such laws would benefit children and elevate the working class, they would, at the same time, remove the undercutting effects of child labor on wages.¹ For the early labor reformers, the cry for shorter hours and compulsory education allowed them to secure a wider circle of sympathizers because of the universal enthusiasm for education. A broader group of demands, on the other hand, might alienate the very people they were trying to win over to their cause. The argument "that education was closed to working children as long as they had no leisure time in which to improve themselves" was, therefore, an exercise in practical politics. Furthermore, there was a general ignorance about the effects of child labor on the health and physical development of children.²

The decade of the eighteen-sixties brought many changes to the predominately rural-agrarian state of Illinois.

¹Eugene Staley, History of the Illinois State Federation of Labor (Chicago: The University of Chicago Press, 1930), p. 154.

²U.S., Congress, Senate Document 645, 6: 40-42.

There was a rapid growth of industry, spurred by the demands for wartime materials and agricultural products, which in turn rapidly increased the urbanization process. Most of this change from a rural to an urban population was attributable to the phenomenal growth of Chicago during this period, which was one of the first urban centers to be affected by the post-war industrial revolution. By the end of the decade the city had become one of the major industrial, commercial and transportation centers in the nation. Such rapid economic expansion created thousands of new jobs and brought tens of thousands of people into the city looking for new opportunities. Over the next two decades the population of Cook County swelled from 349,966 in 1870 to 1,838,735 inhabitants in 1890. In this same period of time the remainder of the state experienced a growth of only 792,890.³ It should not be thought, however, that Cook County was the only area of population growth; most of the downstate increase was also the result of the urbanization process.

This explosion of the urban population in the three decades immediately following the Civil War was the result of a number of migration and immigration patterns. There were the Southern "hill-folk" trying to escape their condition of poverty, intensified by four years of war. Added to this group were the Southern blacks anxiously waiting to try their new found freedoms in the industrial centers of the north.

³John Clayton, comp., Illinois Fact Book and Historical Almanac (Carbondale: Southern Illinois University Press, 1970), p. 312.

There were also the foreign born Americans, particularly of German and Irish descent, who had first settled in the eastern cities but moved westward because of the limited opportunities and prejudices they found there. Another group was the newly arrived immigrants, who had passed by the eastern cities because of the already overcrowded conditions or the fact that some relative or friend had preceded them into Illinois. That a large number of these people made their way into the Chicago area is substantiated by the reports of the Relief and Aid Society, founded in 1857 to help new arrivals in the city. In the year of the Great Chicago Fire and immediately afterwards, 1871-1873, the records show that assistance was given to 39,242 families. The distribution of nationalities receiving aid was: 14,816 Germans; 11,623 Irish; 4,823 Americans, both colored and white; 3,624 Scandinavians; 1,967 British; and 2,389 others, including Bohemians, Italians, Poles, and various other groups.⁴

Each of these groups had one thing in common with each other, their condition of poverty. The blacks, because of racial prejudices, and the European immigrants, because most were non-English speaking, tended to settle in neighborhood ethnic groups. The living conditions in these neighborhoods matched the economic status of their inhabitants, which

⁴Edith Abbott, Sophonisba P. Breckenridge, and Other Associates, The Tenements of Chicago, 1908-1935 (Chicago: The University of Chicago Press, 1936), pp. 26-27.

prompted Jane Addams to write:

The streets are inexpressibly dirty, the number of schools inadequate, sanitary legislation unenforceable, the street lighting bad, the paving miserable and altogether lacking in the alleys and smaller streets, and the stables foul beyond description. Hundreds of houses are unconnected with street sewers. The older and richer inhabitants seem anxious to move away as quickly as possible.⁵

There were many for whom the tenement buildings could not provide housing; and it was not uncommon to find families living in dank basements, stable lofts, and rear shanties which were also used for storage.

Such conditions of poverty spawned a cycle which entrapped thousands of child workers. As one writer explained it:

The low family wages that send the child to work are driven still lower when he enters the factory. He then becomes the competitor of the adult worker, who is finally pushed off the job to join the swelling army of the unemployed. As more heads of families lose jobs more children take their place, and the cycle is repeated.⁶

As these children reached adulthood, they were also faced with the threat of being replaced by child workers, thus, the poverty cycle became self-perpetuating. During the last three decades of the nineteenth century, however, most people associated employment with the fluxuations of the business cycle and not with the growth of child labor.

Surprisingly, it was not the urban centers that would produce the first restrictions upon child labor. It

⁵Id., pp. 51-52.

⁶Dorothy Rose Blumberg, Florence Kelley, The Making of a Social Pioneer (New York: Augustus M. Kelley, Publishers, 1966), p. 101.

would come instead from the bituminous coal fields of southern and central Illinois. Mining had been a part of Illinois industrial development since the territorial period when slaves had been brought into the Illinois country to work the salines and lead deposits of the area. It was not until 1810, however, that the first commercial coal mines were opened in Jackson county. Since these early coal operations were surface mining, Welshmen--who were considered to be the best miners using this technique--were imported from Wales. It was not until 1842 that the first shaft mines were sunk in St. Clair county near Belleville and for this type of mining English miners were brought in to extract the coal. But before 1850 there was no way to transport the bulky commodity except by water and coal mining was restricted to the vicinity of rivers. In 1851 the Illinois Central Railroad was begun and on its completion in 1855 provided a new means of transportation. Furthermore, by the mid-eighteen fifties locomotives began to use coal instead of wood and Illinois coal became a valuable product.⁷

In the anthracite fields of Pennsylvania and West Virginia boys were commonly used as "breakers" and "pickers" around the mines. To become more competitive with the cleaner burning anthracite, the bituminous mine operators of Illinois had introduced children to the mines in the eighteen sixties. Child labor in the mines was frowned upon by adult miners because of the inherent dangers of the occupation and

⁷Hansen, Illinois Guide, p. 45.

the depressing effect child labor had on their wages. In 1865 the English miners from St. Clair county met in St. Louis and established the American Miners' Association. The use of child labor in the mines was one of their major concerns and, although the organization had become inactive by 1869 because of membership losses, it had raised many questions about the unregulated operation of the state's mining industry. In 1872 the General Assembly responded to the concerns of the miners by passing the first General Mining Code in the state's history.⁸

Section six of the Code provided that "no young person, under fourteen years of age, or woman, or girl of any age, shall be permitted to enter any mine to work within."⁹ The importance of this section to the child laborer was that it represented the legislature's first attempt to set a minimum age for employment and regulate the type of employment in which a child might be engaged. Furthermore,

⁸The General Mining Code of 1872 was composed of a series of laws to protect the health and safety of miners. The Mine Inspection Act gave the responsibility of inspecting the mines to the county surveyors of each county in which mines were located. The Mine Map Law required mine operators to keep current, accurate maps of their mines in both their office and the county surveyor's office. The Mine Ventilation Act required the mine operators to provide adequate ventilation to every part of the mine whenever practicable. The Escapement Shaft Law compelled the owners of every mine to provide escapement shafts in each area being worked and a proper means of ascending such shafts. Illinois, "General Mining Code," Laws (1872).

⁹Illinois, "An Act Providing for the Health and Safety of Persons Employed in Coal Mines," Laws (1872), sec. 6.

the same section required that the child show proof of his age, either by a sworn statement from his parent or guardian, a birth certificate, or a baptismal record, before he could be employed in the mines.¹⁰ These three features--a minimum age limit, restrictions on certain types of employment, and certificates of proof--would become standard provisions of child labor legislation for the next forty-five years. Ironically, it would be 1904 before any of the general child labor laws would be applied to the Illinois coal mines.

Unfortunately the victory for child workers which section six represented was short lived. Within a year the age limit for boys working in the mines was lowered to twelve. The amended law did make any violation of section six a misdemeanor; however, the "proof of age" clause was dropped from the law,¹¹ which made conviction of a mine operator or owner, who could plead that the child had lied about his age, virtually impossible. These changes, no doubt, were a legislative response to increased pressure from the mine owners who were beginning to feel the economic pinch of the financial panic of 1873.

The year 1874 signaled the beginning of a thirty year period of industrial warfare and labor unrest in the United States. Amid this furor the Illinois General Assembly set about the task of revising the apprenticeship laws of the

¹⁰Ibid.

¹¹Illinois, "An Act to Amend Section Six (6) of An Act Entitled 'An Act Providing for the Health and Safety of Persons Employed in Coal Mines,'" Laws (1873), sec. 6 and 10.

state. While this revision made few significant changes it did lower the maximum age for apprenticing to sixteen. At the same time, however, the age to which a child could be bound without his or her consent was raised to sixteen to coincide with the maximum age for apprenticeship.¹² In addition, the responsibility for safeguarding the welfare of any child bound by a governmental unit was given to the "officers or persons binding such minors, and the judges of the County and Circuit Courts."¹³ The last significant change made by this revision was that in the event the master should decide to leave the state he could petition the county court for permission to remove the apprentice in his care from the jurisdiction of the state.¹⁴ Considering the westward migration of this period, however, this last provision should not be considered unusual.

The legislators, by setting the age limit to which a child could be indentured at sixteen, had established a new maximum age for child labor. The fact that this was the last revision of the Apprenticeship laws until 1903--which dealt primarily with the establishment of industrial training schools--suggests that there was less and less of a tendency to bind children for long periods of time. This, of course, was a result of the industrialization process. A long period

¹²Illinois, "An Act to Revise the Laws in Relationship to Apprentices," Laws (1874), sec. 1.

¹³Ibid., sec. 4 and 6.

¹⁴Ibid., sec. 13, 14, and 16.

of training was not necessary for factory work, and parents, appreciating only their immediate needs, found the industrial employment of their children far more rewarding than a long period of apprenticeship. There was also a growing tendency among overseers of the poor to bind their charges to factory operators rather than to craftsmen or other masters. The largest single employer of child workers, for example, was the Alton Glass Works which drew orphaned boys from the five counties adjacent to Madison, in which the city of Alton is located, as well as from the orphan asylums in St. Louis.¹⁵ Such practices, coupled with a growing concern about the effects of industrial child labor on the adult labor market, brought about an increased agitation by labor organizations and civic groups for child labor reforms.

These demands were ignored by the Illinois legislature until 1877 when a series of violent labor disputes swept the nation. Governor Shelby M. Cullom called up a battalion of state militia to end the violence at the Braidwood mines southwest of Chicago and asked President Hayes for federal troops to break the railroad strikes in East St. Louis, Peoria, Galesburg, and Decatur. Prompted by this growing labor unrest, the Illinois General Assembly finally responded to the demands of the labor and civic groups. The state's first child labor prohibited

The employment of any child under fourteen years of age in singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as

¹⁵Josephine Clara Goldmark, Impatient Crusader (Urbana: University of Illinois Press, 1953), pp. 40-41.

a gymnast, contortionist, rider, or acrobat in any-place whatsoever; or, for any obscene, indecent, or immoral purpose, exhibition, or practice, or in any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of such child.¹⁶

If some concerned citizen were to file a written complaint the county or circuit courts could take the offended child into their custody. However, if no complaint was filed the hands of the courts were tied and the law unenforceable.¹⁷

In many ways this 1877 law only added to the confusion about the legal minimum age for employing children. The provisions of the Child Labor Act set the minimum age at thirteen, but it was not applicable to children working in the coal mines where the minimum age was under twelve years. An amendment to the 1872 Code had brought some significant changes for children in mines. The twelve-year minimum age limit was retained, but all boys from twelve to fourteen were prohibited from working in the mines unless they could read and write.¹⁸ Section nine of this 1877 amendment gave the job of enforcement of the Code to a county mine inspector, rather than the county surveyor of the earlier law, to be appointed by the county board of commissioners. The mine inspector was responsible for seeing that "every necessary

¹⁶Illinois, "An Act to Prevent and Punish Wrongs to Children," Laws (1877), sec. 2.

¹⁷Ibid., sec. 4.

¹⁸Illinois, "An Act to Amend Sections Three (3), Six (6), Seven (7), Nine (9), and Eleven (11) of An Act Entitled 'An Act Providing for the Health and Safety of Persons Employed in Coal Mines,'" Laws (1877), sec. 6.

precaution be taken" to insure the health of workmen in coal mines, and that the provisions of the Code were "faithfully observed and obeyed" and the "penalties enforced."¹⁹ However, there were no specific qualifications established for the position and it became one of a growing number of political patronage jobs.

These early attempts of the General Assembly to regulate child labor illustrate the basic weakness of child labor legislation between 1872 and 1893, that is, the general lack of provisions for enforcement of the laws. They also show a tendency of legislators to think of child labor abuses in terms of moral depravation and hazardous occupations, rather than in terms of long hours of toil under extremely unhealthy conditions. Like the earlier indenture laws, these first child labor regulations were filled with contradictions and would only temporarily satisfy labor reformers. In 1883 section six of the Mining Code was again revised and the minimum age for boys working in the mines was brought back to fourteen; however, at the same time the requirements for proof of age and ability to read and write were completely dropped from the law which once again made conviction of violators impossible.²⁰

Economic prosperity had returned to the nation in 1879, but the child laborer had already become an integral part of

¹⁹Ibid., sec. 9 and 11.

²⁰Illinois, "An Act to Amend Section Six (6) of An Act Entitled 'An Act Providing for the Health and Safety of Persons Employed in Coal Mines,'" Laws (1883), sec. 1 and 2.

Illinois industry. When Florence Kelley, who would become the state's first chief factory inspector in 1893, undertook the first statistical study of the extent of child labor in Illinois, in 1880, her report shocked many citizens of the state. She found children in every branch of industry in which the application of machinery had made child labor practicable, and in Chicago she found garment workers as young as four years of age. More alarming, however, were the statistics she produced on the casualty rate among child workers. Carefully documenting each case, she found:

Death by fire in locked workrooms; by scalding, by drowning in acid vats; maiming of limbs by unguarded machinery; deterioration of health in unventilated, filthy quarters; as well as daily exposure to all the adult vices produced by poverty and despair.²¹

Unfortunately, Ms. Kelley was one of the few urban-social reformers of the period who realized that before child labor abuses could be brought to an end the poverty cycle must be broken.

To most concerned citizens compulsory education was seen as the panacea to the growing child labor abuses and the deteriorating conditions of the working class. The state legislature had never shown a strong interest in free public education, however, choosing instead to leave the education of the child in the realm of common law responsibilities of the parents. It was not until the eighteen fifties that the advocates of compulsory education began to make strides with the creation of the state's first public high school at West

²¹Blumburg, Florence Kelley, p. 100.

Jacksonville in 1851. Two years later the Illinois State Teachers' Association was organized and with the strong leadership of Charles E. Harvey and Newton Bateman began to pressure the General Assembly for more complete educational reforms. In 1854 the Office of Superintendent of Public Instruction was created with Newton Bateman as the first superintendent, a strong advocate of state supported compulsory education. Through his efforts an 1855 law established the principle that the state should use its taxing powers to support local education; however, the resulting compulsory two mill tax²² became a major point of criticism of free public education in Illinois. Opponents argued that it was unconstitutional to force them to pay a tax which would be used in some distant school district in which they had no personal interest. Furthermore, many parents--particularly in the rural communities and immigrant sections of the cities--could see little value in public education when the children were needed as part of the family labor supply. Amid such attitudes and the impending threat of war, compulsory education in Illinois would wait another twenty-eight years.

The issue was resurrected in the campaigns of 1876 when a third-party coalition, the Prohibition Reform Party, made the demand for compulsory education one of their major platform planks.

The establishment by mandatory provisions in National and State Constitutions, and by all necessary legislation, of a system of free public schools for the

²²Abbott, The Child and the State, 1: 290-91.

universal and forced education of all youths of the land. . . . The separation of the government in all its departments and institutions, including the public schools and all funds for their maintenance from the control of every religious sect or other association²³

In the eighth section of their labor plank they urged:

The free use of the Bible, not as a ground of religious creeds, but as a textbook of the purest morality, the best liberty and the noblest literature, in our public schools, that its spirit and principles may pervade our nation.²⁴

With these three recommendations the Prohibitionist had summarized the basic demands of reformers in the eighteenthies: free compulsory education, non-government support of sectarian education, and the use of free text books, which would become the battle cries of all those who saw education as the panacea of child labor.

In 1883 Illinois passed her first compulsory education law. Section one provided that

Every person having the control and charge of any child or children, between the ages of eight and fourteen years, shall send such child or children to a public or private school for a period of not less than twelve weeks in each year. . . . excuse may be given by said board of education or school directors for any good cause.²⁵

Good cause was further defined by the law as being:

. . . the mental or bodily condition of such child or children is such as to prevent attendance at school or application to study for the period required by this act, or, that such child or children

²³Kirk H. Porter and Donald B. Johnson, comps., National Party Platforms, 1840-1968 (Urbana: University of Illinois Press, 1970), p. 53.

²⁴Ibid.

²⁵Illinois, "An Act to Secure to All Children the Benefit of An Elementary Education," Laws (1883), sec. 1.

have been taught in a private school, or at home for the time specified in this act, in such branches of learning ordinarily taught in public schools, or that no public school has been taught within two miles, by the nearest traveled road of the residence of such child or children, within the school district in which said children reside, for twelve weeks during the year.²⁶

Monies collected for violations of this Act were payable to the school treasurer for use by the school district. The enforcement of this law, however, was dependent on some concerned citizen filing a complaint against the offending parent or guardian which greatly reduced the effectiveness of the provisions.

In 1889 the Compulsory Education Act was amended and the age limit for school attendance was changed to seven through thirteen years of age; furthermore, the period of attendance was expanded to sixteen weeks annually of which eight weeks were to be consecutive. It also defined the subjects to be taught as: reading, writing, arithmetic, the history of the United States, and geography, specifying that all subjects listed must be taught in English.²⁷ This last provision was a reaction to the growing number of non-English speaking immigrants in the state.

The most important provision of this law, however, was section two which stated that

It shall be the duty of the board of education or school directors in every school district, to appoint one or more truant officers, whose duty it shall be,

²⁶Ibid., sec. 2.

²⁷Illinois, "An Act Concerning the Education of Children," Laws (1889), sec. 1.

carefully to inquire concerning all supposed violations of this act, and to enter complaints against all persons who shall appear to be guilty of such violations. It shall also be the duty of said officers to arrest children of a school going age, who habitually haunt public places, and have no lawful occupation, and also truant children who absent themselves from school without leave, and to place them in the charge of the public school which the said children are by law entitled to attend.²⁸

This provision for a truant officer to enforce the new law shows a growing realization among legislators that the laws themselves were not enough to command compliance, and that an effective means of enforcement must also be provided.

Besides the two mill tax, the early compulsory education laws were opposed because the exemption list did not include children who were the sole support of their parent, relative or family. In 1891 the General Assembly tried to correct this situation by revising the 1877 Child Labor law. In this revision they provided that

In case it shall be made to appear to the board of education or the school directors that the labor or services of any child constitutes the sole means of support of any aged or infirmed relative, and that such relative is in whole, or in part, dependent upon such child, then the board of education or school directors shall issue to such child a certificate authorizing the employment of such child; such certificates shall state the name, residence and age of such child, and a record thereof shall be kept by the board of education or school directors in a book kept for that purpose.²⁹

The legislators went on to modify this provision, however, by stating that

²⁸ Ibid., sec. 2.

²⁹ Illinois, "An Act to Prevent Child Labor," Laws (1891), sec. 2.

No such certificate shall be granted to any child unless it shall be shown to the board of education or school directors . . . that such child has attended some public or private day school for at least eight (8) weeks in the current school year.³⁰

Section four of the law appears to be a stern warning to employers.

No person firm or corporation shall employ any child under the age of thirteen years, in any store, shop, factory or manufacturing establishment by the day, or any period of time greater than one day unless such certificates be furnished, nor shall he permit any such child to work in his employment without such certificate. He . . . shall be authorized to retain the certificate of any child employed by him, which shall be evidence admissible in any court.³¹

Closer scrutiny of this section, however, reveals that the minimum age for child labor had actually been reduced from fourteen in 1877 to thirteen in 1891. In addition the law now contained a provision by which a child of twelve or younger could be legally employed in industry.

The employment of such a child without the proper certificate carried a fine of "not less than ten nor more than fifty dollars" to be used by the public schools; and each day the child was employed was to be considered a separate violation.³² The certificate system outlined in this law was full of legal loopholes. The granting of the certificate was solely dependent upon the whims of the boards of education or school directors, who might or might not have special interest in such a decision. Furthermore, the law

³⁰ Ibid., sec. 3.

³¹ Ibid., sec. 4.

³² Ibid., sec. 5.

contained no provisions for enforcement since the truant officers had no authority to enter any place of business searching for violations of this Act. Even if they had such authority it would have been impossible to prove that any employer had violated the Act with willful intent. Like the related legislation of the eighteen seventies and eighties, the Act was ineffectual from lack of provisions for enforcement.

In 1890 the United States Census Report showed only 5,426 children below the age of sixteen employed in Illinois industries. Yet only three years later, the first annual factory inspectors' report listed 6,466 children below the age of fourteen employed in industrial occupations. When it is considered that this latter figure was based on only 2,362 inspections--the majority of which were single family operations in the "garment districts" of Chicago--the accuracy of the census figure becomes questionable. Furthermore, there were thousands of child workers in the urban centers who were employed in occupations other than manufacturing, such as mercantile establishments, laundries, messenger services, newspaper outlets, bootblack stands, peddling, and a host of other street trades.³³

The first enforceable child labor law in 1893, however, would ignore this army of non-industrial child workers and concentrate its efforts on those employed in manufacturing,

³³Illinois, Office of Factory Inspectors, Second Annual Report of the Factory Inspectors of Illinois (Springfield: F. Hartman, State Printers, 1895), pp. 10-11.

particularly the notorious "sweating system." The sweatshops had evolved as part of the "ready made clothing" industry and appeared in every city across the United States where clothing was produced. The unassembled clothing was taken from the professional cutter by a sewing contractor, who would then sub-contract the finishing of the clothing to individual families. By the eighteen-nineties this work, which had formerly been done by Americans, Irish, and Germans who now refused to submit to the extremely low wages to which the sweating system had reduced their successors, was being done by the non-English speaking immigrants of the cities.³⁴

Those familiar with child labor abuses saw the sweating system as being the most injurious to children, many of whom worked as early as the age of four. The conditions of squalor in which these children were found prompted Ms. Kelley to write that

The work, excessive as to hours and speed, is further ruinous because of the place in which it is done. Shops over sheds or stables, in basements or on upper floors of tenement houses³⁵

are unfit for human habitation.

Shops on upperfloors have no proper ventilation; are reached by narrow filthy halls and unlighted wooden stairways; are cold in winter unless all fresh air is shut out, and hot in summer. If in older houses they offer no sanitary arrangements beyond the vaults used by all tenants; if in modern tenements, the

³⁴Abbott, Tenements of Chicago, p. 52.

³⁵Illinois, Office of Factory Inspectors, Fourth Annual Report of the Factory Inspectors of Illinois, (Springfield: Phillips Bros., State Printers, 1897), p. 32.

drains are usually out of order, water for the closets does not rise to upper floors, and poisonous gases find their way into the shops. This defective water supply, the absence of fire escapes, and the presence of the pressers' stoves greatly aggravate the danger of death by fire.³⁶

The basement workshops provided no better working conditions.

Their dampness entails rheumatism, and their darkness injures the sight of the people who work in them. They never afford proper accommodations for the pressers, the fumes of whose gasoline stoves and charcoal heaters mingle with the moldy smell of the walls, and the stuffiness always found when a number of very poor are crowded together.³⁷

Nor did the shops over sheds and stables offer improved conditions, for

. . . the operator receives from below the stench from vaults or accumulated stable refuse, from the rear the effluvia of garbage boxes and manure bins in the alleys; and from the front the odors of the tenement house yard, the dumping ground for all the families on the premises.³⁸

Amid these unbearable conditions,

Young backs grow crooked over heavy sewing machines; the fluff and dust from cheaply dyed woolen goods, disengaged by flying needles, irritate young eyes and membranes. Piece work, the small pay for it, and the uncertainty of its continuance, stimulate the eagerness of the workers to the highest possible pitch. Confined through long hours of unremitting toil in shops such as these, it is not strange that the sweatshop worker early succumbs to exhaustion, and that his trade life is shorter than . . . in any other occupation.³⁹

Neither was it strange that such conditions of poverty and misery would spawn the first enforceable child labor law.

³⁶Ibid., pp. 32-33.

³⁷Ibid., p. 33.

³⁸Ibid.

³⁹Ibid.

CHAPTER IV

CHILD LABOR REFORMS AND THE FACTORY INSPECTORS: 1893-1903

In 1893 the first law restricting child labor that was susceptible to even a moderate degree of enforcement was passed by the General Assembly. It became commonly known as the Sweatshop Act because its first three sections were regulations of the "Sweating system."¹ The remaining eight sections of the Act, however, were applicable to all manufacturing establishments within the State.

Without question the most important feature of this law was the creation of an Office of Factory Inspectors to enforce its provisions. The inspectors were to be appointed by the governor, and would consist of "a factory inspector at a salary of fifteen hundred dollars per annum, an assistant factory inspector at a salary of one thousand dollars per

¹Section one of this law prohibited the "manufacturing of certain articles of clothing in apartments, tenement buildings and living rooms, except by families living therein;" and required that "every such workshop shall be kept clean, free of vermin, infectious or contagious matter and to that end shall be subject to inspection as provided in this act." Section two and three provided that if "any such workshop shall be found unhealthy or infectious" the public health officer could close the shop, and destroy the "infected or verminous clothing." Illinois, "An Act to Regulate the Manufacturing of Clothing, Wearing Apparel and Other Articles in this State, and to Provide for the Appointment of State Factory Inspectors to Enforce the Same, and to Make An Appropriation Thereof," Laws (1893), sec. 1-3.

annum, and ten deputy factory inspectors, of whom five shall be women, at a salary of seven hundred and fifty dollars each." The term of the chief factory inspector was to be four years and the assistant and deputy inspectors "during good behavior."²

The inspectors were empowered to inspect all workshops, factories, and manufacturing establishments in the state and prosecute all violations of the Act. To accomplish this monumental task the inspectors received an appropriation of twenty-eight thousand dollars, of which ten thousand was payable in salaries. From the remaining monies they were required to maintain offices as necessary, pay their staff, hire lawyers to prosecute violators, pay doctors for physical examinations of children, compile an annual report of their activities and findings, and pay all of their travel expenses. As the chief factory inspector, Governor John Peter Altgeld chose a woman long associated with labor reform in Illinois, Florence Kelley.

Section four of this act prohibited the employment of any child "under fourteen years of age . . . in any manufacturing establishment, factory or workshop within this State." To insure compliance and provide the inspectors with a basis for prosecuting violators, the legislators introduced a number of new provisions. Each employer was to keep a register "in which shall be recorded the name, birthplace, age and place of residence of every person . . . under the age of sixteen years" in their employ; and post a wall list in some conspicuous spot giving the names and ages of all children under sixteen. In

²Ibid., sec. 3.

addition, every child between the ages of fourteen and sixteen was required to provide an affidavit "stating the age, date and place of birth of said child" before he could be legally employed. The sworn statement was to be made by the child's parent or guardian, or if the child was an orphan he could make his own statement of age. Such affidavits were to be kept on file by the employer at all times; and both the register and affidavits were to be "produced for inspection on demand" by any of the inspectors appointed by the act.³

Two other provisions of this act showed a growing awareness among legislators of the relationship between industrial employment and health. The inspectors were given the power to demand certificates of physical fitness for any child who appeared "physically unable to perform the labor" at which they were engaged. If such child was unable to obtain a certificate from a competent doctor the inspector could forbid the further employment of the child.⁴ The weakness of this provision was the fact that while the inspector could demand a health certificate, the inspectors' office had to bear the cost of the examination.

Another section stated that "no female shall be employed in any factory or workshop more than eight hours in any one workday or forty-eight hours in any one week."⁵ The eight hour day had long been a goal of labor unions and reformers.

³Ibid., sec. 4.

⁴Ibid.

⁵Ibid., sec. 5.

An eight hour law had been the panacea for unemployment since the early labor movements of the nineteenth century. It was only logical that if laborers worked shorter hours, then more people could be employed to pick up the slack produced by a reduction from a twelve to eight hour day. But the desire of unionists to limit the work day for women was also self-protecting; women, like child laborers, had a depressing effect on the wages all laborers would receive. By the eighteen-nineties, however, there was also a slow awakening among certain members of the medical profession and labor reformers that sustained periods of industrial employment were particularly injurious to young women, of whom the next generation of workers would be born.

Armed with these skeletal provisions the first factory inspectors went out to enforce the law. Opposition to the Act had been expected, but few realized just how much there would be. Shortly after the passage of the law many of the industrial employers of the state formed the Manufacturers' Protective Association. Their basic goal was to oppose the "eight hour" provision of section five. Two years later an Illinois circuit court ruled in favor of the Association in *Ritche v. People* and declared the eight hour provision unconstitutional.⁶ This organization later became known as the Illinois Manufacturers' Association and for the next twenty-five years would be the major opponent to labor reform in Illinois.

⁶Earl R. Beckner, A History of Illinois Labor Legislation (Chicago: University of Chicago Press, 1929), p. 154.

Even more startling than the opposition of the manufacturers was the conditions in which the inspectors found children working. In the Chicago stockyards, where 302 boys and 18 girls were employed, Ms. Kelley found that

Some of the children are boys who cut up the animals as soon as the hides are removed, little butchers working directly in the slaughter houses, at the most revolting part of the work performed in the stockyards. These children stand ankle deep in water used for flooding the floor for the purpose of carrying off blood and refuse into the drains; they breathe air so sickening that a man not accustomed to it can stay in the place but a few minutes; and their work is the most brutalizing that can be devised.⁷

Other boys were working in a foul, dark passage at an unguarded machine where the smell of smoking bones and rags of hide "excel in horror all the smells for which the stockyards are notorious."⁸

The largest single employer of children was the Alton Glass Works which employed 611 children below the age of sixteen. Many of these children, as previously mentioned, were orphans; and as their guardians the owners of the Works had made affidavits to the fact that they were fourteen years of age when they were actually found to be from seven to ten years old.⁹ Of all the manufacturers, the glass makers were the most insistent that young boys were indispensable to their craft. Because of the spectacular

⁷Illinois, Office of Factory Inspectors, First Annual Report of the Factory Inspectors of Illinois (Springfield: F. Hartman, State Printers, 1894), pp. 15-16.

⁸Ibid.

⁹Goldmark, Impatient Crusader, p. 41.

process by which glassware was produced and the large number of children glass making employed, it quickly became the target for those demanding child labor reforms.

Each glass blower required the assistance of two or three boys. The blower would pour the molten glass into the molds which a boy sitting close by would then close. Another boy would pick the bottles from the molds with a long stick and set them in front of a small furnace of extreme heat, called the glory hole, where the tops of the bottles were finished. The bottles were then removed, placed on long trays, and carried to the annealing furnace where they were gradually cooled. The severity of such work was a combination of many factors. The continual demand of the work was a great physical strain on young bodies and when combined with the intense heat of the workroom often led to physical exhaustion. Because a glass blower could not work without helpers, it was not uncommon for boys to work double shifts when someone failed to show up for the next shift. Furthermore, the dust and fumes which filled the room, and going from the heat of the factory into cold winter air outside made colds and pulmonary diseases occupational hazards.¹⁰

Since there was no law in Illinois regulating the safeguarding of machinery, inspectors constantly discovered children working at machines which inevitably deformed their

¹⁰U.S., Congress, Senate, Report on the Condition of Women and Child Wage Earners in the United States, 19 vols., S. Doc 645, 55th-56 Cong., 1910-1913, Glass Industry, 3: 145.

backs and threatened mutilation of fingers, hands and arms.

One machine used in . . . stamping works consists of an endless chain revolving over a trough filled with melted solder. In this trough cans are kept moving in unbroken procession, revolving as they go. At each end of the trough stands a boy with a little iron poker, keeping the cans in their place and pulling them out at the end. The poker is not always quick enough, and the boys hands are apt to get into contact with the melted fluid. In preparation for this danger the lads wrap their hands before beginning work, but this precaution is only good for minor burns and the real danger to the child is that he may lose a hand outright.¹¹

One company which employed a large number of recently arrived Russian and Bohemian men, boys, and girls--most of whom were illiterate or non-English speaking--required its employees to carry a card of directions printed in English. In case of injury to one of its employees, the company could prove that notice of danger had been given and that the injury was due solely to the recklessness of the employee.¹² Other companies, fully aware of the dangers of unguarded shafting and machinery, required the parent or guardian of any child it employed to sign a release before the child would be employed. The Illinois Steel Company, for example, required parents to sign the following statement:

I . . . fully recognize the hazardous nature of the employment in which my said son is about to engage and to continue in; but, nevertheless, I, the said parent, desire his employment as aforesaid in such departments and occupations as the said company may from time to time designate; and I hereby consent to such employment of said minor, and in consideration of one dollar to me in hand paid, . . . I do

¹¹ Illinois, Second Annual Factory Report, p. 24.

¹² Ibid.

hereby release and forever discharge the Illinois Steel Company of and from all claims and demands for loss of service of said . . . minor, on account of any personal injuries he may sustain while in the employ of said company.¹³

Liability releases such as this became commonplace in most hazardous occupations in the eighteen-nineties.

Despite the vigorous enforcement of the 1893 law by the factory inspectors the number of industrial child workers had grown to 9,259 by the end of 1857. When Ms. Kelley's term of office expired she was replaced by Louis Arrington. However, much of the ground work for the accomplishments of the factory inspectors office under Arrington's leadership must be attributed to Ms. Kelley's skill of vividly depicting the conditions which she and her inspectors found. Her recommendations for improvements would serve as a guide for labor reform over the next twenty years. Before leaving office she successfully guided a new child labor law through the General Assembly.

The child labor law of 1897 provided that "no child under the age of fourteen years shall be employed, permitted or suffered to work for wages" in "any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop" within the state.¹⁴ While the minimum age had

¹³Illinois, Office of Factory Inspectors, Third Annual Report of the Factory Inspectors of Illinois (Springfield: F. Hartman, State Printers, 1895), p. 35.

¹⁴Illinois, "An Act to Regulate the Employment of Children in the State of Illinois, and to Provide for the Enforcement Thereof," Laws (1897), sec. 1-2.

remained at fourteen, the scope of the law was widened to include many of the occupations of child workers previously omitted. The inclusion of mercantile institutions, stores, offices, and laundries was of particular importance to girls and young women, who were most frequently employed in these establishments.

The Fourth Factory Inspectors' Report, for the year 1896, described the conditions found in laundries, which at that time were not covered by any legislation.

Everything connected with laundry work makes it an occupation for the rugged and fully mature only; the heat and dampness, intensified by lack of ventilation; the sharp contrast of temperature at the close of work; the long irregular hours; the unprotected shafting; the heavy work at dangerous machines, all menace health, life and limbs, of the weak and unwary. Until very recently children were not found in this industry; but little girls are now employed in large numbers in some of the laundries of Chicago, and such employment is rapidly increasing.¹⁵

While work in department stores was not as dangerous, the hours were extremely long--often from nine in the morning until midnight--and the constant pace required by the work was just as exhausting as laundry work. It was situations such as these that the new law attempted to correct.

All employers covered by this Act were still required to keep a register of all children below the age of sixteen employed by them, post a list naming the same, and keep on file the prescribed age affidavits for each child. Section four through six, however, introduced a number of new

¹⁵Illinois, Fourth Annual Factory Report, p. 17.

regulations for the employers of children. Section four provided that "no person under the age of sixteen years shall be employed or suffered to work for wages at any gainful occupation more than sixty hours in any one week, nor more than ten hours in any one day." Legislators and reformers hoped that this wording would satisfy the Courts which had declared the "eight hour" provision of the 1893 Sweatshop Act special legislation and therefore unconstitutional. Another provision reflected the continuing concern for the health of women and girls involved in industrial and commercial employments by providing that "all establishments subject to factory inspection, where girls and women are employed, shall provide suitable seats for the use of the girls and women, and they shall be permitted the use of such seats when not necessarily engaged in their active duties."¹⁶

One of the most frequent problems encountered by the early factory inspectors was that upon entering a sweatshop or manufacturing establishment they would see

A boy or girl drop into a chair, put on cap or shawl, and pose as a visitor only; a pretense steadfastly supported by the boss, . . . An example of this is afforded by the report of two inspectors who visited a bottling place and found, in the room where the work was being done, three boys under 14 years of age. They were told that the boys "just waited around in the hope of getting an errand to do, and a glass of beer for doing it."¹⁷

¹⁶Illinois, "An Act to Regulate the Employment of Children in the State of Illinois and to Provide for the Enforcement Thereof," Laws (1897), sec. 4.

¹⁷Illinois, Fourth Annual Factory Report, p. 15.

Section five corrected this problem by stating that "the presence of any person under sixteen years of age in any manufacturing establishment, factory or workshop shall constitute prima facie evidence of his or her employment therein."¹⁸

The other significant change made by this Act was in section six.

No child under the age of sixteen years shall be employed, or permitted or suffered to work by any person, firm or corporation in this State at such extra hazardous employment whereby its life or limb is in danger, or its health is likely to be injured, or its morals may be depraved.¹⁹

The flaw in this provision was that, while it prohibited the employment of children under sixteen in extra hazardous occupations, it did not clearly define what occupations were considered to be such.

Among the other weaknesses of this law was the fact that it did not apply to children in the street trades. The peddlers of fruits, flowers, and other wares could work at any age and ply their calling at any hour and in any place. These children were found on street corners and in saloons until after midnight in every major city of the state. As the regulation of industries and commercial establishments increased, more and more children were drawn into the street trades where there were no restrictions. The inspectors also found an increasing number of parents who were willing

¹⁸Illinois, "Child Labor Act," Laws (1897), sec. 5.

¹⁹Ibid., sec. 6.

to perjure themselves to obtain an age affidavit for their children. This was primarily a problem among the foreign born, non-English speaking population who found themselves at the bottom of the socio-economic ladder. In the absence of birth certificates or baptismal records, however, the inspectors had no alternative but to accept the word of the parents.

In 1899 there were a number of new and revised laws which appeared on the Illinois statute books that were directly or indirectly related to previous child labor legislation or recommendations made by the factory inspectors. The General Mining Code was completely revised by the Forty-first General Assembly. The child labor provision of this Act stated that "no boy under the age of fourteen years, and no woman or girl of any age, shall be permitted to do any manual labor in or about any mine." This clause represented a change of attitude from the earlier laws that had prohibited such persons from being employed "within the mines" only. A second provision brought the Code into conformity with the 1897 child labor law by requiring that "before any boy can be permitted to work in any mine he must produce to the mine manager or operator thereof, an affidavit from his parent, guardian or next of kin, sworn and subscribed to before a justice of the peace or notary public that he, the said boy, is fourteen years of age."²⁰

²⁰Illinois, "An Act to Revise the Laws in Relationship to Coal Mines and Subjects Relating Thereto, and Providing for the Health and Safety of Persons Employed Therein," Laws (1899) sec. 22.

In this same year the legislature created the first free public employment service in Illinois. Prior to this time only private employment agencies had existed in the state. These agencies, with the exception of a few charitable organizations which provided such services, were notorious for the "finder's fee" which they charged, usually a large percentage of the first three to six months' wages of their client. They were also known to work in collusion with employers, sending many more men than the available position required to depress the wages through intense competition. Such practices tended to aggravate the unemployment situation rather than solve it.

Union and labor reformers had long recognized unemployment as being both a cause and effect of child labor. When a father became unemployed his children commonly entered the labor market; and as more children entered the work force, more fathers were laid-off, thus, the poverty cycle began. The law which attempted to correct this problem provided that one office was to be established in every city of fifty thousand or more inhabitants and three offices in cities of one million. These offices were to receive applications of persons seeking employment or desiring to employ help, with no fees being charged for the service.²¹ By bringing these two groups together through an unbiased agency it was hoped that the cycle could be broken.

²¹Illinois, "An Act to Establish a System of Free Public Employment Offices in this State," Laws (1899), sec. 1.

Another concern, which had been voiced by factory inspectors since the creation of their office, was the fire hazards presented by many of the older buildings in which they found children employed. A series of laws dating from 1885 had provided a set of safety standards for new buildings under construction; however, existing buildings were not covered by these laws and local regulation was often lax. To correct this situation the General Assembly passed an act requiring all buildings of more than two stories, which were used for manufacturing purposes, to have at least one fire escape for every fifty employees working above the second floor.²² Unfortunately, the enforcement of this law was placed in the hands of local authorities and violations continued until the tragic Iroquois Theatre fire of Chicago in 1903.

In addition, two laws were passed in 1899 which reflected the changing attitude of legislators towards the role of the State in providing for the welfare of children. On July 1st Illinois became the first state to pass a law designed specifically for the benefit of juvenile offenders. Commonly known as the Juvenile Court Act, it required that a juvenile court room be provided in all county and circuit court buildings, a separate record kept on all juvenile offenders, and in counties of over five-hundred thousand the circuit court judges were to designate one or more of their number to hear all juvenile cases. The law applied

²²Beckner, Illinois Labor Legislation, p. 317.

not only to juvenile offenders but to all neglected and dependent children. In Cook County it brought the care of such children under one jurisdiction; the real importance of the law, however, was the concept that "a child who broke the law should not be treated as a criminal."²³

The second law grew out of the failures of the first compulsory education acts to prevent truancy. This Act mandated the establishment of Parental or Truant schools in all cities of over one-hundred thousand population within two years; in cities of from twenty-five to one-hundred thousand such schools could be established at any time by a majority vote of its citizens. Any child guilty of habitual truancy or violation of school rules could be committed by the court to be kept in such a school until the age of fourteen, unless previously convicted of an offense punishable by confinement in a penal institution. Children could be paroled from the schools if their records were satisfactory; but if they violated their parole they were to be returned to the school. If the child was incorrigible he could be transferred to a reformatory.²⁴ This law, of course, represented an expansion of the State's power in loco parentis; but, at the same time, it showed a growing realization that if children were to be kept out of factories they must be kept in school.

²³Clarke, Social Legislation, p. 338.

²⁴Illinois, "An Act to Enable Boards of Education or Boards of School Trustees to Establish and Maintain Parental or Truant Schools," Laws (1899).

Between the passage of the first enforceable child labor law and the beginning of the twentieth century, the number of known child workers in Illinois had more than doubled. In 1900 the factory inspectors' office reported 14,356 children below the age of sixteen working in the industries and mercantile establishments of the state. This represented an increase of more than double the 1893 figure of 6,466 children. It should be taken into consideration, however, that there had been 12,809 more inspections made in 1900 than in 1893; but it must also be considered that none of the children in street trades or the coal industry were covered by the 1893 and 1897 child labor laws.²⁵

The greatest weakness of the 1897 Child Labor Law was seen by the factory inspectors as being:

The provision which permitted a child to be employed upon an affidavit made before a notary public by the child's parents. The result of this provision was, that instead of limiting or preventing the employment of children under fourteen years of age, it merely encouraged the commission of perjury by the parent, because of the noticeable tendency on the part of such parents to evade the restrictions of the law by swearing falsely as to the child's age.²⁶

Some children were sent to work because their fathers drank and did not support their family; others because their parents had gone to work at an early age and could not see the difference between working in the fields or vineyards and working in

²⁵ Illinois, Department of Factory Inspectors, Sixteenth Annual Report of the Factory Inspectors of Illinois, (Springfield: Illinois State Journal Co., 1908) p. 898.

²⁶ Illinois, Department of Factory Inspectors, Fifteenth Annual Report of the Factory Inspectors of Illinois (Springfield: Phillips Bros., Printers and Binders, 1907), p. 15.

a factory of sweatshop. Still others left school at an early age. As Ms. Kelley reported:

Tradition is wide-spread and powerful that a child who has reached the age of confirmation is ready to enter the work of life. This tradition is deeply rooted among foreign colonies, where recent immigrants are eager to turn the earning capacity of the children to account at the earliest moment. "I have fed her 14 years, and now she can help me pay off my mortgages," was the reply of a stalwart, prosperous looking immigrant when asked why he wanted an affidavit for his crooked-backed, puny child on her 14th birthday.²⁷

When Edgar T. Davies stated in the 1902 Factory Report that there were fifteen thousand working children under the age of sixteen in Chicago alone, and that three thousand were employed on false affidavits, it was obvious to those concerned that something must be done.²⁸

On May 15, 1903, Illinois passed the most comprehensive child labor law in the State's history. This law was an attempt by the legislature to combine the best features of all the previous child labor laws. Section one of this Act provided that

No child under the age of fourteen years shall be employed, permitted or suffered to work at any gainful occupation in any theatre, concert hall or place of amusement where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefore, within this state.²⁹

²⁷ Illinois, Fourth Annual Factory Report, p. 30.

²⁸ Illinois, Fifteenth Annual Factory Report, p. 15.

²⁹ Illinois, "An Act to Regulate the Employment of Children in the State of Illinois, and to Provide for the Enforcement Thereof," Laws (1903), sec. 1.

After eliminating virtually every occupation which might corrupt the morals or endanger the life and limb of a child worker, the legislature added three more important features to section one. In an attempt to bolster the compulsory education laws a provision was added which stated that "no child under fourteen years of age shall be employed at any work performed for wages or other compensation, to whomever payable, during any portion of any month when the public schools of the town, township, village or city in which he or she resides are in session." A totally new provision of the law, directed at children in the street trades particularly, prohibited any child under fourteen from being employed "at any work before the hour of seven-o' clock in the morning or after the hour of six-o' clock in the evening." The last provision of this section provided that "no child shall be allowed to work more than eight hours in any one day."³⁰

Minors who were over fourteen and under sixteen years of age were required to provide an Age and School Certificate before they could be legally employed. These certificates were to be approved only by the superintendent of schools or a person authorized by him in writing. If there was no superintendent a member of the board of education or school directors would be authorized; however, this member could not approve the certificate of any child then in or about to enter his own establishment, or the employment

³⁰Ibid.

of a firm or corporation of which he was a member, officer, or employee. Before a child under sixteen could be approved for an Age and School Certificate, he was required to present to the superintendent, authorized agent, or board member a certificate of school attendance. This certificate was to include the child's name, number of years of schooling completed, a statement that the child could read and write legibly simple sentences, and was to be signed by the child's teacher. If the child could not read at sight or write legibly simple sentences a certificate might still be issued provided the child was in regular attendance in an evening school and was certified weekly by the teacher or principal of the school. Furthermore, a child who could not read or write could not be employed during the hours when an evening school was in session. If there were no evening schools in the town or city in which the child resided an Age and School Certificate could not be issued under these special provisions.³¹

As in the 1897 law, employers were required to keep all such certificates on file, and post a list of names of all employees under sixteen. A new provision of this Act, however, provided that

No person under the age of sixteen years shall be employed . . . at any gainful occupation more than forty-eight hours in any one week, nor more than eight hours in any one day; or before the hours of seven o' clock in the morning or after the hour of seven o' clock in the evening.³²

³¹Ibid., sec. 2, 5-8.

³²Ibid., sec. 10.

Furthermore, in addition to the regular wall list, the employer was required to

. . . post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begins and ends.³³

One of the major weaknesses of the 1897 Child Labor Act was that it failed to define exactly what were to be considered extra-hazardous occupations, even though it prohibited children under the age of sixteen from being employed at such work. Section eleven of the 1903 law corrected this flaw and left no doubt as to exactly what constituted extra-hazardous work.

No child under the age of sixteen shall be employed at sewing belts, or to assist in sewing belts in any capacity whatever; nor shall any child adjust any belt to any machinery; they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood-shapers, wood jointers, planers, sand paper or wood-polishing machinery, emery or polishing wheels used for polishing metal, wood burning or boring machinery, stamping machinery in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any passenger or freight elevators, steam boilers, steam machinery, or other steam generating apparatus, or as pin boys in any bowling alley; they shall not operate or assist in operating dough brakes, or cracker machinery of any description; wire or iron straightening machinery; or shall they operate or assist in operating rolling mill machinery, punches or shears, washing, grinding or mixing mill or calendar rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery; nor shall children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any

³³Ibid., sec. 10.

capacity in the manufacture of paints, color or white lead . . . nor . . . in the manufacture of goods for immoral purposes, or any other employment that may be considered dangerous to their lives or limbs, or where their health may be injured or morals depraved; nor in any theatre, concert hall or place of amusement wherein intoxicating liquors are sold; nor shall females under sixteen years of age be employed in any capacity where such employment compels them to remain standing constantly.³⁴

This section illustrates how well the legislature had learned its lesson in composing child labor legislation over twenty-five years of trial and error. The remaining three sections of this act were carried over from the 1897 law: the presence of any person under sixteen years in a factory or workshop was considered prima facie evidence of employment, the duties of the factory inspectors were to enforce the provisions of the law, and the penalties for violation of the act were listed. When Governor Richard Yates signed this bill into law a new era of child labor legislation had begun.

³⁴Ibid., sec. 11.

CHAPTER V

THE CHILD LABOR LAW OF 1903, AND AUXILIARY LEGISLATION: 1903-1917

In the fall of 1903 the Factory Inspectors' Office construed section eleven as applying to coal mines, thereby prohibiting children under sixteen from working therein. The coal operators took exception to the Act since section 22 of the General Mining Code already prohibited the employment of women and children below the age of fourteen in and around the mines. They further argued that all children above the age of fourteen were required to provide their employer with a notary public affidavit as to their correct age. Section 22, therefore, permitted a child over the age of fourteen to be employed in a coal mine, provided the child had on file the required affidavit. They also pointed out that the Illinois Constitution of 1870 provided for special legislation for coal mines, and that the 1903 Child Labor Law was general legislation and could not repeal this special statute by implication.

Since a number of technical legal questions had been raised by the coal operators, an agreement was reached by the attorneys for the operators and the chief factory inspector

¹Illinois, Office of Factory Inspectors, Twelfth Annual Report of the Factory Inspectors of Illinois (Springfield: Illinois State Journal Company, State Printers, 1906), p. viii.

that the issue should be decided by the courts. Therefore, Deputy Inspector William Ehn was detailed to make an inspection of a coal mine at Staunton, in Macoupin County, the proprietors of which were members of the Illinois Coal Operators' Association. Four or five boys under the age of sixteen were found to be employed by this mine and charges were filed through the state's attorney in the county court at Carlinville against Mr. Struthers, manager of the mine. On conclusion of the evidence the court convicted Mr. Struthers on three counts and imposed the minimum fine for each offense.² The case was then appealed to the Third District Appellate Court at Springfield, who after reviewing the evidence sustained the lower court's decision "that the Child Employment Act of 1903, Section 11, repealed by implication the Miner's Act of 1899, Section 22, in so far as it permitted the employment of children of the age of 14 years."³

After the decision was rendered a conference was held between the chief factory inspector and the attorneys for the Coal Operators' Association, and an agreement entered into, that no action would be taken by the factory inspectors until the executive committee of the Association decided whether an appeal would be made to the Illinois Supreme Court. Within a few days word was received that the Association would let the decision of the Appellate Court stand and would comply with it.⁴

²Ibid., p. xii.

³Struthers v. People, 116 Ill. App. 481 (1904).

⁴Illinois, Twelfth Annual Factory Report, p. xiii.

Consequently, instructions were issued to various owners and managers of mines, that "no more children under the age of sixteen should be permitted or suffered to be employed." The result was some 2,200 children being discharged from the coal mines of the State.⁵

The 1903 Child Labor Law would remain in force for the next fourteen years, during which time many changes would take place in the labor statutes of Illinois. There were also two major revisions of the compulsory education laws worthy of note during this period. In 1903 the Compulsory Education Act of 1897 was amended to require "all children 7 to 14 years of age . . . to attend either a public or private day school for an entire session; not less than 110 days of actual teaching."⁶ The law was amended again in 1907 and the age for school attendance was changed to "all children between 7 and 16;" furthermore, it provided that all children who had been excused of necessity to be lawfully employed.⁷ The last piece of educational legislation came in 1909, and the only change that it made was to require the attendance of all children between 7 and 14 years of age for the entire school year, to be not less than six months of actual teaching.⁸ Each of these three laws gave added support to the idea that "children

⁵Ibid., p. xiii.

⁶Illinois, "An Act to Amend the Compulsory Education Act of 1897," Laws (1903), sec. 2.

⁷Illinois, "An Act to Amend the Compulsory Education Act of 1897 as Amended in 1903," Laws (1907), sec. 2-4.

⁸Illinois, "An Act to Establish and Maintain a System of Free Schools," Laws (1909), sec. 2.

must be kept in the schools if they are to be kept out of the factories." In addition, the 1909 law established the modern 180-day school term for elementary and secondary education.

In 1907 the Office of Factory Inspectors became a full department of the executive branch of the state. Other than this elevation in status, there were only two significant changes made by this Act. The number of deputy inspectors was increased from ten to twenty-five, which enabled the Department to increase its number of inspections to 59,375 by the end of the year. The second significant change was the appointment of an attorney to prepare legal briefs and prosecute all violators of the Child Labor Law.⁹ Both Ms. Kelley and Louis Arrington had requested such a position be created because of the indifference of most state's attorneys to prosecute violations of the law. Ms. Kelley describe one such encounter in the following manner.

The young official looked at me with impudent surprise and said in a tone of astonishment: "Are you calculating on my taking the case." I said: "I thought you were the district attorney." "Well," he said, "suppose I am. You bring me this evidence this week against some two-by-six cheap picture frame maker, and how do I know you won't bring me a suit against Marshall Field next week? Don't count on me. I'm overloaded. I wouldn't reach this case inside of two years, taking it in its order."¹⁰

⁹Illinois, "An Act to Provide for the Establishment of a Department of Factory Inspectors, and an Attorney for the Department, and Prescribing their Duties, and to Repeal All Acts or Parts of Acts in Conflict Therewith." Laws (1907), sec. 1-3.

¹⁰Goldmark, Impatient Crusader, p. 43.

One of the first actions of the new department's chief, Edgar T. Davies, was to draft a bill entitled "An Act to provide for the Health, Safety and Comfort of Employes in Factories, Mercantile Establishments, Mills and Workshops in this State." When the General Assembly failed to pass this proposal, he secured a joint-resolution establishing a commission to study the problem. The Health, Safety and Comfort Commission was to be composed of three employes, one lawyer, one physian, one citizen who was neither an employee or employer, and the Secretary of the Bureau of Labor Statistics. The duties of this commission were to thoroughly investigate existing conditions and report to the Governor, "by bill or bills or otherwise," the most advisable method or methods for providing for the health, safety, and comfort of the State's employes.¹¹

At the same time a second resolution was secured creating an Occupational Disease Commission. This commission was to be composed of the State Factory Inspector, the Secretary of the Bureau of Labor Statistics, the president and secretary of the State Board of Health, two reputable physicians, and three other representative citizens of the State. The duties of this commission were to be "to thoroughly investigate causes and conditions relating to diseases in occupations, and to report to the Governor the draft of any desirable bill or bills, designed to meet the purposes of the commission."¹²

¹¹Illinois, Fifteenth Annual Factory Report, pp. 10-11.

¹²Ibid.

In 1909 the Health, Safety, and Comfort Commission was reorganized into the Industrial Commission. In that same year, the new commission secured passage of a Health, Safety, and Comfort Law. This Act had two basic purposes in view: first, the safeguarding of hazardous and dangerous machinery and places of employment, and second, the maintenance of proper and sufficient sanitary and ventilating systems.¹³ This Act placed Illinois in the front ranks of states making provisions for the health and safety of its employees; and over the next decade this law would serve as a model for a whole series of laws dealing with this problem.¹⁴

In this same year a new law was passed by the legislature limiting the hours which a female might be employed. Commonly known as the "Women's Ten Hour Law" it provided "that no female shall be employed in any mercantile establishment, factory or laundry in this State, more than ten hours during any one day." Furthermore, it required the hours to be arranged so that "no female employee might work

¹³ Illinois, "An Act to Provide for the Health, Safety and Comfort of Employees," Laws (1909).

¹⁴ The 1914 Inspectors' Report listed the following laws, enforced by that Department, that promoted the health, safety, and comfort of employees. Besides such provisions in the 1903 Child Labor Law and the 1909 Health, Safety and Comfort Act the list contained: an act to provide for washrooms in certain employments to protect the health of employees and to secure public comfort; an act in relation to employments creating poisonous fumes or dust in harmful quantities; an act requiring blowers on certain machines; and an act to protect those working around construction sites. Illinois, Department of Factory Inspectors, Twenty-second Annual Report of the Factory Inspectors of Illinois (Springfield: Illinois State Journal Co., State Printers, 1915), pp. 9-10.

more than ten hours in any twenty-four hour period.¹⁵ As might be expected this law was contested by the Illinois Manufacturers' Association. Judge Richard S. Tuthill of the Circuit Court of Cook County ruled that the law was unconstitutional; however, on February 10, 1910, the Illinois Supreme Court reversed the decision of the lower court. This reversal represented a major change of attitude of the bench towards protective legislation for women.¹⁶

One of the most important pieces of auxiliary legislation during this period was known as the "Illinois Fund to Parents Act." Passed in 1911, section seven of this law greatly increased the State's power in loco parentis by providing that

If the court shall find any male child under the age of seventeen years or any female child under the age of eighteen years to be dependent or neglected within the meaning of this Act, the court may allow such child to remain at its own home subject to the friendly visitation of a probation officer.¹⁷

This same section continued:

If the court shall further find that the parent, parents or custodian of such child are unfit or improper guardians or are unable or unwilling to care for, protect, train, educate, or discipline such child, and that it is for the interest of such child and the people of this State that such child be taken from the custody of its parent,

¹⁵Illinois, "An Act to Regulate and Limit the Hours of Employment of Females," Laws (1909).

¹⁶Hansen, Illinois Guide, p. 65.

¹⁷Illinois, "An Act to Amend an Act Entitled 'An Act Relating to Children Who Now or May Hereafter Become Dependent, Neglected or Delinquent'. . ." Laws (1911), sec. 7.

parents or custodian, the court may make an order appointing as guardian of the person of such child, some reputable citizen of good moral character and order such guardian to place such child in some suitable family home or other suitable place.¹⁸

In these first two provisions of section seven, the legislators had planted the seeds of the modern day Child and Family Services office, the child social worker, and the foster home system.

The most important provision of this section, however, provided that

If the parent or parents of such dependent or neglected children are poor and unable to properly care for the said child, but are otherwise proper guardians, and it is for the welfare of such child to remain at home, the court may enter an order finding such facts and fixing the amount of money necessary to enable the parents to properly care for such child, and thereupon it shall be the duty of the county board, through its county agent or otherwise, to pay to such parent or parents, at such times as said order may designate the amount so specified for the care of such dependent or neglected child until the further order of the court.¹⁹

One of the strongest criticisms of protective legislation for children had been the belief that

Although some children are employed and it is not exactly ideal, the earnings of these children are absolutely necessary for the maintenance of their families--children of widows, children whose fathers have deserted or are ill--and except for the earnings of these children, the family would suffer and might starve.²⁰

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Homer Folks, "Poverty and Parental Dependence As An Obstacle to Child Labor Reform," Child Labor and the Republic (New York: The American Academy of Political and Social Science, 1907), p. 1.

By this third provision of section seven the legislature had removed one of the basic obstacles to child labor reform.

With these three provisions Illinois became the first state to provide public aid for dependent children in their homes.

Another cause of child labor, which had been voiced by each of the chief factory inspectors, was the lack of employer's liability towards their employees. As early as 1896 Ms Kelley had stated that

In an incredibly large number of cases, the fathers of wage-earning children not only do not support the family but are supported by it; . . . because they are worn out early by the over exertion of the garment worker, or disabled by the rheumatism of the ditcher or digger, or by that loss of limb which is a regular risk in the building trades and among railroad men. The failure of the State to require the safe guarding of machinery increases, in many trades, the probability of disablement. The irresponsibility of thousands of small employers, and the skillful evasion of responsibility by great corporations, leaves the workingman's family without redress or compensation when the bread winner is disabled for life, or killed outright. Such reasonable care for safety of life, limb and health of men at work as is already the rule in older states, would greatly diminish the number of children forced to labor. An employer's liability law which really rendered employers liable, would enable the family to live after the death or disablement of the father without sending the children out to take his place.²¹

These sentiments would be echoed by other factory inspectors, labor unions, and social reformers for the next fifteen years.

In 1911, the General Assembly finally responded to these pleas and passed the state's first workman's compensation law. While the law was optional for most, it was compulsory in certain hazardous employments, namely,

²¹ Illinois, Fourth Annual Factory Report, pp. 29-30.

The building, maintaining, or demolishing of any structure; any construction of electrical work; transportation and loading and unloading in connection therewith, except as to carriers coming under exclusive application of laws of the United States relating to liability to their employees for personal injuries incurred while engaged in interstate commerce; operating of general or terminal storehouses; mining and quarrying; any enterprise using or handling explosives, molten metal, injurious gases, or inflammable fluids in dangerous quantities; any enterprise in which statutory regulation requires safety appliances.²²

Clerks and administrative employees who were not exposed to the hazards of the employment, part-time workers, or workers whose employment was not related to the employer's trade or business were not protected by this Act. Like much of the labor legislation of this period, however, there was no board or other administrative body to administer and enforce its provisions.

Section eleven of the 1903 Child Employment Act had provided similar protection to minors by prohibiting them from working at a long list of hazardous occupations. A number of court cases at the state level had questioned the constitutionality of this provision and the requirement of an age affidavit. An event occurred in 1913, however, which brought the entire Act, and specifically section eleven, to a test before the United States Supreme Court.

Arthur Beauchamp, who was only fifteen years of age, was employed by the Sturges & Burn Manufacturing Company, a corporation engaged in the manufacture of tinware and other metal products, as a press hand to operate a punch press used in stamping sheet metal. Beauchamp had represented

²²Illinois, "Workmen's Compensation Law," Laws (1911).

himself as over sixteen years of age and was put to work by the company without checking the truthfulness of the boy's age affidavit. Subsequently the boy was injured in operating the press and brought action to recover damages, counting on the Act of 1903, which by section eleven prohibited the employment of children under the age of sixteen in various occupations, including that in which the injury occurred. The company's attorneys argued that since Beauchamp had presented a false affidavit as to the correctness of his age the company was not liable.²³

The case passed quickly through the state court system, with each court ruling in favor of the boy. On December 1, 1913, the United States Supreme Court, in a majority opinion written by Justice Charles Evans Hughes, handed down its decision in *Beauchamp v. Sturges & Burn Company*. Justice Hughes stated that

A minor employed contrary to the provisions of the Child Labor Law, if injured in the course of such employment, even if the employer acted in good faith, relying upon the representation of the minor that he was over 16, has a right of action and may recover damages without any defense on the part of the employer.²⁴

Hughes based his decision on the fact that the 1903 law placed the responsibility of investigating any questionable statement

²³ Illinois, Department of Factory Inspectors, Twenty-First Annual Report of the State Factory Inspectors of Illinois (Springfield: Illinois State Journal Co., State Printers, 1915), p. 13.

²⁴ Ibid.

of age on the company. On this point the opinion of Justice Hughes clearly read:

It can not be doubted that the State was entitled to prohibit the employment of persons of tender years in dangerous occupations. It is urged by the Sturges & Burn Company that it was not permitted to defend upon the grounds that it acted in good faith, relying upon the representation made by Schuchamp that he was over 16. It is said that being over 14, he at least had attained the age at which he should be treated as responsible for his statements. But, as it was competent for the State, in securing the safety of the young, to prohibit such employment altogether, it could select means appropriate to make prohibition effective, and could compel employers, at their peril, to ascertain whether those they employed were in fact under the age specified. The imposition of absolute requirements of this sort is a familiar exercise of the protective powers of government.²⁵

The remainder of the decision was devoted to the specific question of whether or not the legislature had the right to pass such protective legislation. Hughes addressed himself to this question in his final statement when he concluded that "such legislation has reasonable relation to a purpose which the State was entitled to effect."²⁶

The success of child labor, compulsory education, and other legislation so far discussed can be seen in a comparison of the number of child workers to the total labor supply. In 1903 industrial child laborers made up 4.1 percent of the total work force, by 1916 this percentage was down to 1.2, even though the total number of workers had increased by over one hundred thousand. There were other factors, however, which contributed to this reduction. As

²⁵Ibid., p. 246.

²⁶Ibid., p. 247.

the immigrant classes became more affluent they tended to place their children in the school room rather than in the factory. There was also the growing awareness of the medical aspects of industrial employment and their effects on the development of the child. Yet possibly the most important single factor was the rapid expansion of industrial technology between 1903 and 1916. With this increase in technical knowledge came increased automation, which made many of the tasks previously performed by child workers obsolete. As a result, many of the children between the ages of fourteen and sixteen who were still employed in industry were performing monotonous duties such as:

. . . packing crackers, soap, lifting or carrying articles from a machine to a table, or vice versa, labeling or pasting or other similar work that requires no mental effort and therefore affords no mental development in the child, and it is usually work that stunts the child physically due to the fact that the child must sit or stand in a certain position throughout the day, using only certain muscles.²⁷

These "blind alley" occupations left such children totally unprepared to compete in the adult labor market; conditions such as these led to a growing emphasis on vocational education in the school systems, and the establishment of industrial training schools to help children make the transition from child laborer to adult worker.

In 1917 the General Assembly passed a new child labor law to bring the 1903 law into conformity with the Federal child labor law which had been passed in 1916. The

²⁷Ibid., p. 20.

significant changes made by this act were relatively few. The age and school certificates of the former law were replaced by an employment certificate, which was to be issued "only upon the application in person of the minor desiring employment, accompanied by the parent, guardian or custodian of such minor." The official granting the certificate was to receive and examine the minor's school record, a certificate of physical fitness, a proof of age affidavit, and a statement signed by the prospective employer stating that he expected to give the minor employment. The employer's statement was to give the character of the work and the number of hours per day and days per week that the minor would be employed.²⁸

Other than the physical fitness certificates, these provisions added nothing new; they simply combined parts of the previous child labor law and the compulsory education law. One feature of the law, however, did require the school authorities to furnish a designated place or places where "certificates shall be issued and recorded, and physical examinations made without fee." The employment certificates were to be issued in triplicate; one was to be sent to the prospective employer, one to the Department of Labor, and the third was to be retained in the school office. When the minor left the employment for which the certificate had been issued the employer was to return the certificate to the

²⁸Illinois, "An Act Concerning Child Labor, and to Repeal An Act Entitled 'An Act to Regulate the Employment of Children in the State of Illinois and to Provide for the Enforcement Thereof,'" Laws (1917), sec. 5.

issuing official.²⁹ The constitutionality of this certification provision was again questioned in 1921, however, the Illinois Supreme Court ruled in favor of the provision in *Gill v. the Boston Store*.

Another change required the minor applying for a certificate to "be able to read and write legibly simple sentences in the English language" and have "completed a course of study equivalent to the work prescribed for the first five years of the public elementary schools." The last major change was that the enforcement of the new law was given to the newly created Department of Labor.³⁰ The Department of Factory Inspectors, which had done so much to bring about child labor reform, was absorbed by this new department.

²⁹Ibid., sec. 4,7.

³⁰Ibid., sec. 5,8.

... of the indentured child; yet, at the same time, these laws ignored the mental and physical strain that excessive labor placed upon a child. These lawmakers, however, were not acting with malicious intent by binding children without their consent but simply reflecting the general attitudes of their time towards work. The real danger of the indenturing system was the fact that it legalized the use of child labor.

As Illinois passed from an agricultural to an industrial economy in the decade of the eighteen sixties, an increasing number of children were drawn into industrial occupations. It was commonly believed among businessmen that the cheapness of child labor would help cut their cost of production and make them more competitive in the market place. Those who were acquainted with industrial conditions and child labor continued to view compulsory education as the panacea to the problem. Sometimes the motives of those most concerned were both humanitarian and self-protecting. The labor unionist, for example, saw compulsory education as a means of elevating the status of the working class, but, at the same time, saw it as a way to remove the undercutting effects of child labor on wages.

The rapid growth of industries and the urban population, in the decades of the eighteen sixties and seventies, drew more and more children into the factories and manufacturing establishments of the state. Most of these children were of the lower class, living in ethnic ghettos, whose

parents were foreign-born or newly arrived immigrants. As each group of immigrants achieved a certain amount of affluence and economic mobility, they were quickly replaced by a new group of immigrants who were usually poorer than those they replaced.

The first protective child labor legislation, however, did not come from the urban areas but from the bituminous coal fields of central and southern Illinois. Section six of the General Mining Code contained three features which would become the basis for child labor legislation over the next forty-five years: a minimum age limit, the restriction of certain types of employment, and a system of certificates. Two years later, in 1874, the last revision of the apprenticeship laws showed less and less of a tendency to bind children for long periods of time.

Growing unrest among workers prompted the Illinois legislature to pass the state's first general child labor law in 1877. This law, while providing token protection to the child laborer, was ineffective because of its lack of provisions for enforcement. This weakness was found in the 1891 revision of the child labor law as well. It was in the compulsory education laws of the period that provisions for enforcement were first provided, when an 1889 revision required school boards to appoint truant officers. The authority of these officers, however, was very limited and enforcement continued to be haphazard. In these early laws it would appear that the state legislators were trying to

satisfy both labor reformers and the business community, with businessmen being the favored party.

The growing concern for child labor abuse brought about the passage of the first enforceable child labor law in 1893 by creating an office of Factory Inspectors. It was largely through the efforts of these men and women that the abuses of child labor were brought to the public's attention. From the first chief factory inspector, Florence Kelley, to the last, Oscar Nelson, this group worked untiringly to expose the conditions in which children were found employed, recommending changes in the laws, and initiating auxiliary legislation to correct the problems they found.

The opposition that these factory inspectors encountered was great. The Illinois Manufacturers' Association, for example, opposed almost every piece of labor legislation between 1893 and 1920; the failure of its members to cooperate with the factory inspectors made enforcement extremely frustrating. There was also opposition from the parents of the laboring children because the child's wages were needed for the family to survive, because their ethnic tradition compelled them to enter the work force at an early age, or simply because of the greed of the parent. Interwoven with this opposition was the general ignorance of the time about the effects of industrial labor on the mental and physical development of children. By the turn of the twentieth century both the factory inspectors and child labor reformers had undertaken an educational campaign to change these attitudes.

The successes of the inspectors and reformers can be seen in the wide variety of labor legislation passed by the General Assembly between 1903 and 1917. There was also a changing attitude of the state in its responsibilities towards the working class in general. Like the utopian idealism of the early factory systems, legislators began to realize that industrial employment need not be a degrading human condition. For the child, these changing attitudes culminated in the Child Labor Law of 1917. While it would be another twenty-one years, 1938, before labor would be prohibited to children under sixteen, the 1917 Child Labor Law and the auxiliary legislation of the first two decades of the century illustrated the growing realization that the place for the child was "in the school room and not the factory."

CONCLUSION

Child labor in America was spawned of necessity: the need to supplement an inadequate adult labor supply; to find an inexpensive source of labor for an infant economy; and to perpetuate the skills and technology of the culture. The use of child labor was justified by the beliefs in the sacredness and dignity of work, the beneficial habits of discipline it would provide, the skills it would develop for the competitive struggle in adulthood, and a repugnance to becoming a burden upon society.

As the country moved westward these needs and justifications moved with it. In the Illinois country, where slavery had been prohibited, child labor became the major alternative to the labor shortage. When Illinois became a state in 1818 child labor was considered of such importance to the future development of the state that one of the first actions of the newly assembled legislature was to pass the Apprenticeship Act of 1819. This act legalized child labor through statutory law. From this beginning, child labor legislation would pass through a ninety-eight year period of evolution.

The indenture system, which grew out of the apprenticeship and poor laws of the pre-industrial period was evidence of the concern by the state legislators for the moral

A SUMMARY OF CHILD LABOR
AND AUXILIARY LEGISLATION

APPENDIX A

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1818	<p>"Apprenticeship Provision of the 1818 Constitution."</p> <p>This section prohibited slavery or involuntary servitude other than for the punishment of crimes. It also prohibited the indenturing of any male of 21 years and over, and female of 18 years and over, without their consent and only on condition of a bona fide consideration received for their services. Furthermore, all indentures of any negro or mulatto made outside the state of more than one year, except in the case of apprenticeship, were invalid.</p> <p>Illinois, <u>Constitution</u> (1818) art. 6, sec. 1.</p>	
1819	<p>"An Act Respecting Apprentices."</p> <p>This was the first Apprenticeship Law in Illinois. It established a maximum age for apprentices of 21 years for males and 18 years for females. It also established a procedure by which the apprentice might seek recourse for mistreatment; or, the master or mistress if the apprentice broke the terms of the agreement. Both parties had the right to appeal to the circuit court who would decide on the merits of the case. A</p>	<p>"An Act Respecting Crimes and Punishment."</p> <p>This Act made it a crime for any child or servant to resist or refuse to obey the lawful command of their parent or master. Violators were to be tried by any two justices of the peace, and upon conviction could be sent to jail or a house of correction until humbled to the satisfaction of the parent or master. If convicted of assault or striking a parent or master the</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1819	<p>"Apprenticeship Act" Continued</p> <p>bond was required to insure the continuance of the case. This provision made it almost impossible for an apprentice to appeal the decision of the lower court.</p> <p>Illinois, <u>Laws</u> (1819), sec. 1.</p>	<p>"Crimes and Punishments Act" Continued</p> <p>punishment was a whipping not to exceed ten stripes.</p> <p>Illinois, <u>Laws</u> (1819), sec. 10.</p>
1827	<p>"An Act to Revise the Laws in Relationship to Apprentices."</p> <p>This was the first general revision of the Apprenticeship Laws. Section 3 gave the mother the right to bind-out her children if the father was not of legal capacity or had deserted the family for six months without making provisions for their support. However, the mother was required to get the approval of the probate court before the binding-out was legal. In addition, any two overseers of the poor, with the consent of the judges of probate or any two justices of the peace, could bind-out any poor child who was chargeable to their county, begged for alms, or was unable by reason of infamy or inability to take care of themselves, or whose parents were chargeable to the county.</p>	<p>"An Act for the Relief of the Poor."</p> <p>This was the first of the Illinois Poor Laws. It made it possible for the county commissioners to bind-out any minor who became or was likely to become chargeable to the county, either because of being an orphan, or because the parent or other relatives were unable or refused to support him.</p> <p>Illinois, <u>Laws</u> (1827), sec. 4.</p> <p>-----</p> <p>"Illinois Criminal Code."</p> <p>This section of the Illinois Criminal Code stated that "If any keeper of a public house or retailer of spirituous liquors, shall receive, harbor, entertain, or trust any minor or apprentice</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1827	<p>"Revision of Apprenticeship Law" Continued.</p> <p>Furthermore, no child could be bound outside the state. This was also the first law to require the master or mistress to cause such child to be taught to read and write, and the ground rules of arithmetic. It also required the master or mistress to give the apprentice a new Bible and two suits of clothes, suitable to his or her condition, at the expiration of his or her term of service.</p> <p>Illinois, <u>Laws</u> (1827), sec. 2, 3 and 12.</p>	<p>"Criminal Code" Continued.</p> <p>. . . or any servant or slave, knowing them to be such . . ." If such a keeper of a public house or retailer of spirituous liquors was convicted of such an offense they would forfeit their licenses.</p> <p>Illinois, <u>Laws</u> (1827), sec. 149.</p>
1837		<p>"An Act for the Relief of the Poor."</p> <p>This Act enabled the judges of probate or the county commissioners' court to blind-out any minor or minors, if such action would promote the general welfare of the minor or minors.</p> <p>Illinois, <u>Laws</u> (1837), sec. 2.</p>
1845	<p>"An Act to Revise the Laws in Relation- ship to Apprentices."</p>	

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1845	<p>There were a number of major changes in this revision of the Apprenticeship Law. Children under the age of 14 years could be bound-out without their consent. For the first time the right of the mother of illegitimate children to be the lawful person to bind-out her children was written into law. This Act further increased local governments control of the binding-out of poor children by granting the mayor or any two aldermen of any city or incorporated town this right. One other very important provision of this Act required that the age of the child and the length of service be inserted in the indenture; and, that any compensation for the child's services was to be paid to and used solely for the benefit of the minor.</p> <p>Illinois, <u>Laws</u> (1845), sec. 1, 2 and 8.</p>	<p>"An Act for the Relief of the Poor."</p> <p>This Act gave the township overseer of the poor, in all counties that had adopted township organization, the right to bind-out the minor children of any poor person who became chargeable to the town, or any minor child who themselves became chargeable to the town, as long</p>
1854		

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1854		<p>"Poor Law" Continued.</p> <p>as they were chargeable as being paupers. Section 2 made the overseers of the poor responsible for the protection of such children.</p> <p>Illinois, <u>Laws</u> (1854), sec. 1-2.</p>
1859	<p>"An Act to Revise the Laws in Relation to Apprentices."</p> <p>This Act was the first to recognize the apprenticing of children from other states. Apprentices could not be taken from Illinois to another state or territory.</p> <p>Illinois, <u>Laws</u> (1859), sec. 2.</p>	
1872	<p>"An Act Providing for the Health and Safety of Persons Employed in Coal Mines."</p> <p>Section 6 of this Act prohibited any boy under 14, or any female of any age from working in any coal mine. An affidavit was required for employment.</p> <p>Illinois, <u>Laws</u> (1872), sec. 6.</p>	

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1873	<p>"An Act to Amend Section Six (6) of An Act Entitled 'An Act Providing for the Health and Safety of Persons Employed In Coal Mines.'"</p> <p>This Act reduced the age of boys to under 12 years of age, but kept the provision prohibiting females from working in the mines. Violation of this Act was made a misdemeanor punishable by fine or imprisonment. The proof of age requirement was dropped, however, making conviction almost impossible.</p> <p>Illinois, <u>Laws</u> (1873), sec. 6 and 10.</p>	
1874	<p>"An Act to Revise the Laws in Relation to Apprentices."</p>	<p>This was the last major revision of the Apprenticeship Laws and contained a number of important changes. The age limit to which a child could be bound without his consent was raised to 16. The maximum age for apprenticing was also set at 15. The responsibility of safeguarding welfare of apprentices bound-out by local governments rested with the person responsible for the binding-out, and the judges of the circuit and county courts. For the first time a master who left the</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1874	<p>"Revision of Apprenticeship Law" Continued.</p> <p>state could petition the county court to take their apprentices with them. However, children could not be apprenticed outside the state.</p> <p>Illinois, <u>Laws</u> (1874) sec. 1, 4 and 6.</p>	
1877	<p>"An Act to Amend Sections Three (3), Six (6), Seven (7), Nine (9), and Eleven (11) of an Act Entitled 'An Act Providing for the Health and Safety of Persons Employed in Coal Mines.'" "</p> <p>This Act retained the 12 year age limit but prohibited boys from 12 to 14 from working in the mines unless they could read and write. Enforcement of this Act was to be by competent inspectors appointed by the county board.</p> <p>Illinois, <u>Laws</u> (1877), sec. 6.</p>	
1877	<p>"An Act to Prevent and Punish Wrongs to Children."</p> <p>This was the first general child labor law in the state. The employment of</p>	

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1877	<p>"Child Labor Law" Continued.</p> <p>children under 14 years of age in occupations that were dangerous to morality, health, life or limb was prohibited. Any child so endangered could be taken into the custody of the court. There were, however, no provisions for the enforcement of this Act.</p> <p>Illinois, <u>Laws</u> (1877), sec. 2-4.</p>	
1883	<p>"An Act to Amend Section Six (6) of An Act Entitled 'An Act Providing For the Health and Safety of Persons Employed In Coal Mines.'" <p>This Act brought the minimum age for boys working in coal mines back to under 14 years; however, it dropped the requirements for proof of age and ability to read and write.</p> <p>Illinois, <u>Laws</u> (1883), sec. 1-2.</p> </p>	<p>"An Act to Secure to All Children the Benefit of An Elementary Education."</p> <p>This was the first compulsory education law in Illinois. It established the age limits for compulsory education at 8 to 14 years and the minimum period of attendance per year at 12 weeks. Exceptions to this law were defined as: a restrictive mental or physical condition, other forms of instruction in the subjects regularly taught in the public schools, and the absence of a school within two miles of the nearest traveled road. The exemptions to this law were to be decided by the school board. Monies collected for violations were to be used by the school district.</p> <p>Illinois, <u>Laws</u> (1883), sec. 1-4.</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1889		<p>"An Act Concerning the Education of Children."</p> <p>This law changed the age limit to 7-14 years, and the period of attendance to 16 weeks annually, of which 8 were to be consecutive. It also defined the subjects to be taught as reading, writing, arithmetic, United States history and geography; furthermore, it specified that these subjects must be taught in English. A truant officer was to be appointed by the school board to investigate supposed violations.</p> <p>Illinois, <u>Laws</u> (1889), sec. 1-4.</p>
1891	<p>"An Act to Prevent Child Labor."</p> <p>This Act prohibited the employment of any child under 15 years of age by any person, firm or corporation unless it was made to appear to the school authorities that the labor of such child was essential to the support of some aged or infirmed relative. If the school authorities were convinced the labor of the child was necessary, and if he or she had attended school for eight weeks during the school year, a certificate of employment would be granted. There were no provisions for enforcement, however.</p> <p>Illinois, <u>Laws</u> (1891), sec. 1-5.</p>	

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1893	<p>"An Act to Regulate the Manufacturing of Clothing, Wearing Apparel and Other Articles in this State, and to Provide for the Appointment of State Factory Inspectors to Enforce the Same, and to Make An Appropriation Thereof."</p> <p>This Act prohibited any child under the age of 14 years from working in any manufacturing establishment, factory or workshop within the state. Children 14 to 16 were required to have an affidavit stating the child's age, and date and place of birth. Such affidavit was to be kept on file by the employer and be shown to the state inspector upon demand. Section 5 prohibited the employ- of any female in any factory or work- shop for more than eight hours in any one day or forty-eight hours in any one week. This section was declared uncon- stitutional by an Illinois circuit court in 1895, (See Ritche v. People, 155 Ill. 98, 1895). Enforcement of the Act was given to the Office of Factory Inspectors, created by this same Act. The office was to consist of one chief inspector, an assistant inspector, and ten deputy inspectors, five of whom were to be women. The term of office of the chief inspector was to be for four years.</p>	<p>"An Act Concerning the Education of Children."</p> <p>This Act left the age limit for compul- sory education at 7 to 14 years; however, the period of attendance was changed to 16 weeks annually, 12 of which must be consecutive. An addition to the exemp- tions was that a child might be excused for sufficient reason by a competent court of records. The enforcement of this Act was the same as the 1889 law, however, one board member was to be appointed to hear all reasons for non- attendance.</p> <p>Illinois, <u>Laws</u> (1893), sec. 1-5.</p>
	<p>Illinois, <u>Laws</u> (1893), sec. 1-9.</p>	

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1897	<p>"An Act to Regulate the Employment of Children in the State of Illinois, and to Provide for the Enforcement Thereof."</p> <p>The scope of this law was widened to include mercantile establishments, stores, offices and laundries in addition to manufacturing concerns, factories, and workshops. No person under 16 years of age was to be permitted to work for wages at any gainful occupation for more than sixty hours per week or ten hours in any one day. The presence of any person under 16 in any manufacturing establishment, factory, or workshop was to constitute prima facie evidence of his or her employment. Furthermore, no child under 16 was to work at any extra hazardous employment whereby life and limb would be endangered, or health likely to be injured, or morals depraved. The age affidavit was retained from the 1893 law.</p> <p>Illinois, <u>Laws</u> (1893), sec. 1-6.</p>	<p>"An Act to Promote Attendance of Children in Schools and to Prevent Truancy."</p> <p>This Act left the age limits for compulsory education the same as in the 1893 law. The period of attendance remained 16 weeks annually, of which 12 were to be consecutive at a public or private day school. The term for children under 10 years of age was to commence with the school year and children over ten were required to start not later than December 1st. The exemptions and enforcement provisions remained the same as the 1893 law.</p> <p>Illinois, <u>Laws</u> (1897), sec. 1-5.</p>
1899	<p>"An Act to Revise the Laws in Relation to Coal Mines and Subjects Relating Thereto, and Providing for the Health and Safety of Persons Employed Therein."</p>	<p>"An Act to Enable Boards of Education or School Trustees to Establish and Maintain Parental or Truant Schools."</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1899	<p>Section 22 of this Act stated that "no boy under the age of fourteen years, and no woman or girl of any age shall be permitted to do any manual labor in or about any mine." Furthermore, before a boy could work in any mine he must produce to the mine manager or operator an affidavit from his parent, Guardian, or next of kin, sworn and subscribed to before a justice of the peace or notary public, that he, the said boy, is 14 years of age.</p> <p>Illinois, <u>Laws</u> (1899), sec. 22.</p>	<p>This Act mandated the establishment of Parental or Truant Schools in cities of over one hundred thousand population within two years; and, in cities of twenty-five thousand and over at any time by a majority vote. The school could not be at or near any penal institution. Any child guilty of truancy or habitual violation of school rules could be committed by the courts to be kept in such school until the age of 14. Parole was to be granted if the child's record was satisfactory, but if parole was violated the child was to be returned to the parental school and not be paroled again for a specified term. Principles of schools attended by paroled children were required to make a report to the parental school each month. An incorrigible child could be transferred to a reformatory, where the parent was responsible for supplying clothing. The rules of management for the parental schools were to be the same as for the public schools.</p> <p>Illinois, <u>Laws</u> (1899).</p>
1899		<p>"Fire Escape Act."</p> <p>This Act required all buildings of more than two stories high used for manufacturing purposes to have at least one</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1899		<p>"Fire Escape Act" Continued.</p> <p>fire escape for every fifty persons for whom working accommodations were provided above the second story. Enforcement of this Act was placed in the hands of the local authorities.</p> <p>Illinois, <u>Laws</u> (1899).</p> <p>"Free Public Employment Act."</p> <p>With this act Illinois became the fifth state to provide free public employment services. One office was to be established in each city having fifty thousand or more inhabitants, and three offices in each city of 100,000 or more population. These offices were to receive applications of persons seeking employment or desiring to employ.</p> <p>Illinois, <u>Laws</u> (1899).</p>
		<p>"An Act to Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children."</p> <p>This was the first law in the world drafted specifically for the welfare of juvenile offenders. The act created no new</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1899		<p>"Juvenile Court Act" Cont.</p> <p>courts, however, It did require a juvenile court room and separate records to be kept. The only really new feature of this law was the concept that a child who breaks the law should not be treated as a criminal.</p> <p>Illinois, <u>Laws</u> (1899).</p>
1901	<p>"An Act to Amend Sections Four (4) and Nine (9) of An Act Entitled 'An Act to Regulate the Employment of Children in the State of Illinois, and Provided for the Enforcement Thereof.'"</p> <p>This Act amended sections 4 and 9 of the 1897 law. While the age remained at 16 years and the hours per day and week remained at 10 and 60 respectively, a new provision was added which stated that all establishments subject to factory inspection where girls and women are employed, shall provide suitable seats for the use of the girls and women, and they shall be permitted to use such seats when not necessarily engaged in their active duties.</p> <p>Illinois, <u>Laws</u> (1901), sec. 4.</p>	

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1903	<p>"An Act to Regulate the Employment of Children in the State of Illinois, and Provide for the Enforcement Thereof."</p> <p>This Act prohibited the employment of children under fourteen years of age at any gainful occupation in any theatre, concert hall, or place of amusement where intoxicating liquors were sold or in any mercantile establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver during any portion of any month when public schools is in session. The work of any child below 14 years of age was limited to eight hours per day, between the hours of seven o' clock in the morning and six o' clock in the evening. Similar provisions were made for children between 14 and 16. Employers were required to keep the age and school certificates for each minor they employed on file for inspection. They were also required to keep a wall list posted of all children under 16 in their employ. Furthermore, certain enumerated hazardous occupations were prohibited to any child under sixteen years of age. This was the most comprehensive child labor law passed by the legislature between 1877 and 1928.</p> <p>Illinois, <u>Laws</u> (1903), sec. 1-11.</p>	<p>"An Act to Amend the Compulsory Education Act of 1897."</p> <p>The major change in this Act was an increase in the period of attendance. All children 7 to 14 years of age were required to attend a public or private day school for an entire session, not less than 110 days of actual teaching.</p> <p>Illinois, <u>Laws</u> (1903), sec. 2.</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1905	<p>"An Act to Amend Section 22 of An Act Entitled 'An Act to Revise the Laws in Relationship to Coal Mines and Subjects Relating Thereto,'"</p> <p>This Act prohibited any boy under the age of 16 from doing any manual labor in or about any coal mine. In addition it required every boy to provide the mine operator with an affidavit from his parent, guardian or next of kin stating that he was 16 years of age before he would be allowed to work in any mine in the state.</p> <p>Illinois, <u>Laws</u> (1905), sec. 22.</p>	
1907	<p>"An Act to Provide for the Establishment of a Department of Factory Inspection."</p> <p>This Act made the Office of Factory Inspection a distinct and separate Department.</p> <p>Illinois, <u>Laws</u> (1907).</p>	<p>"An Act to Amend the Compulsory Education Act of 1897 as Amended in 1905."</p> <p>The only major change made by this amendment to the 1905 law was that the teacher could excuse the child temporarily for just cause. It also required all children who had been excused because of necessity to be lawfully employed. The age of attendance was changed to 7 - 16.</p> <p>Illinois, <u>Laws</u> (1907).</p>

DATE CHILD LABOR AND RELATED LEGISLATION

AUXILIARY LEGISLATION

1909

"An Act to Establish and Maintain a System of Free Schools."

The only change in this Act from the 1907 amendment was in the period of attendance. All children between 7 and 16 years of age were required to attend school for the entire session, not less than six months or 180 school days.

Illinois, Laws (1909).

"An Act to Regulate and Limit the Hours of Employment of Females."

This Act provided that no female should be employed in any mercantile establishment, factory, or laundry in the state for more than ten hours a day. The hours were to be so arranged that no female would work more than ten hours out of any twenty-four hour period.

Illinois, Laws (1909).

"An Act to Provide for the Health, Safety and Comfort of Employees."

There were two major purposes of this Act. The first was to make dangerous or hazardous machinery as safe as possible before

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1909		"Health, Safety and Comfort Act" Continued.
		operation. The second purpose was to maintain sufficient sanitary and ventilating systems for all manufacturing establishments, factories, workshops and laundries. Over the next decade this law would serve as a model for a whole series of laws dealing with this problem of health, safety and comfort.
1911		Illinois, <u>Laws</u> (1909). "Illinois Funds to Parents Act."

The purpose of this Act was to make provisions for the care of dependent or neglected children under the age of 17 for males, and 18 for females. If the court found that any child under these ages was dependent or neglected it had the option of three possible actions. It could leave the child in the home subject to friendly visits by a probation officer. It could appoint a guardian for the child who would find a suitable home for the child; or, send the child to an industrial training school or to an orphanage. The most important provision of this act, however, was that "If the parents were suitable but unable to care for their children because of being poor, the court might

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1911		<p>"Funds to Parents Act" Continued.</p> <p>enter an order finding such facts and fixing the amount of money necessary to enable the parents to properly care for the child" or children. With the passage of this Act Illinois became the first state to provide public aid for dependent children in their own home.</p> <p>Illinois, <u>Laws (1911)</u>, sec. 7.</p> <p>"An Act to Promote the Public Health and Protect Certain Employees in this State from the Dangers of Occupational Diseases."</p> <p>This law provided that every employer of labor in Illinois, engaged in any industry which may produce any illness or disease peculiar to that industry and to which employees in other industries are not ordinarily exposed "shall take reasonable and approved measures for the protection of employees from such illness or disease."</p> <p>Illinois, <u>Laws (1911)</u>.</p> <p>"Workmen's Compensation Law."</p> <p>This law was nominally elective but virtually compulsory in certain enumerated</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1911		<p>"Workmen's Compensation Law" Continued.</p> <p>hazardous employments (see Chpt. V, p. 90 for a list of these occupations). In each case the employer was liable for loss of life, limb, or disability from an accident in such occupations. Clerks and administrative employees not exposed to the inherent dangers of the employment, or persons whose employment was of a casual nature and who were employed otherwise than for the employer's trade or business were not protected by this act. The major fault of this act was that it lacked a board or commission to enforce its provisions.</p>
1913		<p>Illinois, <u>Laws</u> (1911).</p> <p>"An Act to Provide for Washrooms In Certain Employments, to Protect the Health of Employees and Secure Public Comfort."</p> <p>This law required every owner or operator of a coal mine, steel mill, foundry, machine shop, or other like business in which employees became covered with grease, dust, smoke, grime, and perspiration to such extent that to remain in that condition after leaving their work without washing and cleaning their bodies and changing their clothes would endanger their health or make their condition offending to the public, to provide</p>

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1913		<p>"Washhouse Act" Continued.</p> <p>and maintain suitable and sanitary wash-rooms for the use of such employees. The state and county mine inspectors and factory inspectors were charged with the enforcement of this act.</p> <p>Illinois, <u>Laws</u> (1913).</p>

1917 "An Act Concerning Child Labor, and to Repeal An Act Entitled 'An Act to Regulate the Employment of Children in the State of Illinois and to Provide for the Enforcement Thereof.'"

This Act was passed to secure conformity with the Federal Child Labor Law passed in 1916. It provided that employment certificates might be issued only by the proper authorities upon application, in person, of the minor desiring employment and accompanied by his or her parent, guardian or custodian. After having received, examined and approved the following: the school record of the child, a certificate of physical fitness, proof of age, and a statement signed by the prospective employer stating that he expected to give such minor employment, setting forth the character of the same, and

DATE	CHILD LABOR AND RELATED LEGISLATION	AUXILIARY LEGISLATION
1917	<p>"Child Labor Law of 1917" Continued.</p> <p>the number of hours per day and the days per week which the minor was to be employed. In addition, school authorities had to certify that the child could read and write legibly simple sentences in the English language, and that he had completed a course of study equal to the first five years of public elementary school.</p> <p>Illinois, <u>Laws</u> (1917).</p>	<p>"Civil Administration Code of 1917."</p> <p>This Act provided for the reorganization of the Executive Branch of Illinois Government. In this Act the Illinois Department of Labor was created and took over the job of enforcing the labor laws.</p> <p>Illinois, <u>Laws</u> (1917).</p>
1921	<p>"An Act Concerning Child Labor."</p> <p>The only major changes from the 1917 law was that completion of the first six years of the public school system was required instead of five years as in the former act.</p> <p>Illinois, <u>Laws</u> (1921).</p>	

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