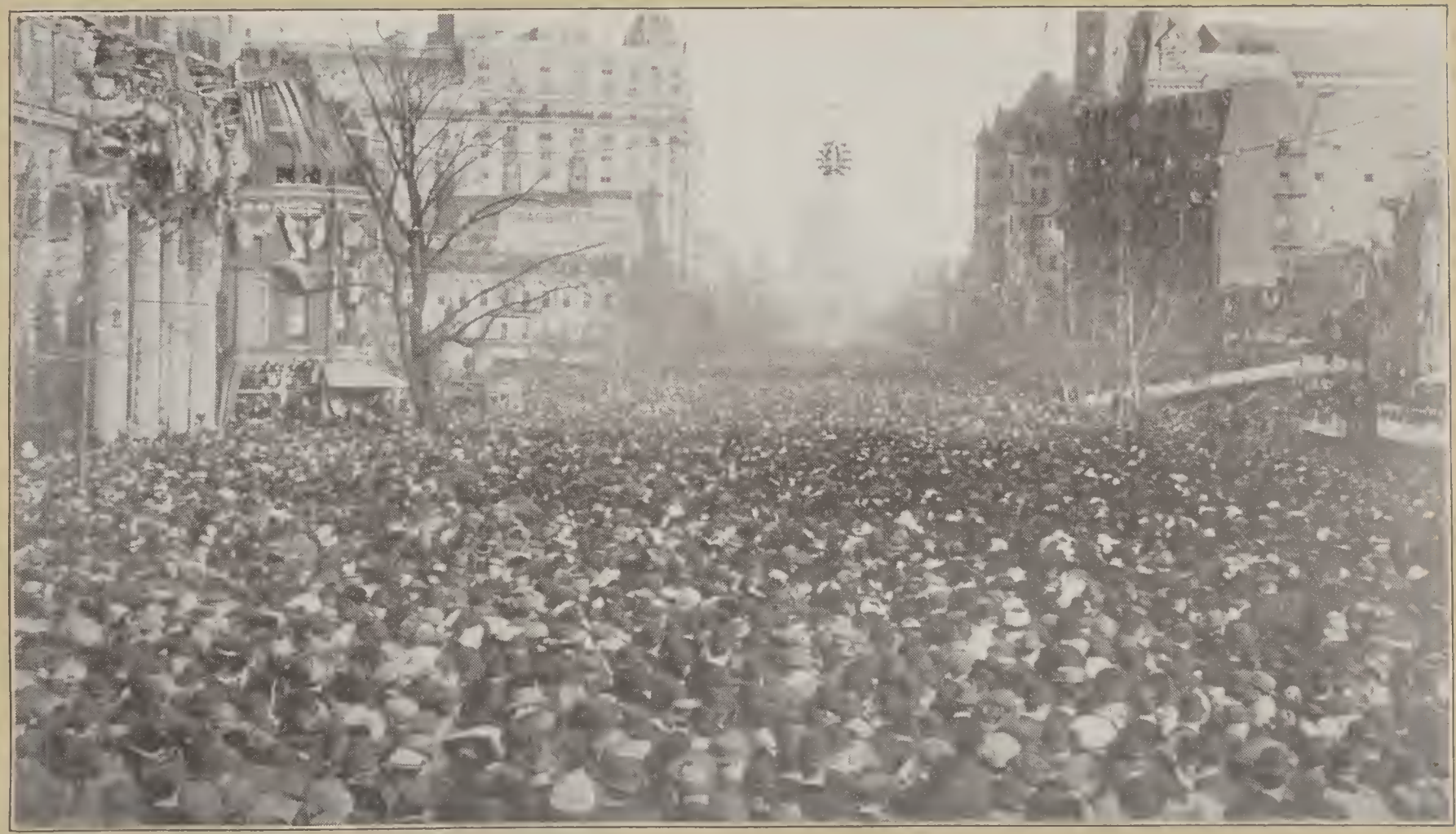

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THE PROTECTION OF THE LAW?

The Woman Suffrage Parade, Washington, D. C., March 3, 1913. Puzzle: Find the parade. Police claimed they could not keep the street clear. For proof to the contrary, see the day after, Page 1877

THE WOMAN CITIZEN'S LIBRARY

A Systematic Course of Reading in Preparation for the Larger Citizenship

Editor

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TWELVE VOLUMES · FULLY ILLUSTRATED

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VOLUME VIII

Woman and the Law

PART I

THE AMERICAN CONSTITUTIONAL SYSTEM

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Professor of Political Science Johns Hopkins University, Baltimore, Md.
Author of "The American Constitutional System," "Constitutional Law of the United States," Etc.

PART II

THE LEGAL RIGHTS AND DUTIES OF WOMEN

By JENNIE L. WILSON, LL.B.

Author of "The Legal and Political Status of Women in the United States," Cedar Rapids, Iowa

PART III

LAWS AFFECTING WOMAN'S WORK

By IRENE OSGOOD ANDREWS

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PART IV

THE NO-VOTE-NO-TAX MOVEMENT

By BELLE SQUIRE

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Joseph Story	Commentaries on the Constitution
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The American State Series

W. W. Willoughby	The American Constitutional System
F. J. Goodnow	City Government in the United States
Jesse Macey	Party Government and Machinery
J. H. Finley	The American Executive and Executive Methods
P. S. Reinsch	American Legislatures and Legislative Methods
Simeon E. Baldwin	The American Judiciary
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PART I

The American Constitutional System

By W. W. WILLOUGHBY, A.B., Ph.D.

THE constitutional system of the United States is a complicated one, and in order to understand it, even in outline, it is necessary to describe briefly the essential characteristics of the federal or composite type of political life of which the United States is the most important illustration.

A state is a group of individuals united in allegiance and subjection to a legally supreme political entity or person. This legal supremacy or faculty of expressing its will in the form of laws is termed sovereignty. As thus expressive of a legally supreme will sovereignty is, by its very nature, indivisible and inalienable. The machinery through which the state expresses and enforces its will is termed its government. The primary function of constitutional law is to determine the form of this governmental machinery and to allot to each of its organs and to the officials who administer them, their respective powers and functions. Governmental organs or officials thus act as the agents of the state.

They exercise, rather than possess, the sovereign power. These agents are of limited political or legal authority, and are held to speak and act for the state only when they observe the limits of the authority granted to them by the law.

Governments are of infinite possible variety, and may be grouped into more or less clearly defined classes, no two of them precisely duplicating one another. One important classification of governments is that which distinguishes them as unitary and federal or composite.

In all states of any considerable size, it is found necessary to introduce, in a measure at least, the principle of local government, according to which the territory over which the state exercises jurisdiction is divided and subdivided into administrative areas, in each of which is established a local governing authority. Thus, France is divided into departments, arrondissements, and communes. When few powers are granted by the central government to these local organs, and especially when these powers are not discretionary in character, and when those who exercise them are selected by, and directly responsible to, central officials, a system of centralized administration is said to exist. When, upon the contrary, local officials are given wide discretionary powers, the government is described as decentralized; and when these local officials are elected by the local constituencies, local self-government is said to exist.

A fairly distinct type of decentralized government is

the federal or composite form. Here the decentralization is carried to the extent of giving to the larger local areas into which the general territory of the state is divided, governments of very wide discretionary powers, and these powers are secured by written constitutional provisions against withdrawal or diminution.

A state thus governmentally organized is generally termed a federal state. Strictly speaking, however, the term federal state has no meaning. What we really have is a state with a federally organized government. The term federal state is, however, so convenient a one that we shall continue to employ it.

Historically, most of the federal states today (United States, Switzerland, Dominion of Canada, Australian Commonwealth) have come into existence by the union of states or cantons or provinces, previously independent of one another, and thus the central government and the federal state itself have appeared as the creations of these uniting bodies. Juristically speaking, however, the federal or national state is the sole sovereign body, and is the source whence the governments of the several uniting states or commonwealths derive their status as constitutional governing bodies. Sovereignty being indivisible, and being conceded to belong to the national body, the several states of a federal union are necessarily wholly without independent — that is, original — powers of their own. Constitutionally speaking, they are, indeed, but administrative districts of the national state, albeit districts to the inhab-

itants of which have been granted very wide discretionary powers.

Absolutely distinct from and, indeed, almost antithetical to, the federal state, is what is known as a confederacy. Here we have a number of confederating states, each of which is conceded to retain its sovereignty and to be united to its fellow-commonwealths by a treaty or compact and not by a constitution. In this composite type the central government acts as the common agent of each of the confederated states and is, thus, in reality, but an integral part of the several governments of these states.

Shortly stated, then, the distinction between a national state federally organized, and a confederacy of independent states is as follows: in the former the ultimate source of all legal authority — that is to say, of sovereignty — is the central body; the member states have a legal status or existence only as members of the union, and an attempt upon their part, or of their citizens, to prevent the enforcement of federal authority, or to secede from the union, is an illegal act. In the other, the uniting bond being, whatever it may term itself, essentially a compact to which the confederated states are the parties, the states remain wholly sovereign, and secession from the union is not an illegal or unconstitutional act, whatever it may be when judged from the points of view of international ethics and political expediency. In the United States the controversy as to the location of sovereignty, whether

in the Union, the States, or divided between them, waged until finally determined, in fact, by the Civil War.

The American Conception of Constitutional Law

Every state possesses a body of principles which determine its form of governmental machinery and allot to its several organs, or to those who administer them, their respective powers.* These rules may remain unwritten and consist in understandings or practices sanctioned by long usage and popular approval, as is largely the case in England; or they may be reduced to definite written form and be given the character of formal statutes, as is the case in the United States. Furthermore, when thus reduced to formal and definite statement, their amendment or repeal may be, and, in this country is, made more difficult than is the case with ordinary laws.

It does not necessarily follow from the nature of a written constitution that legislative acts in conflict with its provisions shall, when questioned by the courts, be deemed void, for, in Switzerland, France, Germany, and other Continental Countries which possess written instruments of government, this is not so, the legislature being granted, expressly or impliedly, the final

*The United States Constitution serves two other functions; namely, to exclude certain subjects from legislative regulation, and to divide the exercise of political powers between the Union and its constituent States.

authority to determine what is constitutionally permissible. In the United States, however, the doctrine has found acceptance and application that the courts are the final organs of constitutional construction. This does not mean that the courts may, upon their own initiative, determine as to the constitutionality of a legislative act, but that, when, in cases litigated before them, this question is raised and a determination of it is required for a decision of the rights of the parties litigant, they may exercise their independent judgment as to whether or not this conflict between the legislative act and the Constitution does exist, and if it does, to refuse enforcement to the legislative measure. Thus, under our system of government, the courts, both federal and state, may test the enactments of the legislatures of the states by the provisions of their respective constitutions. And thus, similarly, the acts of Congress may be held void if not warranted by the provisions of the federal Constitution.

The important features of this constitutional practice, and one that is found only in the United States, is that thus the courts, whether state or federal, are permitted to hold void and to refuse enforcement to acts of the legislative branch of the same government of which they constitute the judicial branch. The power exercised by the courts of this country to hold void acts of the states which contravene the federal Constitution is one which is possessed by all courts

which have to deal with the acts of subordinate political bodies as, for example, the acts of a colonial government or the acts of municipal authorities. In every such case only a delegated authority is possessed and the acts in excess of such authority (*ultra vires*) are without legal force. Thus it is that in the United States, while an act of Congress has to meet only the requirements of the federal Constitution, acts of the state legislatures have to satisfy the provisions both of the several state constitutions and of the federal Constitution. And this latter requirement is one that rests upon the constitutions of the states as well as upon their statutes.

By the twenty-fifth section of the original Judiciary Act, enacted by Congress in 1789 and still in force, it is provided that where a federal right, privilege, or immunity is set up in a state court and the decision of the highest state court to which the question can be carried by appeal is adverse to such right, privilege, or immunity, an appeal may be taken to the federal Supreme Court, which is thus given the final power of determining as to the existence of a conflict between a state law and the federal Constitution. Where the decision of the state court is in favor of the federal right, no right of appeal to the federal Supreme Court has been granted by Congress, though there would seem to be no constitutional objection to doing so and, indeed, there are many reasons why it should be done.

Federal Supremacy

Granting, as all now do, that the United States is a federal state and not a confederacy and, therefore, that the federal authority is constitutionally supreme over the state authorities, it becomes necessary to provide orderly, legal means by which this supremacy may be maintained as against either deliberate or unintentional attacks upon the part of the states. The chief of these means is that which has been referred to in the preceding section; namely, whereby the final decision as to the existence and scope of a federal right is placed in the hands of a federal tribunal — a decision for the enforcement of which there is, if necessary, the entire military force of the general government. But, more directly than this, is the authority recognized to be possessed by the federal government to enforce its laws within the states and to protect its officers in the performance of their duties. Thus, by writ of *habeas corpus,* issued by federal courts, a federal officer may be taken out of the custody of state authorities. So also in many cases suits begun in state courts may be summarily removed therefrom into federal tribunals. Finally, the general doctrine is established that no federal organ or agency may be so controlled by state authority as in any way to interfere with it in the performance of its federal function.

This doctrine has not been seriously questioned since the decision of the United States Supreme Court in McCulloch v. Maryland in 1819, in which it was held

that a state, in the exercise of its powers of taxation, might not impose a burden upon a bank which acted as a federal agency. Chief Justice Marshall, in the opinion which he rendered in this case, declared:

"The court has bestowed on this subject its most deliberate consideration. The result is a conviction that the states have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the general government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared."

Federal Control of the Form of State Governments

Over the form of governments to be created and maintained by the individual states the federal government has no control beyond the single requirement, which it is obligated by the Constitution to impose, that they shall be republican in form. This requirement, it is to be observed, is one of form rather than of substance. That is to say, if a state government be in form republican, federal intervention cannot be justified upon the ground that, in actual operation, it is despotic or unrepublican in character. The term republic or republican form of government is not defined in the Constitution itself, but there is little dispute that a representative, as distinguished from a directly democratic polity, is referred to.

Upon this ground the claim has at times been made that the employment by the states of the directly democratic institutions of initiative and referendum violates the agreement. This contention has never been squarely passed upon by the Supreme Court of the United States, the question being declared by that tribunal to be a purely political one upon which the decision of the political departments of the federal government — Congress and the President — is to be held conclusive. But, in truth, there would seem to be little merit in the contention; for so long as, generally speaking, a state government is representative in character, the introduction of certain democratic features cannot reasonably be held to destroy its republican form. It must, however, be conceded that a state government might be progressively democraticized until the point might fairly be made that a representative republican form of government no longer existed and that a direct democracy had been substituted for it. This, however, as above said, would in any case be a question for the decision of Congress or the President rather than for the courts.

Congress has a discretionary power as to the admission of territories into the Union. It may, therefore, condition such admission upon the presence in the contemplated constitution of the petitioning territory of any provisions it sees fit. However, after admission into the Union, the territory takes its place upon a plane of constitutional equality with all the other states

and may, therefore, at once, by constitutional amendment, change its governmental organization as it sees fit, so long as a republican form of government is preserved.

Distribution of Powers Between the Federal and State Governments

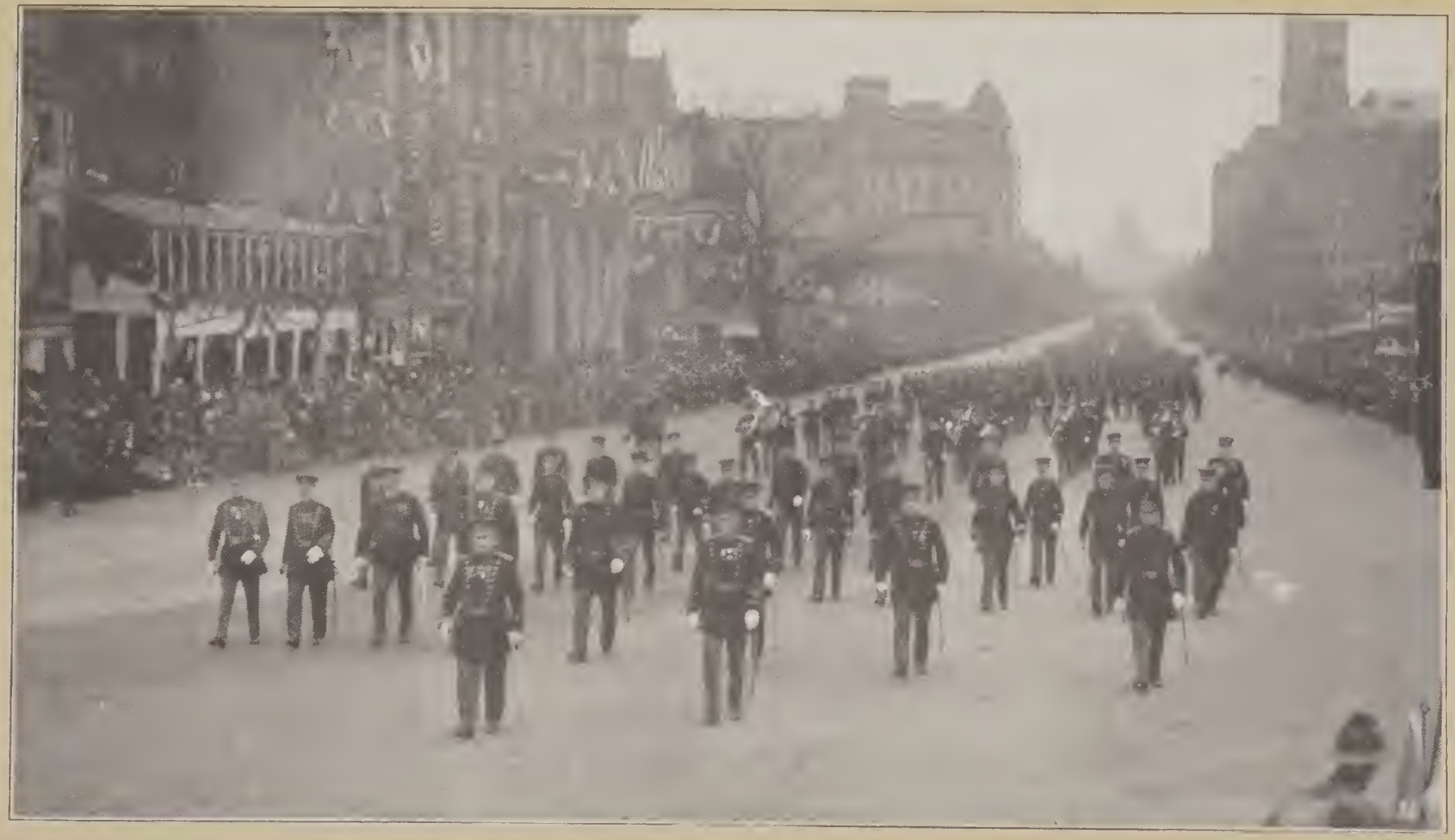
Federal governments may be either legislatively centralized or decentralized. So also they may be administratively centralized or decentralized. The German Empire illustrates a strongly centralized federal type, legislatively considered. That is to say, the federal legislature has an authority which extends over practically the entire field of private law. Administratively viewed, however, it is decentralized, in that the general government relies in very great measure upon the governments of the individual states for the enforcement of the laws which it enacts. The United States, in these respects, exhibits almost the opposite characteristics. The legislative authority of Congress extends over comparatively few subjects of private law — though these few are important ones — but, upon the other hand, the federal government relies almost exclusively upon its own specially created organs for the administration of its functions. Thus we have in this country a complete federal governmental machinery — executive and judicial as well as legislative — standing alongside and operating independently of the forty-eight governments of the states.

The totality of governmental powers is distributed

between the United States and the states according to the principle that the former possesses only those powers which are granted to it by the Constitution, all the remaining powers not prohibited by that instrument to the states, being reserved to them, or to the people (X Amendment). The last words, "or to the people," refer to the fact that in the states the people thereof remain free to withhold from their respective state governments such powers as they may see fit — a freedom which all of them have exercised. Thus it is that in none of the states does the government possess all the power, which, so far as the federal Constitution is concerned, it might legally exercise.

Express and Implied Powers

The federal government is thus a government of limited or, as is sometimes said, enumerated powers. These powers are not, however, all expressly given; for, in addition to those specifically granted, the United States possesses the authority "to make all laws which shall be necessary and proper for carrying into execution" the expressly granted powers (Art. 1, Sec. 8, § 18). The ancillary powers thus possessed are termed implied powers, and, by the doctrine declared by Chief Justice Marshall in McCulloch v. Maryland, in 1819, and never since disturbed, include not only those absolutely necessary in order that the express powers may be exercised, but all those the exercise of which may, in any degree, facilitate the efficient execution by the



INAUGURAL PARADE, WASHINGTON, D. C., MARCH 4, 1913

Note clear street and contrast with the inadequate police protection of March 3, as shown in Frontispiece

federal government of its express powers. "We think," says Marshall, "the sound construction of the Constitution must allow to the national legislature that discretion, with respect to the means by which the powers which it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional."

The powers granted to the federal government, unless expressly limited, either as to their scope or to the manner of their exercise, are construed to be plenary in character. Thus, for example, the power to regulate interstate commerce is given in general terms and without limitation. Accordingly it has been held that this regulative authority, though of course limited by such general requirements as, for example, that of the Fifth Amendment that life, liberty, and property of the individual shall not be taken without due process of law, may be exercised in ways that indirectly, though substantially, affect intrastate commerce the direct control of which is reserved to the states. "This is so," the Supreme Court has said in a very recent case, "not because Congress possesses any powers to regulate intrastate commerce as such, but because its power to regulate intrastate commerce is plenary, and conse-

quently may be exerted to secure the safety of the persons and the property of those who are employed in such transportation, no matter what may be the source of the dangers which threaten it."

Concurrent and Exclusive Federal Powers

Though plenary, not all of the powers granted to the federal government are exclusive in the sense that under no circumstances may they be exercised by the states. Indeed, the general principle is that unless they are, by their very nature, of a character suitable only for federal exercise, they may be exercised by the states so long as they are not in fact exercised by the federal government. Thus, for example, it is held that so long as there is not upon the federal statute books a bankruptcy law, the states may legislate upon the subject. With reference, however, to such a subject as naturalization, the regulation of which is granted by the Constitution to the general government, it is established that the states have no jurisdiction under any conditions, this being a matter not appropriate for state control.

Interstate Relations

Except as united under the federal government the individual states of the Union stand towards one another as independent states, and the relations between them are similar to those subsisting between the wholly independent states of the world. Thus the laws of

each state have no inherent force outside the borders of the state enacting them, and no state officer may exercise official authority outside of his state, and the citizens of one state would not have as such any rights within the limits of any other state of the Union except for the fact that, in mitigation of this principle of state exclusion, the federal Constitution has made certain very important modifications.

In the first place, in the so-called Comity Clause, it is provided that "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states" (Art. IV, Sec. 2, § 1). The beneficent result of this requirement is "to place the citizens of each state upon the same footing of other states as far as the advantages resulting from citizenship in those states are concerned. It relieves them of the disabilities of alienage in other states; it inhibits discriminatory legislation against them by other states; it gives them the right of free ingress in other states, and egress from them; it insures to them in other states the same freedom possessed by the citizens of those states in the acquisition and enjoyment of property and in the pursuit of happiness; and it secures to them in other states the equal protection of their laws. It has been justly said that no provision in the Constitution has tended so strongly to constitute the citizens of the United States one people as this. Indeed, without some provision of this kind, removing from the citizens of each state the disabilities of alienage in the

others and giving them equality of privileges with citizens of those states, the Republic would have constituted little more than a league of states; it would not have constituted the Union which now exists." *

Corporations do not come within the operation of the Comity Clause. They are "persons" within the meaning of the "due process of law" requirement and entitled to its protection, but they are not citizens within the meaning of the Comity Clause. Hence it follows that a corporation chartered by one state, unless engaged in interstate commerce or performing some federal function, may be refused permission by the other states to do business within their limits, and, if permission be granted, such conditions may be attached thereto as the states may severally see fit to impose.

Full Faith and Credit

Also in modification of the principle of state exclusiveness, the federal Constitution provides that "full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state." The effect of this provision is that where an individual has acquired a right under a state law or by a decision of a state court he may enforce that right in appropriate proceedings in another state. Thus, if he has secured a personal judgment against an individual — whether resident or non-resident — he may

* Decision of the United States Supreme Court in Paul v. Virginia. 8 Wall. 168.

bring suit upon that judgment, just as he would upon a contract or bond, in any other state where he may be able to obtain service upon his judgment debtor, or where the debtor has property which may be attached and held subject to execution in satisfaction of the claim. And, when such suit is brought, the merits of the original judgment may not be reopened — that is, full faith and credit are given to the decision of the court of the state where the judgment was obtained. The only defense that may be made is that which denies the existence of the judgment, or that, if existing, the court which rendered it had no jurisdiction to do so.

Under the operation of this clause the states of the Union are obligated to recognize within their limits the validity of marriages entered into or of divorces obtained in any other state. Where, however, actual service of notice of the institution of divorce proceedings has not been had upon the defendant, very difficult questions often arise as to whether the court has obtained jurisdiction and therefore been justified in rendering a decree, the validity of which the other states must recognize.

A third respect in which the relations of the states of the Union between themselves is regulated by the federal Constitution is that they are required to extradite fugitives from justice. Regarding this requirement it has been held that, though mandatory in form, there is no means by which it may be enforced, and

in fact there have been occasions upon which extradition has been refused. The provision of the Constitution is that "a person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he has fled, be delivered up to be removed to the state having jurisdiction" (Art. IV, Sec. 2, Cl. 2). To be a fugitive from justice the person whose extradition is sought must have been actually, and not merely constructively, within the demanding state at the time the crime with which he is charged was committed.

The states of the Union may not enter into any treaty, alliance, or confederation with another state or with a foreign power. They may, however, with the consent of Congress, enter into agreements with one another, providing these agreements are not political in character.

Territories

The Union is composed of states, territories, and insular dependencies. The territories are, as regards their constitutional status, divided into two classes — incorporated and unincorporated. The distinction between these two kinds of territories was not clearly drawn — if, indeed, it had existed at all — before the decision of the so-called Insular Cases in which the constitutional rights of the inhabitants of the islands acquired by the United States from Spain at the conclusion of the

Spanish-American War were determined. In these and later cases it has been held that the term United States, as employed in certain of the clauses of the federal Constitution, refers not to all territories that may come under the sovereignty of the United States, but only to the areas originally possessed by the United States, and to all other acquired territories which have been incorporated into the United States. The power to annex foreign territory belongs to the treaty-making power. The power to incorporate a territory into the Union, however, belongs to Congress.

The constitutional significance of this distinction between incorporation and unincorporation lies in the fact that it is held that many of the limitations which are laid upon the legislative powers of Congress apply only when that body is dealing with the states and the incorporated territories, and do not operate when it is legislating for the unincorporated districts. Thus, for example, it has been declared that the provision that all duties, imposts, and excises shall be uniform throughout the United States does not apply to the Philippine Islands or to Porto Rico, which have not been incorporated into the Union by Congress. So also, with reference to the preservation of the right to jury trial in civil and criminal cases, a similar doctrine is held; and, inferentially, the same may be said to be true of all the other limitations upon Congress which do not go so far as absolutely to deny a power to Congress, as, for example, that no title of nobility

shall be granted by the United States or that slavery shall not exist within the United States or any place subject to its jurisdiction.

As regards the form of government to be established within the territories, whether incorporated or unincorporated, the matter is wholly within the control of Congress. As has been said by the Supreme Court, Congress, in the exercise of its powers in the organization and government of the territories, combines the powers of both federal and state authorities. Territorial governments "are not organized under the Constitution nor subject to its complex distribution of the powers of government as the organic law; but are the creations exclusively of the legislative department and subject to its supervision and control."

As regards the form of government established in them, territories have been classed as "organized" and "unorganized." To the former have been granted by Congress very considerable powers of local self-government. The governors of these territories have always been appointed by the President, but locally elected legislatures with broad powers have been provided. At the present time — that is, since the admission of New Mexico and Arizona into the Union as states — there are no territories of this class. Of unorganized, incorporated territories, Alaska now furnishes the only example. Here no local legislature is provided and the executive and judicial officers are appointed by the President and Senate.

The various insular possessions of the United States are generally spoken of as dependencies. They have not been incorporated into the United States. They are not, strictly speaking, territories; but to Porto Rico and to the Philippines have been granted extensive powers of local self-government.

The strip of land upon which the Panama Canal is located, though acquired by the United States under the form of a lease, is as substantially a part of the United States as are any of the other territories. It is under the direct and exclusive authority of Congress, which, in a recent act, has placed its government very largely under the discretionary control of the President.

District of Columbia

The government of the District of Columbia, which serves as the seat of the federal government, is placed, by a special provision of the Constitution, under the exclusive legislative authority of Congress. The government provided by Congress in the exercise of this authority has been changed in form several times, but has for more than forty years been one under which the inhabitants of the District have no political voice; Congress itself serves as the legislature, and its executive and judicial officers are appointed by the President.

Citizenship

There is in the United States a double citizenship—state and federal. Prior to the Civil War there was a

dispute as to which allegiance was the primary and more fundamental one. By the 14th Amendment, adopted in 1868, it is provided that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." State as well as federal citizenship is thus definitely declared to be a matter over which the states have no control. Birth or naturalization, which latter is exclusively within federal control, create federal citizenship, and mere residence within a state endows the federal citizen with the citizenship of the state.

Though thus closely united, the rights which attach to the federal citizenship are quite distinct from those which follow from state citizenship. The federal rights are those which spring directly from the relation of the individual to the federal government. In the famous Slaughter House Cases the court, without attempting a complete enumeration of these distinctively federal rights, enumerates the following as belonging to this class: the right of the individual to come to the seat of the federal government to assert any claim he may have upon that government or to transact any business with it; to have free access to the seaports of the United States, to the sub-treasuries, land offices, and courts of justice in the several states; to demand the care and protection of the federal government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government,

the right peaceably to assemble and petition for redress of grievances; to have the privilege of the writ of *habeas corpus;* to use the navigable waters of the United States, however far they may penetrate the territories of the several states; to all rights secured by treaties with foreign powers; to the right secured by the 13th, 14th, and 15th Amendments.

The subjects of naturalization and expatriation are exclusively within the federal control. Some countries do not recognize the right of their citizens or subjects to expatriate themselves and, therefore, when they do obtain another citizenship by naturalization, their native citizenship remains undivested. The United States recognizes fully the right of its citizens to expatriate themselves.

The admission and expulsion of aliens is a matter of exclusive federal concern. When admitted, however, the rights, civil and political, of the alien depend upon the law of the state in which he is, except in so far as his rights have been expressly defined by treaty agreement between this and his own country.

Foreign Relations

Within the sphere of foreign relations the authority of the federal government is exclusive and paramount. This results not only from the various express grants of power to the United States, but from the prohibitions laid upon the states. This federal power is not only exclusive but comprehensive. That is to say, in

its dealings with foreign powers the United States has that same plentitude of power that is possessed by other sovereign states. Foreign and diplomatic affairs are carried on through the President or his representative, the Secretary of State. The treaty-making power is vested in the President and the Senate, the concurrence of two-thirds of those voting in that body being required for the approval of treaties negotiated by the Executive.

It would appear that the right of "recognition" of the sovereignty or belligerency of a foreign state belongs not to Congress but to the President.

All treaties require senatorial approval. There are, however, many international agreements, some of which it is difficult to distinguish in substance from treaties, entered into by the President without submission to the Senate. In some cases this is done under the express authority granted by earlier treaties or statutes, but in other cases the authority is found in the President's military or other powers. Among these latter are *modi vivendi,* protocols (e. g., the Boxer Protocol of 1901), military conventions, and agreements for the settlement of claims against foreign powers, etc.

Constitutional Extent of the Treaty-Making Power

Treaties are declared by the Constitution to constitute a part of the supreme law of the land. In this respect they are upon an equal plane with acts of Con-

gress, and it has been held that a later treaty may amend or repeal an earlier law, and *vice versa*. A treaty may not, however, appropriate money, and it is doubtful if it may alter a revenue statute of the United States. Also, while territories may be annexed by treaty and thus brought under the sovereignty of the United States, an act of Congress is required for their "incorporation" into the United States. At times the question has become quite acute as to the extent to which matters ordinarily subject to state regulation may be regulated by treaty, as, for example, whether aliens may be given privileges which the states must recognize in the schools established and maintained by themselves.

In general it may be said that, the plenary character of the federal treaty-making power being conceded, it must follow that the state policy and state law must give way in all cases where a treaty relates to matters which, according to the general practice of the world, are recognized as proper subjects for international agreement and regulation. In all cases Congress is held to have an implied power to enact the legislation necessary for enforcing the valid international agreements which are entered into by the United States through its treaty-making power.

Principal Powers of Congress

In this general sketch of the American constitutional system it is not possible to treat, even without detail,

the various powers of Congress. The subjects of bankruptcy, patents and copyrights, postoffices and post-roads, weights and measures, etc., have, therefore, to be passed over without comment. A few words must, however, be said regarding the federal taxing power and the control of interstate and foreign commerce.

Taxation

As regards the possible subjects of taxation, the federal authority is all comprehensive, except that it is expressly provided by the Constitution that "no tax or duty shall be laid on articles exported from any state"; and, impliedly, it has been held that it may not tax the property or political agencies of the states. As regards the mode of taxation it is provided that direct taxes, if levied, shall be apportioned among the states according to their respective populations as determined by the last decennial census, and that all indirect taxes, "duties, imposts, and excises," shall be uniform throughout the United States. The uniformity thus required is a geographical one — namely, that all persons and property subject to the tax shall be assessed according to a single uniform rule. This, however, does not prevent a grouping of property or persons into different classes, each subject to its own rate of taxation, if the classification be upon a reasonable basis. The definition given by the Supreme Court to direct taxes has varied at different times, but as at present

determined they may be said to include all taxes upon property, real and personal, and all income from such property. The amount of an indirect tax to be assessed against individuals or corporations may, however, be measured by the incomes received by such individuals or corporations from their property. By the XVI Amendment, recently adopted, it is, however, provided that Congress may, without apportionment, levy a tax upon incomes from whatever source derived.

Interstate and Foreign Commerce

To the federal government has been granted plenary and exclusive authority to regulate interstate and foreign commerce. Until 1887 the force of this provision was practically limited to preventing states from in any way placing direct restraint upon the freedom of this commerce. In that year, however, was enacted by Congress the Interstate Commerce Act, which established various regulations and created the Interstate Commerce Commission for their enforcement; and since then a considerable number of federal laws within this field have been passed, and among them the so-called Sherman Anti-Trust Act of 1890, the Hepburn Railway Rate Act of 1906, and various Employers' Liability and Safety Appliances Acts. By the Anti-Trust Act all contracts in restraint of interstate or foreign commerce and all attempts to monopolize trade therein are forbidden and declared criminal. Many

important suits have arisen under this act and have been carried before the Supreme Court, the crucial point in most of them being not so much one of fact but as to whether the acts complained of have related directly to commerce between the states or with foreign countries.

Manufacturing, it has been held, constitutes no part of commerce. Until, therefore, the manufactured articles have begun their journey outside the state of origin, interstate or foreign commerce has not begun. This commerce includes, however, the right of sale of the articles in their original packages in the states to which they are carried. In other words, interstate commerce does not end until the goods imported have reached their destination, been delivered, and either sold or taken out of their original packages and thus commingled with the other goods of the state.

Where Congress has not provided any regulation of interstate commerce, the presumption is that it intends such commerce to be free. Therefore, in no event can a state lay any direct restraint upon such commerce or discriminate in any way against imported articles or interfere with their exportation. The states may, however, in the exercise of their police and other powers, indirectly, and even substantially, affect interstate commerce, as, for example, when they provide that freight trains shall not be run on Sunday, that cars shall not be heated by stoves, that locomotive engineers be licensed, etc.

Prohibitions on Congress

As has already been pointed out, Congress has only those powers which have been expressly granted to it and those ancillary to them. From abundance of caution, however, certain powers have been expressly denied the federal government and in a considerable number of respects limitations have been laid upon the manner in which the granted powers may be exercised. Certain qualifications of the federal taxing power have already been considered. It is provided that the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it. No bill of attainder or *ex post facto* law may be passed, no title of nobility be granted, and no money drawn from the Treasury but in consequence of appropriations made by law. In the first eight amendments to the Constitution, however, other individual rights, as, for example, freedom of speech and the press, religious liberty, the right to bear arms, to immunity from quartering of soldiers in private houses in time of peace, and from unreasonable searches and seizures, are protected against federal infringement. So, also, careful safeguards against arbitrary and unjust deprivation of life, liberty, and property under the guise of judicial or other public proceedings, are established.

There is no opportunity, in a sketch of this brief character, to speak in any detail of these various prohibitions. Regarding one of them, however, which is

laid upon both the United States and the states, a few words need to be said. This is the provision of the Fifth Amendment directed to the United States, and of section I of the Fourteenth Amendment directed to the states, that no person shall be deprived of life, liberty, or property without due process of law.

The phrase "due process of law" has had a long history in both English and American law, and has had ascribed to it a developing scope and application. It has now come to furnish a guarantee to individuals and corporations, not only that their life, liberty, or property shall not be taken from them by governmental authority, except in pursuance of a procedure which furnishes to them adequate opportunity to be heard and offer such defense against the taking as they may be able to advance, but that their life, liberty, and property shall not be taken, by a process no matter how impeccable, unless such taking can be justified as an exercise of some legitimate governmental power. In other words, that private rights are to be protected substantially as well as procedurely against governmental invasion. Thus, life or liberty may not be taken, the freedom to enter into contracts may not be restricted, or property taken except in the employment by the states or the United States of their powers to prevent crime, to enforce police regulations, to collect taxes, or to exercise any other proper governmental power, as, for example, to regulate commerce, to regulate bankruptcies, to declare and carry on war, etc. Of

the powers of the states under which the invasion of private rights is justified, the most general and most indefinite is that known as the police power, under which the states are permitted to prevent individuals from so acting or so using their property as to injure other persons or society at large. As declared by Chief Justice Shaw of Massachusetts, in the important case of Commonwealth v. Alger, "every owner of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be injurious to the general enjoyment of others having an equal right to the enjoyment of their property, or injurious to the rights of the community."

In a recent Supreme Court case it is declared that "it may be said, in a general way, that the police power extends to all the great public needs. It may be put forth in aid of what is sanctioned by usage, or held by the prevailing or strong and preponderant opinion to be greatly and immediately necessary to the public welfare."

Powers of the States

By the Tenth Amendment to the Constitution, adopted in 1791, it is provided that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." The powers of the states may thus be said to include the totality of possible governmental powers, with the exceptions stated.

The powers delegated to the United States having been considered, it but remains to enumerate and briefly comment upon the prohibitions. No state may issue bills of credit or make any but gold and silver a tender in payment of debts. No *ex post facto* law may be passed. An *ex post facto* law is a law which in any way operates to the detriment of one accused of a crime committed prior to the enactment of the law, that is, by rendering criminal an act which was not punishable at the time it was committed, or, if then punishable, by increasing the penalty for its commission, or by changing the rules of evidence or otherwise altering the mode of prosecution so as to make conviction less difficult.

Contracts

No state may, by law, impair the obligation of a contract. The contracts thus secured include not only those between private individuals, but those between the states, and between individuals and the states; and these latter have been held to embrace charters granted to private corporations. By the Thirteenth Amendment the states are, of course, prevented from establishing by law any form of slavery or involuntary servitude, except as punishment for crime.

By the Fourteenth Amendment the states are forbidden to make or enforce any law which shall abridge the privileges and immunities of citizens of the United States. This, however, they were impliedly forbidden

to do before the adoption of the Amendment. They are also forbidden to deprive any person of life, liberty, or property without due process of law, or to deny to any person within their jurisdiction the equal protection of their laws. Speaking generally, this last requirement is that no persons shall be arbitrarily discriminated against. This does not mean that special laws may not be made applicable to particular classes of individuals, but that, when classification is resorted to, the distinctions must have a reasonable basis.

By the Fifteenth Amendment the states are forbidden to found a denial or abridgment of the right to vote upon race, color, or previous condition of servitude. By the Fourteenth Amendment it is provided that where the suffrage is withheld from adult males upon any other grounds the states so doing shall have their representation in the lower house of Congress proportionately reduced.

Implied Prohibitions

In addition to the express denials of authority to the federal government and to the states, there are prohibitions which have been deduced from them and from the general nature of the government provided by the Constitution. Thus, it is held that both the United States and the states are reciprocally without authority, by taxation or otherwise, to interfere with the operation of the governmental organs or agencies of the other.

QUESTIONS FOR REVIEW. PART I

1. Define sovereignty as a constitutional concept. Distinguish between a federal state and a confederacy; between a centralized and decentralized government.

2. What is the American conception of constitutional law? To what extent may the Federal Government control the form of governments of the states? Define a republican form of government.

3. Distinguish between the "express" and "implied" powers of the Federal Government. Illustrate. Distinguish between "concurrent" and "exclusive" powers of the Federal Government. Illustrate.

4. Explain the necessity and force of the "Comity Clause" of the Constitution. From what constitutional sources does the Federal Government obtain the power to annex foreign territory?

5. Define a "Territory" of the United States. Distinguish between incorporated and unincorporated territories; between organized and unorganized territories. What is the extent of the power of the Federal Government to provide governments for the territories?

6. What was the effect of the Fourteenth Amendment with reference to state and federal citizenship? Mention some of the distinctive rights of federal citi-

zenship. Define a treaty and describe the manner in which the treaty-making power is exercised in the United States.

7. Discuss the constitutional extent of the treaty-making power of the Federal Government; especially with reference to the reserved powers of the states. What are the limitations imposed by the Constitution upon the taxing power of the Federal Government?

8. Define interstate commerce. What is the original package doctrine? What express limitations are laid upon Congress by the first eight amendments to the Constitution?

9. Define police power and illustrate. Define due process of law and illustrate. Define an ex post facto law.

10. Discuss the meaning of the constitutional provision that full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state.

11. What is the purpose of the writ of habeas corpus? And how may it be used to maintain the supremacy of the Federal Government? What provision does the Constitution make with reference to the interstate extradition of fugitives from justice?

12. What is the force and purpose of the limitation laid upon the states that they shall not impair the obligation of contracts? How is the District of Columbia governed?

PART II

The Legal Rights and Duties of Women

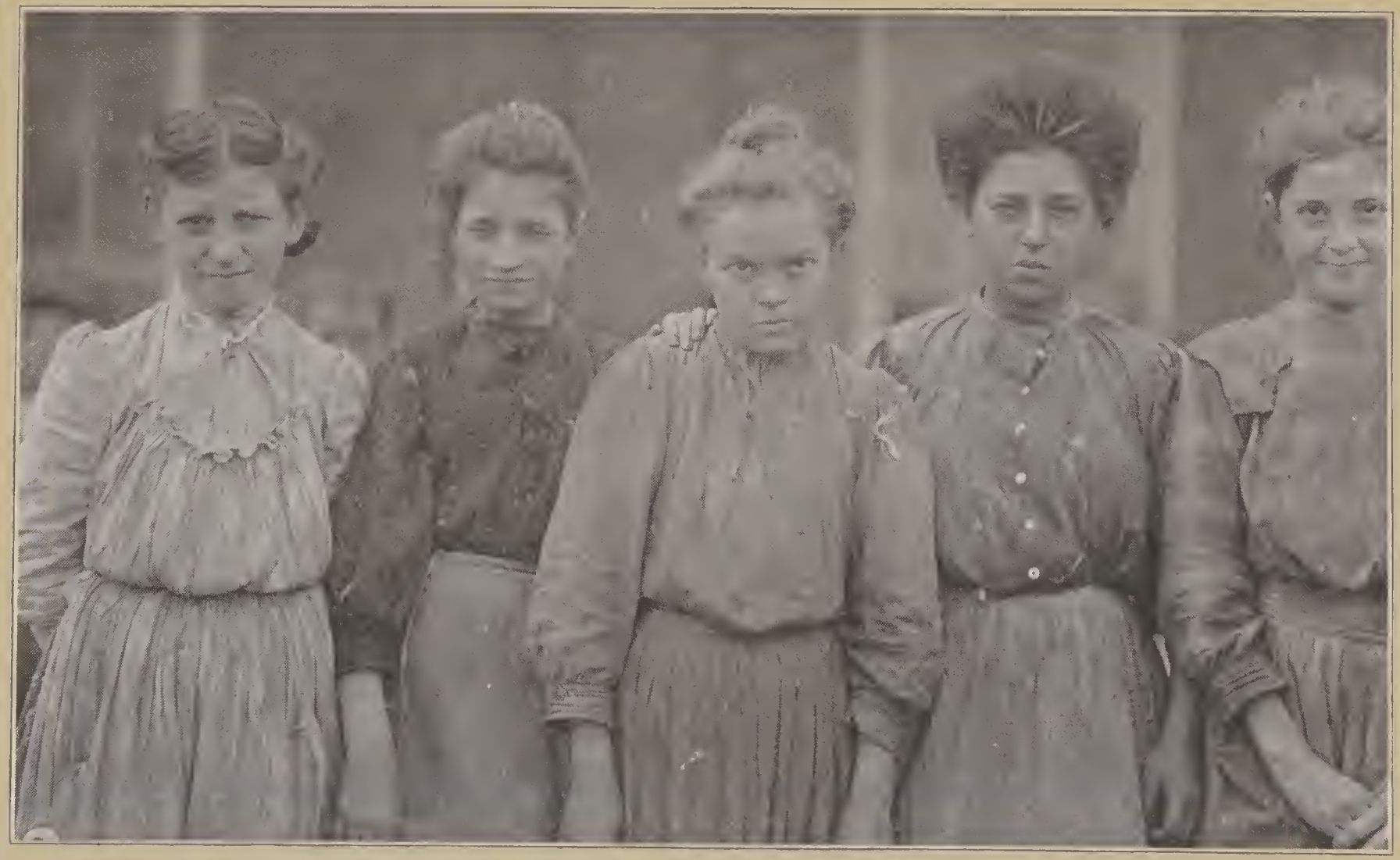
BY JENNIE L. WILSON, LL.B.

1. What is the legal age for marriage?

Alaska, Colorado, Florida, Maine, Mississippi, Missouri, New Jersey, Rhode Island, Vermont, and Washington require the consent of parent or guardian if the man is under twenty-one or the woman under eighteen. The age at which the parties themselves may legally consent to marriage is not given, so the presumption is that the common law prevails in these states and that boys of fourteen and girls of twelve who marry with consent of parent or guardian cannot afterwards avoid the contract because of lack of legal age. Washington does provide that the license must not be issued in any case where the female is under fifteen.

Connecticut requires the consent of parent or guardian in writing if either is a minor, and Pennsylvania requires such consent if either is under twenty-one, so these two states are included with those that still recognize the common law, so far as the parties to the contract are concerned.

Kentucky, Louisiana, Tennessee, and Virginia ex-



DO GIRLS LIKE THESE NEED THE PROTECTION OF THE LAW?

Types of girl employees of a manufacturing company. The joy of life and girlhood long obliterated. Is this a crime or necessity?

pressly state that the legal age is fourteen for males and twelve for females.

New Hampshire has made the age for males fourteen and for females thirteen.

District of Columbia, Iowa, North Carolina, Texas, and Utah, males sixteen and females fourteen.

Alabama, Arkansas, Georgia, males seventeen, females fourteen.

Kansas, males seventeen, females fifteen.

Arizona, South Carolina, males eighteen, females fourteen.

California, Minnesota, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Wisconsin, males eighteen, females fifteen.

Delaware, Illinois, Indiana, Massachusetts, Michigan, Montana, Nebraska, Nevada, Ohio, West Virginia, Wyoming, males eighteen, females sixteen.

Idaho, New York, males eighteen, females eighteen.

Maryland, males twenty-one, females sixteen.

2. What are the causes for divorce or legal separation?

An absolute divorce will be granted to either party, in all states, for adultery. It is the only cause for absolute divorce in the State of New York. Other causes which will be sufficient to secure a decree of divorce or legal separation by either party, in the different states, are as follows:

ALABAMA. — Impotency, abandonment, felony, crime against nature, drunkenness.

ALASKA. — Impotency, felony, desertion, cruelty endangering life, drunkenness.

ARIZONA. — Abandonment, felony, cruelty.

ARKANSAS. — Impotency, desertion, former husband or wife living at time of marriage, felony, drunkenness, cruelty endangering life, personal indignities.

CALIFORNIA. — Extreme cruelty, wilful neglect, intemperance, felony.

COLORADO. — Impotency, if former husband or wife was living, cruelty, desertion, drunkenness, felony.

CONNECTICUT. — Desertion, total neglect, fraud in the marriage contract, seven years' absence, intemperance, cruelty, imprisonment for life, any crime involving a violation of conjugal duty punishable by imprisonment in state prison.

DELAWARE. — Bigamy, imprisonment for crime, cruelty, desertion, drunkenness.

DISTRICT OF COLUMBIA. — Cruelty, reasonable apprehension of bodily harm, drunkenness, desertion.

FLORIDA. — Consanguinity or affinity, impotency, cruelty, ungovernable temper, intemperance, desertion, divorce obtained in another state by the other, former husband or wife living.

GEORGIA. — Desertion, consanguinity or affinity, mental incapacity, impotency, fraud, force, menace or

duress in procuring the marriage, felony, cruelty, intoxication.

IDAHO. — Impotency, cruelty, desertion, wilful neglect, intemperance, felony, hopeless insanity.

ILLINOIS. — Impotency, bigamy, cruelty, desertion, felony, drunkenness, attempt by one upon the life of the other.

INDIANA. — Impotency, abandonment, cruelty, drunkenness, conviction of crime.

IOWA. — Desertion, felony, drunkenness, cruelty.

KANSAS. — Bigamy, abandonment, cruelty, fraud in the marriage contract, drunkenness, felony, neglect of duty.

KENTUCKY. — Impotence, abandonment, felony, duress, fraud, or force in procuring the marriage, concealment of a loathsome disease, uniting with any religious society which prohibits marriage, drunkenness.

LOUISIANA. — Felony, intemperance, cruelty, public defamation of one by the other, abandonment, attempt against the life of one by the other, when either is a fugitive from justice.

MAINE. — Impotency, extreme cruelty, desertion, intoxication from liquors, opium, or drugs, insanity for fifteen years and incurable.

MARYLAND. — Impotency, any cause which renders the marriage void from the beginning, abandonment, cruelty, vicious treatment, desertion.

MASSACHUSETTS — Cruelty, impotency, desertion, intoxication by liquors, opiums, or drugs, felony.

MICHIGAN. — Impotency, felony, desertion, drunkenness, when either party has obtained a divorce in another state.

MINNESOTA. — Impotency, cruelty, desertion, drunkenness, felony.

MISSISSIPPI. — Bigamy, impotence, cruelty, desertion, drunkenness, felony, habitual and excessive use of opium, morphine, or other drugs, insanity or idiocy at time of marriage, consanguinity or affinity.

MISSOURI. — Bigamy, impotency, cruelty, desertion, drunkenness, personal indignities, felony.

MONTANA. — Cruelty, desertion, wilful neglect, former wife or husband living, intemperance, felony.

NEBRASKA. — Impotency, abandonment, drunkenness, imprisonment for life, cruelty, desertion.

NEVADA. — Impotency, cruelty, desertion, drunkenness, felony.

NEW HAMPSHIRE. — Impotency, cruelty, intemperance, felony, absence unheard of for three years, abandonment, joining any religious sect prohibiting marriage.

NEW JERSEY. — Desertion, cruelty.

NEW MEXICO. — Drunkenness, impotency, felony, cruelty, abandonment.

NEW YORK. — Cruelty, conduct rendering it unsafe or improper to live with defendant.

NORTH CAROLINA. — Impotency, if parties have lived separate for ten years consecutively, drunk-

enness, abandonment, maliciously turning the other out of doors, cruelty, personal indignities.

NORTH DAKOTA. — Cruelty, desertion, intemperance from use of liquors, morphine, opium, chloral, cocaine, or other drugs, felony.

OHIO. — Impotency, former husband or wife living, wilful absence for three years, fraud in the marriage contract, cruelty, gross neglect of duty, drunkenness, felony, if either has obtained a divorce without the state.

OKLAHOMA. — Bigamy, impotency, cruelty, abandonment, drunkenness, gross neglect of duty, felony, fraud in the marriage contract.

OREGON. — Impotency, cruelty, personal indignities, drunkenness, felony, desertion.

PENNSYLVANIA. — Impotency, desertion, consanguinity or affinity, force, fraud, or coercion, bigamy, felony, personal indignities.

RHODE ISLAND. — Impotency, cruelty, desertion, living separate for ten years, drunkenness, intemperate use of opium, morphine, or chloral, such absence as causes presumption of death, gross misbehavior or wickedness repugnant to and in violation of the marriage contract, when marriage is void or voidable from the beginning. A limited divorce may be given for such other cause or causes as may appear to the court sufficient to justify the same.

SOUTH CAROLINA. — No divorce has ever been granted. Prohibited by the state constitution.

SOUTH DAKOTA. — Cruelty, desertion, intemperance, felony.

TENNESSEE. — Impotency, former husband or wife living, desertion, felony, attempt upon the life of either by the other, drunkenness.

TEXAS. — Abandonment, cruel treatment, felony.

UTAH. — Impotency, cruelty, desertion, drunkenness, felony, permanent insanity.

VERMONT. — Intolerable severity, felony, desertion.

VIRGINIA. — Impotency, felony, conviction of infamous crime before marriage, when either is charged with an offense punishable by death or imprisonment and is a fugitive from justice, abandonment, cruelty, reasonable apprehension of bodily harm.

WASHINGTON. — Impotency, cruelty, personal indignities, abandonment, drunkenness, felony, when consent was obtained by force or fraud, incurable insanity if it has existed ten years, and any other cause deemed sufficient by the court.

WEST VIRGINIA. — Impotency, felony, abandonment, conviction of infamous offense before marriage, cruelty, reasonable apprehension of bodily harm, drunkenness.

WISCONSIN. — Impotency, felony, desertion, cruelty, drunkenness, when parties have lived separate for five years.

WYOMING. — Impotency, cruelty, desertion,

drunkenness, felony, conviction of felony before marriage, intolerable indignities, vagrancy of husband.

3. For what other causes may a wife obtain a divorce from her husband?

ALABAMA. — Cruelty accompanied by actual personal violence with danger to life and health; conduct giving reasonable apprehension of such violence; when husband has become addicted after marriage to the use of opium, morphine, cocaine, or other drugs.

DELAWARE. — Hopeless insanity of husband.

KENTUCKY. — Such habitual, cruel, and inhuman treatment for six months as indicates a settled aversion and tends to destroy permanently her peace and happiness; such beating and injury as indicates an outrageous and ungovernable temper and endangers her life.

MINNESOTA. — Limited divorce for cruel treatment; such conduct on the part of the husband as may render it unsafe or improper for her to live with him; abandonment of the wife and refusal to live with her.

MISSOURI. — Vagrancy of the husband.

WEST VIRGINIA. — When the husband prior to the marriage, unknown to the wife, had been a notoriously licentious person.

WYOMING. — Neglect of the husband to provide his wife with the common necessaries of life if able to do so by ordinary industry; vagrancy of husband.

Arizona, Indiana, Maine, Nebraska, Nevada, New Mexico, New York, North Dakota, Rhode Island,

Utah, Vermont, Washington, Wisconsin. — Failure or neglect of the husband to provide the necessaries of life.

4. For what other cause may a husband obtain a divorce from his wife?

Alabama, Arizona, Georgia, Iowa, Kansas, Kentucky, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, West Virginia, Wyoming. — Pregnancy of wife at time of marriage unknown to the husband, and without his agency. If the husband had an illegitimate child or children living at time of marriage, that fact is a bar to divorce for this cause in Iowa.

VIRGINIA. — If wife was a prostitute or pregnant at time of marriage unknown to the husband.

5. Is a wife entitled to share in the guardianship and control of her children so that her wishes may guide in the choice of church, school, clothing, medicine and work?

(See also LEGAL STATUS OF MOTHERS IN THE GUARDIANSHIP OF CHILDREN, Volume VII, Page 1809.)

California, Colorado, Connecticut, District of Columbia, Illinois, Iowa, Kansas, Kentucky, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New York, Oregon, Utah, and Washington have made husband and wife joint or equal guardians of their minor children, with equal powers, rights, and duties with regard to them. While both live, the wishes of the mother in regard to anything which con-

cerns the child are entitled to the same consideration as the wishes of the father. Upon death of the father the mother becomes sole guardian.

In 1895 Pennsylvania made the mother equal guardian with the father of their minor children, provided she contributes by her labor or otherwise to their support, and provided, also, that she is qualified as a fit and proper person to have control and custody of such children.

Delaware, Florida, Georgia, Maryland, South Carolina, Tennessee, and Virginia have never changed the common law, which makes the father sole guardian during his life, with power to appoint a guardian of both person and property of the minor child, by will, to take effect after his death.

In all other states the father is the sole guardian while living. The mother becomes guardian after his death, in some states absolutely, in others her guardianship is limited by certain qualifications and restrictions.

ALABAMA. — Father may appoint a guardian by will, but mother is entitled to the custody of the person of the child until it is fourteen.

ALASKA. — Father may appoint guardian of property of minor child, whether such child is born or unborn, but cannot deprive the mother of the custody of the person of the child.

ARIZONA. — The father may appoint a guardian by will, with the mother's written consent. The mother,

if a widow, is guardian only so long as she remains unmarried.

ARKANSAS. — Father may appoint guardian by will, with written consent of mother. Mother becomes guardian of both person and property after death of the father.

IDAHO. — The father may appoint a guardian by will, but only with the mother's consent. The mother is guardian after the father's death if she is a suitable person and so long as she remains unmarried.

INDIANA. — The mother becomes guardian of the person of her minor child after death of the father, and may control his education. A guardian of the child's property may be appointed by will of either parent or by the court.

LOUISIANA. — The mother becomes guardian upon death of the father. She may appoint a guardian by will, but if she marries again she loses this right and her husband becomes co-guardian with her.

MICHIGAN. — The father may appoint a guardian of the property of a minor child by will, but the mother may present objections to the court, if she disapproves of such guardian, before the appointment is confirmed. The mother becomes guardian of the person of the child if she is a suitable person to have the custody of the minor.

MISSISSIPPI. — The mother is entitled to the custody of the person of the child, even though a guardian of the property may have been appointed.

MONTANA. — The father has no authority to transfer the custody of the minor child without the written consent of the mother. The mother is guardian if the father is dead or refuses to take the custody of the minor or has abandoned his family.

NEVADA. — After death of the father the mother is guardian only so long as she remains unmarried, and if she is a suitable person.

NEW JERSEY. — Mother becomes guardian upon death of the father, who has no power to appoint a guardian without the written consent of the mother.

NEW MEXICO. — The mother is guardian of minor children after death of the father and has full control of person, education, and estate.

NORTH CAROLINA. — The father may appoint a guardian by will, with the mother's consent. "Upon death of the father, the mother immediately becomes the natural guardian."

NORTH DAKOTA. — The father may appoint a guardian of his child, with the written consent of the mother. If the father is dead, or is unable or refuses to take the custody, or has abandoned his family, the mother is entitled to the custody. If a widow marries again, her second husband cannot be appointed guardian of the first husband's children.

OHIO. — If the father is dead or has abandoned the mother, she becomes guardian of the person and estate and controls the education of the minor.

OKLAHOMA. — The mother is entitled to the cus-

tody of the child if the father is dead. He cannot transfer the custody or services of a minor child to anyone except the mother, without her written consent.

RHODE ISLAND. — The mother is entitled to the custody of the minor child if the father has deserted her or fails to provide or is imprisoned. Upon death of either parent, the surviving parent, if qualified, is entitled to the guardianship.

SOUTH CAROLINA. — The father may appoint a guardian by will. If he has not done this, the mother becomes the guardian and may appoint by her will.

SOUTH DAKOTA. — The father may appoint a guardian by will, with the written consent of the mother. If the father is dead or is unable or refuses to take the custody, or has abandoned his family, the mother becomes guardian.

TEXAS. — If either parent is dead, the survivor becomes the guardian of the person of the minor child and is entitled to be appointed guardian of the estate.

VERMONT. — The father may appoint a guardian of the estate of his minor child. The mother becomes guardian of the person, if deemed suitable.

VIRGINIA. — The mother becomes guardian only if the father has failed to appoint a guardian by will.

WEST VIRGINIA. — The mother becomes guardian after death of the father if he has not appointed a guardian by will. She may appoint a guardian by will "if she be a widow."

WISCONSIN. — The mother is guardian of both

person and estate if the father is dead, while she remains unmarried, and if she is a suitable person, competent to transact her own business.

WYOMING.—If the father becomes incapable, or dies, the mother becomes the guardian and is entitled to the custody of the child, whether she remains unmarried or not.

6. Can a father will away from a mother the custody of their unborn child?

Yes, in Delaware, Florida, Georgia, Maryland, South Carolina, Tennessee, and Virginia.

7. Does a wife after marriage own and control her own clothes and other personal property owned by her before marriage?

Yes, unconditionally, in all states except Florida and Louisiana.

In Florida the ownership remains in the wife, but the husband has the management and control and is entitled to the profits during the marriage.

The law of Louisiana allows the wife to retain the ownership of all such property, but gives her control of only that portion which is retained and known as "paraphernal property." All of the wife's property which comes into possession of her husband by agreement as the "dowry" still belongs to her, but is controlled absolutely by the husband, and he is entitled to all profits or income from it during continuance of the marriage. This is the wife's contribution towards the expense of

the family — her part of the capital necessary to found the mutual partnership.

Until March, 1913, in Tennessee, the personal property belonging to a woman before marriage ceased to be hers when she married. It immediately became the property of her husband. He controlled it and might dispose of it by will. If he died without a will, it was part of his estate and might be distributed to his heirs like his other personal property.

On the 20th day of March, 1913, "An Act to remove disabilities of coverture from married women" was passed by the legislature of Tennessee. This bill will become effective from and after January 1, 1914, and the old law will be "totally abrogated," according to the wording of the new law. After that date a wife will own and control all personal property which belonged to her before marriage as absolutely as if she were unmarried.

Upon the same date a new law was enacted by the legislature of Texas giving a married woman control of personal property which belonged to her at time of marriage.

Before this the law was similar to that of Tennessee, differing only in the limitation of the husband's power to dispose of it while he lived. If it was in his possession at the time of his death, it then belonged again to the wife. The Texas law still restricts the wife in the disposal of stocks and bonds belonging to her. The

husband must join with her in the transfer of any personal property of this kind.

8. Does a wife own her clothing and personal ornaments purchased after marriage, with money furnished by her husband?

No, except in a few states where they have been secured to her by statute. Where this has not been done, the common law is still in force, and where questions have arisen concerning the ownership of such articles it has been held that they belong to the husband unless the wife can furnish proof that they were purchased with her separate funds or were a gift to her from her husband.

Since 1896 married women in Alabama have owned their clothing and ornaments, no matter how they have been acquired.

The law of Colorado provides that a wife's separate property includes "gifts from her husband of jewelry, silver, tableware, watches, money, and wearing apparel."

In Louisiana a wife "has a right to take her clothes and linen without any formality" after death of her husband

The law of Massachusetts permits a wife to receive from her husband "gifts of wearing apparel and personal adornment necessary for her personal use, to the value of not more than two thousand dollars."

In most states wearing apparel is included in the "allowance" which the law has provided for the widow from the estate of her deceased husband or in the exempt property to which she becomes entitled after his death.

9. Does a wife own her own wages earned outside the home?

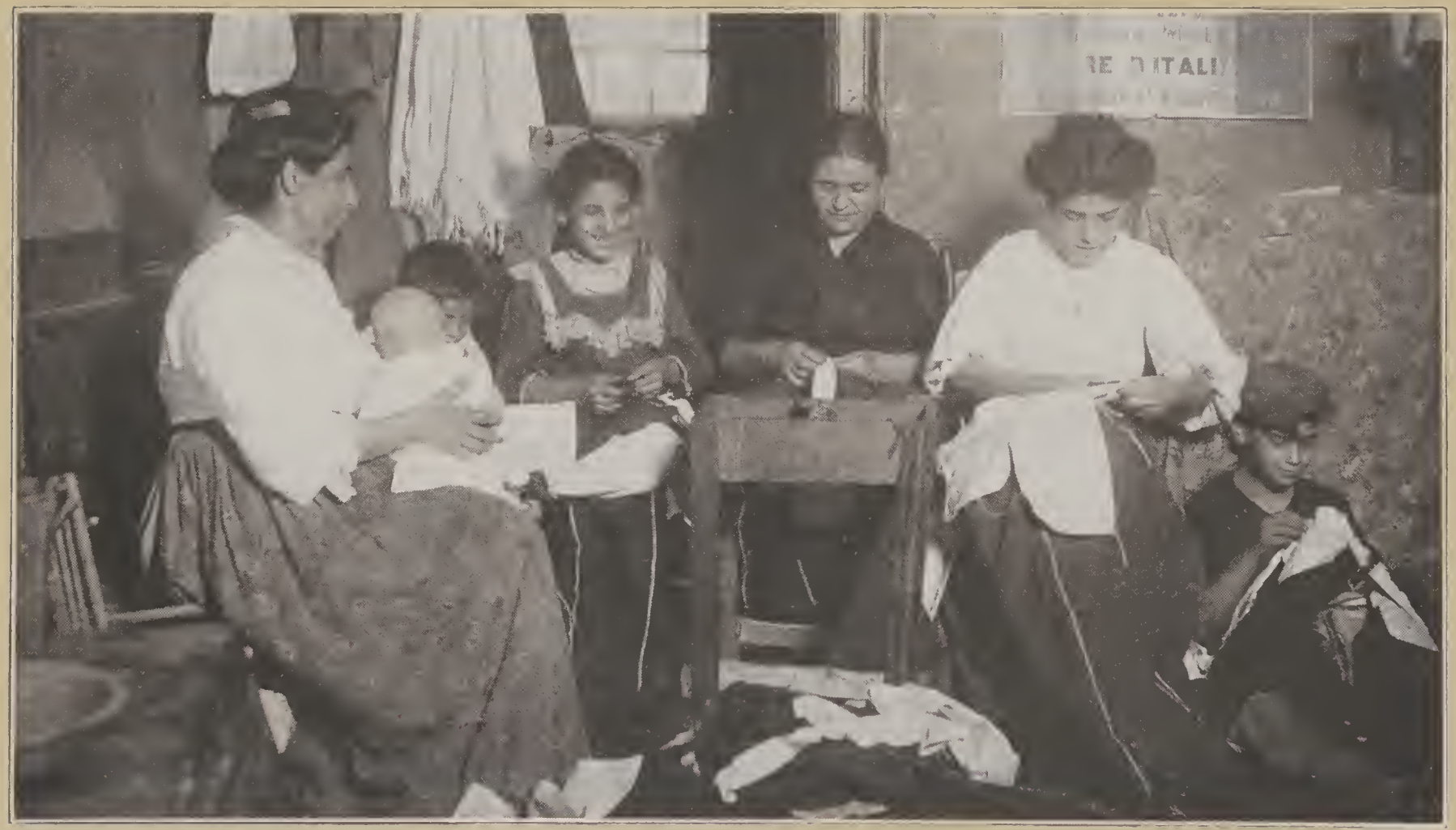
Yes, unconditionally in Alaska, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

No, in Arizona, California, Idaho, Louisiana, New Mexico, and Washington, unless she is living separate from her husband. Otherwise her wages is part of the community property.

Yes, in Florida, if she has published notice of her intention to carry on a separate business and furnishes proof of her capacity to do so, and is actually engaged in such business.

Yes, in Alabama, Georgia, and North Carolina, if living separate, or if engaged in separate business with written consent of the husband.

Yes, in Oregon, if registered as a sole trader.



HERE THE WHOLE FAMILY WORKS

Boys and girls who should be in school put in long hours at home on the common work

Yes, in Nevada, "when her husband has allowed her to appropriate them to her own use, in which case they are deemed a gift from him to her," or if she is living separate from her husband.

Yes, in Pennsylvania, if authorized by the court to engage in separate business and if she has filed a petition claiming the benefit of the law which secures to a married woman her wages or earnings.

10. Can a wife by law enforce payment for services performed in the home for husband and children?

No. There is no law in any state which will permit a married woman to enforce payment for such services. One of the implied obligations of the marriage contract being that she shall perform such labor or services.

11. What authority has the husband over his wife's real estate and the rentals therefrom?

No authority except in the following states:

In Florida he has the control and management and is entitled to the rents and profits, but he cannot sell it.

In Tennessee and Texas he has control and management, but laws passed in both states in March, 1913, secure to the wife the ownership, control, and income from all of her separate real property.

In Louisiana all real estate belonging to the wife which may come into possession of the husband by marriage agreement as the "dowry" is controlled by him and he is entitled to all rentals, profits, or income from such property, but he cannot sell it unless the wife

joins in the conveyance, and even then it can be sold only for certain specified purposes. The husband also controls his wife's portion of the community property.

In Arizona, California, Idaho, Nevada, New Mexico, and Washington, states having the community property system, the husband has no authority over his wife's separate real estate; but, while the law expressly states that all property acquired after marriage belongs equally to husband and wife, the husband controls his wife's half of such property as well as his own.

California, Nevada, New Mexico, and Texas give the husband power to sell and transfer his wife's half of the community property without her consent, in addition to the power of control.

In Arizona, Louisiana, and Washington the husband cannot dispose of his wife's share of the community real estate unless she consents and joins in the conveyance.

In Rhode Island the husband may legally collect the rents, income, or profits from his wife's real estate, unless she gives a written notice to pay only to herself.

Idaho was one of the community states which permitted the husband to sell or convey any or all property acquired during the marriage without his wife's consent or signature. The legislature of 1913 passed the following law: "The husband has the management and control of the community property, but he shall not sell, convey, or encumber the community real estate, unless the wife join with him in executing the

deed or other instrument of conveyance by which the real estate is sold, conveyed, or encumbered, and such deed or other instrument of conveyance must be acknowledged by him and his wife."

12. May a wife convey her separate property without her husband's consent?

In all states except Louisiana a married woman controls her separate personal property, and may deal with it in every way as freely as if she were unmarried. She may mortgage it, sell it, give it away with or without her husband's consent.

In regard to real estate it is different. In Arkansas, California, Colorado, Connecticut, Georgia, Idaho, Kansas, Michigan, Mississippi, Montana, Nevada, New Mexico, New York, North Dakota, Oklahoma, South Carolina, South Dakota, Utah, Washington, Wisconsin, and Wyoming, a married woman may contract with reference to her real estate as if she were unmarried, and may mortgage, sell, and convey it without her husband's consent or signature.

She may convey her real estate, subject to her husband's right of curtesy or distributive share, in Minnesota, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia.

If she is eighteen years of age or over, she may convey it in Arizona.

She may convey it in the District of Columbia, if she is twenty-one or more.

The husband must join in all conveyances of the wife's separate real estate in Alabama, Alaska, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, North Carolina, Oregon, Tennessee, Texas, Vermont, and West Virginia.

13. Has a married woman power to will her separate property?

Yes, in Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maryland, Michigan, Mississippi, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Vermont, Washington, Wisconsin.

In all other states she may will her property subject to her husband's right of courtesy or distributive share.

If her husband gives his consent in writing, she may will all of her separate property in Kansas. Without this consent she can will only one-half.

In Massachusetts she may will all of her property with her husband's written consent. She may will one-half of her personal property and all of her real property, to take effect after the termination of his life interest, without her husband's consent.

14. Can a wife's separate property be levied on for family necessaries ordered by her?

One of the implied obligations of the marriage contract on the part of the husband is that he will support

his family according to his circumstances and his ability to do so. That this obligation is universally recognized is demonstrated by the severity of the punishment provided by law for non-support, and providing also that this is a cause for divorce in most states.

Unless statutory enactments have placed the obligation equally upon husband and wife, the law remains unchanged, and a wife's property cannot be levied on for family necessaries. Even though the necessaries are purchased or ordered by her personally, the law holds the husband responsible, for the reason that it is his duty to furnish these articles, and the presumption is that the wife acts as his agent in making the purchase.

In Alabama, Arkansas, California, Colorado, Connecticut, Illinois, Iowa, Minnesota, Missouri, Montana, Oregon, South Dakota, Utah, and Washington, the wife's property can be levied on, because husband and wife have both been made responsible, but in Connecticut the wife is entitled to indemnity from the property of her husband for any of her own which may be taken to satisfy such claims.

If a wife orders necessaries in Arizona, on the credit of her husband, they are jointly liable, and any judgment recovered is a lien, first on community property, second on the husband's separate property, and third on the wife's separate property.

In Massachusetts the wife's property may be held to the amount of one hundred dollars in each case, if necessaries were furnished with her knowledge or con-

sent, and if she has property to the value of two thousand dollars or more.

The Ohio law provides that if a husband is not able to support his family his wife must assist him. This makes her property liable for necessaries.

In North Carolina a married woman may make a contract for necessaries which will bind her separate estate. In the absence of such contract, her property is not liable.

In Mississippi a wife's property may be used for the support of the family if she consents.

In Nebraska a wife's property is liable if her husband has not enough to satisfy such claims.

In Rhode Island a wife's separate property can be held only if it has been voluntarily pledged.

In Vermont the annual income from her property may be used for the support of the family.

The laws of Idaho and Nevada expressly provide that a married woman who is a sole trader, carrying on a separate business, is responsible for the maintenance of her minor children.

15. Does the law secure to the wife any portion of the family income free from husbandly dictation?

If the income is derived from the earnings of the wife, or from her separate property, the law secures it all to her. If it is obtained from the labor or property of the husband, the only portion secured to the wife by law is that which will be sufficient to provide

support for her according to the circumstances of the husband and the social position of the family, and the husband usually has the power to decide just what amount shall be expended for the support which the law expects and commands him to furnish.

16. What share has a wife in the surplus of property, real or personal, accumulated by their joint efforts after marriage?

Except in states having the community property system, no part of the surplus accumulations is secured to the wife, unless derived from her personal business, labor, or property and invested in her name.

The division of joint accumulations from the husband's efforts outside the home and the wife's labor within the home, is left entirely to them to be adjusted as they may agree. If the husband invests it all in his own name and claims it as his property, the law will not interfere while he lives. After his death the wife may claim a portion of their joint accumulations, not as heir of her husband, but as justly belonging to her.

In community states, the law declares that one-half of all property accumulated by joint efforts of husband and wife after marriage belongs to the wife, but she comes into possession and control only after death of the husband.

17. Is it customary for the husband to invest this surplus, and take the property thus acquired in his individual name?

He usually does, but not always. The law does not interfere with the freedom of husband or wife in this matter. In a few rare instances, where the actual partnership relation is recognized by both parties, all real property is held by husband and wife as joint owners. Occasionally property acquired during the marriage is held in the name of the wife. The holder of the title to property is presumed by the law to be the owner. If a question arises as to the actual ownership, courts will place the burden of proof upon the party raising the question to show that the real owner is other than the one holding the legal title.

18. Has a husband any control over his wife's personal property?

Louisiana gives the husband control and management of all property which comes to him by marriage settlement, as the dowry which he receives with his wife. It is still her property, and he has no power to sell it or dispose of it in any way.

In Florida the husband manages and controls his wife's personal property during the continuance of the marriage, but he cannot sell it, and it is not liable for his debts unless the wife consents in writing.

Until March, 1913, the common law upon this subject was in full force in Tennessee, and a woman's ownership of personal property ceased when she became a wife. Without her consent or any action on her part, such property was transferred by operation

of law to her husband, giving him control, management, and ownership.

In Texas the law was the same as to control and management.

On March 20, 1913, a bill was passed in both these states securing all separate property to the wife and giving her as absolute control of it as she would have if unmarried.

19. Are spouses' interests in each other's real estate equal?

Neither husband nor wife has any interest in the real estate of the other while both live.

20. Do they inherit equally from each other?

Yes; in Arizona, Colorado, Connecticut, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Maryland, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, Wyoming.

No; in Alabama, Delaware, District of Columbia, Florida, Missouri, New Jersey, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia.

Yes; in Alaska, New York, and Wisconsin, as to personal property. No; as to real property.

No; in Arkansas. In this state, if no children have been born alive, the law favors the wife, giving her

a dower interest in her husband's real property, while the husband takes no estate or part in the wife's property.

Yes, as to separate property; no, as to community property, in California, Nevada, and New Mexico.

Yes, in Louisiana, as to community property. Neither husband nor wife inherits any portion of the separate estate of the other, except when left in necessitous circumstances.

Yes, in Michigan, unless widow prefers to claim dower, which she may do. The husband has no corresponding estate in his wife's lands.

21. Do they inherit equally from a deceased child?

Yes; in Alabama, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming.

In all other states the mother inherits nothing if the father is living. If he is dead the portion of the deceased child's property which would have come to him if living goes to the mother.

In Alaska, Michigan, Oregon, South Dakota, Virginia, and West Virginia, if the father is dead, the portion which he would have inherited is divided equally

between the mother and brothers and sisters of the deceased child.

In New Jersey, if the father is living he takes such property in fee simple. If he is dead, the mother takes it for life.

In South Carolina, the property goes to father, brothers, and sisters equally. If father is dead, the mother, brothers, and sisters inherit equally.

22. Is a father liable for some family expense for wife and child, if the expense is one of which he disapproves?

Yes; if it can be shown that the articles for which the expense was incurred were really necessary or suitable to the circumstances and social position of the family.

23. Is a wife legally responsible for the support of her husband?

No; unless the responsibility has been placed upon her by statute.

This has been done in the states of California, Idaho, Illinois, Montana, Nevada, New Mexico, North Dakota, Oklahoma, and South Dakota, where the law requires a wife to support her husband if he has no property and is unable from infirmity to support himself.

Pennsylvania requires a wife to support her husband if he is likely to become a public charge.

24. Has a mother a right to share in the children's earnings?

She has no such right unless living separate from her husband, and then only with respect to such children as may be with her or under her control.

If this question were to be brought before courts of states where the mother has been made equal guardian, and where she has equal responsibility with the father for the support of minor children, it would probably be held that in these states she has a right to share in the children's earnings.

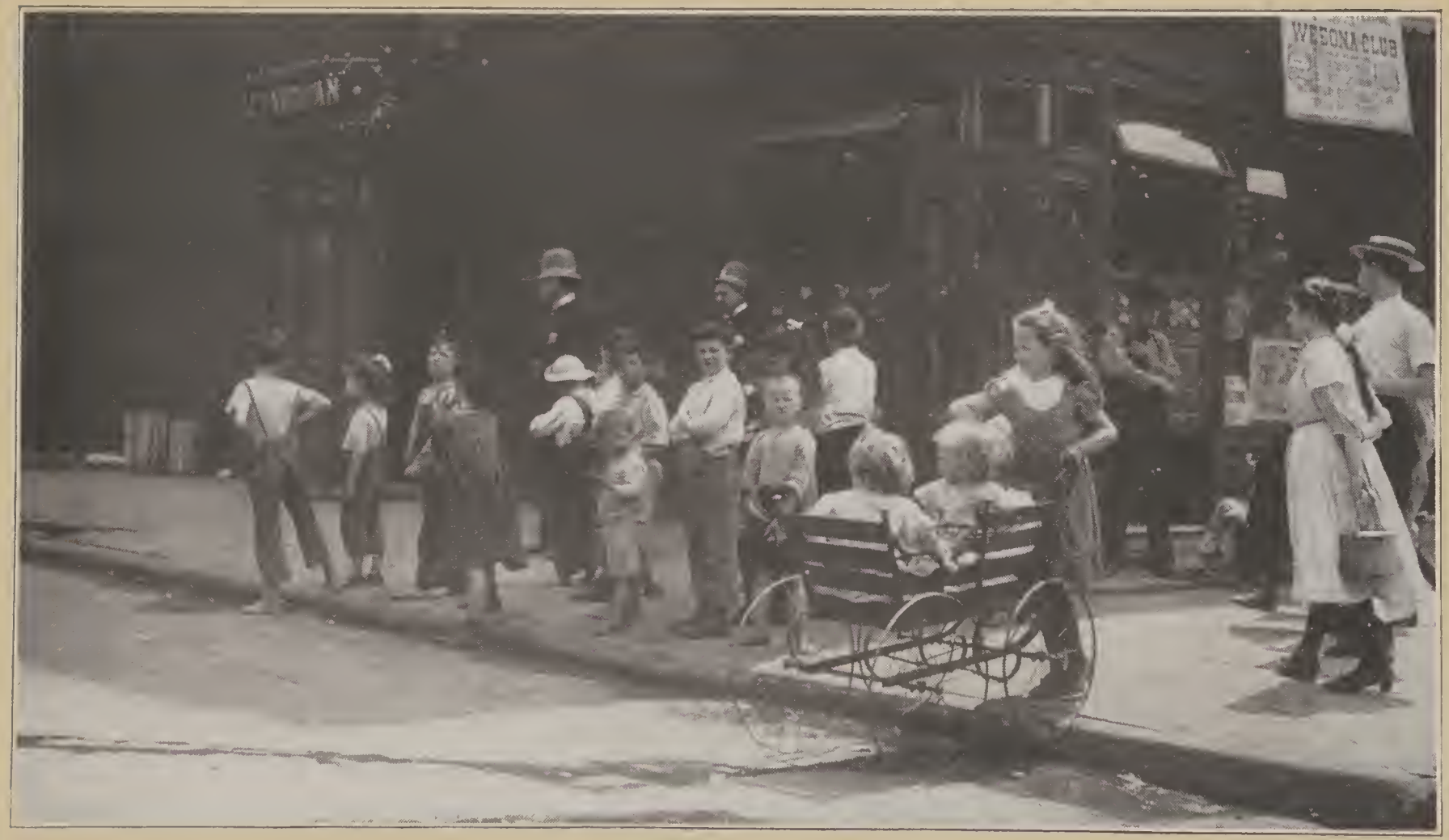
25. Is the wife entitled to a voice in the choice of the family home?

No. In most states the law specifically states that the husband may choose any reasonable place or mode of living and the wife must conform thereto. If the husband's choice is reasonable and the home is comfortable and according to his circumstances and social position, if the wife refuses to live therein such refusal would be desertion and cause for divorce.

26. Is the wife ever the "head of the family?"

Yes; in a few states and under certain conditions. In Colorado she is the "head of the family" when she provides the chief support for the family. In Nebraska if the husband is incapable of supporting his family or has deserted them, the wife becomes the "head of the family."

It has been held in North Dakota that a wife may claim the benefit of homestead and exemption laws



CHILDREN IN A "RED-LIGHT" DISTRICT

The representatives of the law are there but the children are not protected from evil influences.

when compelled to assume the burden and responsibilities which naturally belong to the head of the family. In Utah and Washington either husband or wife is the head of the family, and either may claim homestead exemptions.

In California recently a judge deposed a man from being head of his family because he had cruelly beaten his five-year-old boy with a length of garden hose. An order was entered that he should no longer hold that position legally, but it would henceforth belong to the wife and mother.

27. Has a husband any control over his wife's liberty?

He has no control in any state, except that which the law delegates to him as "head of the family," by virtue of which he can compel his wife to make her home wherever it may please him to locate it, whether agreeable to her or not.

28. May a married woman make contracts without her husband's consent?

She may contract with reference to her separate estate in all states except Florida, Louisiana, and North Carolina.

In Florida, husband must join in all contracts binding the separate estate.

Louisiana gives the wife power to contract with reference to paraphernal property only.

Unless she is carrying on a separate business she

cannot make contracts binding her separate property in North Carolina.

In Tennessee a wife may contract and be contracted with, regarding her separate property if her husband is insane or has abandoned her, and after January, 1914, will have power to contract with reference to separate property in all cases as freely as if she were not married. The law passed March 20, 1913, and which takes effect the first of January, 1914, fully emancipates married women from all disabilities on account of coverture.

29. May a wife enter into partnership without her husband's consent?

Husband's consent is required in Alabama, Illinois, Louisiana, North Carolina, Tennessee, Texas.

Certain legal formalities are required or permission of court, in Arizona, California, Florida, Idaho, which imply the permission of the husband.

A married woman cannot enter into partnership with her husband in Georgia, Massachusetts, Michigan, New Jersey, Rhode Island, Vermont, Virginia.

In Nevada she may carry on any separate business or trade, but she cannot employ her husband to manage such business for her.

In Wisconsin she may not enter into partnership with her husband or any other person, if she has no separate property.

In most other states a married woman is free to

enter into trade relations or partnership with her husband or any other person as freely as if she were unmarried.

30. Are husband and wife legally competent as witnesses to testify for or against each other?

ALABAMA. — Not competent. In case of bigamy the second wife is a competent witness.

ALASKA. — Competent for or against each other, but will not be allowed to testify in criminal actions unless by consent of both, except in cases of personal violence by one upon the other.

ARIZONA. — Neither can testify for or against the other in criminal cases, without consent of both, except in proceedings for a crime committed by one against the other. Are competent in civil actions by one against the other or in actions for divorce.

ARKANSAS. — Not competent, except in proceedings by one against the other. Cannot testify as to any communication made by one to the other during the marriage, whether called as a witness while the relation exists or afterwards. Either may testify for the other in regard to any business transacted by one for the other in the capacity of agent.

CALIFORNIA. — Incompetent in criminal actions, except for crime committed by one against the other. Competent for or against each other in all civil actions.

COLORADO. — Incompetent in criminal cases, except in actions for crime committed by one against the

other. The wife may testify against her husband in actions for non-support. They may be compelled to testify against each other in prosecutions under the white slave act.

CONNECTICUT. — Incompetent, but a wife may be compelled to testify against her husband in an action against him for necessaries furnished her while living apart from him.

DELAWARE. — Competent in civil cases.

DISTRICT OF COLUMBIA. — Competent, but not compellable, in all civil and criminal cases.

FLORIDA. — Competent in civil actions when either is an interested party to the suit pending.

GEORGIA. — Neither competent nor compellable in criminal proceedings. Wife is competent to testify against her husband for any criminal offense against herself, also in actions for child abandonment.

IDAHO. — Competent in civil actions when either is an interested party to the suit.

ILLINOIS. — Incompetent, except where the wife would be plaintiff or defendant if unmarried or where action is for personal wrong done by one to the other, or for neglect of husband to furnish support, or in cases concerning the separate property of the wife, or concerning transactions where the wife was the agent of the husband, and in suits for divorce. Not competent as to communications between them during the marriage, or admissions to each other or to third persons.

INDIANA. — Competent for or against each other in all civil cases except as to confidential communications. When husband or wife is a party and not competent in his or her own behalf, the other must be excluded. Husband is competent in suit for seduction of wife. Wife is not competent.

IOWA. — Incompetent against each other, except in a criminal prosecution for a crime committed by one against the other, or in a civil action one against the other, or in an action by one against a third party for alienating the affections of the other. Competent in all cases to testify for each other. In all prosecutions for adultery or bigamy or for desertion or neglect to provide, husband or wife are competent witnesses if willing to testify.

KANSAS. — Incompetent as to confidential communications during marriage. Competent, but shall not be required to testify, in criminal actions except in favor of the person on trial.

KENTUCKY. — Wife is competent to testify against her husband in actions for divorce on the ground of cruelty or inhuman treatment, or such cruel beating or injury of the wife as indicates an outrageous temper or probable danger to her life from remaining with him.

LOUISIANA. — Husband or wife cannot be a witness for or against the other, except when joined as parties having a separate interest.

MAINE. — Competent in all civil cases. May testify in favor of each other in criminal cases.

MARYLAND. — Competent and compellable in all civil actions. Competent, but not compellable, in criminal actions, but not as to confidential communications.

MASSACHUSETTS. — Incompetent as to confidential communications. Competent, but not compellable, in criminal actions.

MICHIGAN. — Incompetent generally, but husband or wife may testify against the other in cases of bigamy or desertion, but in prosecutions for adultery neither is a competent witness.

MINNESOTA. — Incompetent to testify for or against without consent of the other, except in civil actions against one by the other, or criminal actions because of crime committed by one against the other, or for abandonment and neglect of wife or children by husband.

MISSISSIPPI. — Competent in all civil and criminal cases, and either is a competent witness in his or her own behalf in all controversies between them.

MISSOURI. — Incompetent, unless interested party to the suit, or where one has acted as agent for the other. Wife is competent in proceedings for child abandonment.

MONTANA. — Incompetent, without consent of the other, in both civil and criminal cases, except in case of crime by one against the other and civil proceedings by one against the other.

NEBRASKA. — Incompetent in criminal actions to testify against each other, except in case of crime by

one against the other. Competent to testify for each other. Wife is a competent witness against her husband in actions for bigamy or adultery.

NEVADA. — Incompetent in both criminal and civil actions, except with consent of the other. Competent in all actions by one against the other.

NEW HAMPSHIRE. — Competent for or against each other in all civil or criminal cases, except as to matters which might be a violation of marital confidence.

NEW JERSEY. — Competent and compellable in all civil cases, and also for each other in criminal actions. Competent to testify against when wife is complainant against her husband, if she is willing and offers to give evidence.

NEW MEXICO. — Competent for or against in civil cases, and in favor of each other in criminal actions.

NEW YORK. — Competent but not compellable in criminal cases.

NORTH CAROLINA. — Competent and compellable in civil actions, and may testify in favor in criminal actions.

NORTH DAKOTA. — Incompetent for or against each other except with consent of the interested party. Competent in civil or criminal actions by one against the other.

OHIO. — Competent to testify for each other in

criminal actions, and against each other for crimes committed by one against the other.

OKLAHOMA. — Incompetent except concerning transactions when one acted as agent of the other, or when they are joint parties or have a joint interest.

OREGON. — Competent but not compellable without consent of interested party. Competent in civil or criminal actions by one against the other, and in actions for polygamy or adultery, may testify as to the fact of marriage.

PENNSYLVANIA. — Incompetent, but may testify in proceedings for desertion or maintenance, or in criminal proceedings by one against the other for bodily injury.

RHODE ISLAND. — Competent in civil cases. Competent but not compellable in criminal actions.

SOUTH CAROLINA. — Incompetent.

SOUTH DAKOTA. — Incompetent without consent of the other, except in criminal or civil actions by one against the other, including prosecutions for bigamy and adultery.

TENNESSEE. — Competent in civil cases, except as to confidential communications.

TEXAS. — Competent in civil cases, and to testify in favor in criminal actions. Competent to testify against in criminal actions by one against the other for personal violence.

VERMONT. — Competent in both civil and criminal cases.

VIRGINIA. — Competent and compellable to testify in favor of each other in criminal actions, but not against, without consent of the other. Competent in all cases brought by creditors to avoid a conveyance, gift or sale from one to the other on the ground of fraud and want of consideration. May also testify in divorce proceedings on grounds of cruelty or desertion.

WEST VIRGINIA. — Competent in criminal actions on request of the accused. Competent to testify in favor in civil cases.

WASHINGTON. — Competent, and confidential communications are not privileged in prosecutions for desertion.

WISCONSIN. — Incompetent, except with consent of the other. A wife may be a witness against her husband for personal violence to herself, or in actions for necessaries furnished her, and for wife or child abandonment.

WYOMING. — Competent to testify for each other in all criminal and civil cases, but not against, except in actions for crimes committed by one against the other, or in action by husband for seduction of wife, or by either for alienating the affections of the other.

31. What is the punishment for wife desertion or non-support?

Imprisonment, in Arizona, Idaho, Iowa, Kansas, Nebraska, New Mexico, Wyoming.

Fine or imprisonment, in Maine, Minnesota, New Jersey, Rhode Island, South Carolina, Texas.

Fine or imprisonment or both, in Arkansas, Florida, Illinois, Maryland, Missouri, Nevada, New Hampshire, North Carolina, South Dakota, Tennessee, West Virginia, Wisconsin.

A husband who deserts his wife is a vagrant in Alabama and may be fined and sentenced to hard labor.

There is no punishment in Delaware, unless the wife is in danger of becoming a public charge. In such case, the husband may be imprisoned for not providing for his family.

In District of Columbia, Louisiana, Massachusetts, Utah, and Washington, the penalty is fine or imprisonment. If fine is imposed and recovered, it may be paid in full or in part to the wife for support of herself and children.

The penalty in Indiana is imprisonment in state prison, disfranchisement, and rendered incapable of holding any office of trust or profit for three years; or imprisonment in county jail with compulsory hard labor for the county, and earnings while so confined and employed to be applied to support of wife and children.

CALIFORNIA. — Fine or imprisonment, or may be sentenced to jail and required to work on public highway or other public work, and one dollar and fifty cents per day be paid to the wife while so confined and employed.

COLORADO. — Imprisonment. If husband leaves the state he may be brought back by requisition.

CONNECTICUT. — Fine and imprisonment. If wife is abandoned for another woman the penalty may be imprisonment for three years.

MICHIGAN. — Fine or imprisonment. If sentence is imprisonment, one dollar and fifty cents may be paid to the wife, and fifty cents additional for each child under fifteen, for every week so long as imprisonment continues.

NEW YORK. — Imprisonment in jail or penitentiary until security for support is furnished.

NORTH DAKOTA. — Fine or imprisonment, or both. If sentenced to hard labor, not less than fifty cents for each day husband is employed must be paid to the wife.

OREGON. — Imprisonment, and sentence to work on highway or other public work of the county. For each day of such labor one dollar must be paid the wife and twenty-five cents additional for each child under sixteen, but in no case must the total amount paid exceed one dollar and seventy-five cents per day. The husband may give bond, and if bond is forfeited, any amount recovered may be paid to the wife.

OHIO. — There seems to be no punishment for desertion unless the wife is pregnant at the time. In such case the punishment is fine or imprisonment.

PENNSYLVANIA AND UTAH. — Fine or im-

prisonment. If fine is imposed it may be applied to support of wife and children.

Alaska, Georgia, Kentucky, Mississippi, Oklahoma, and Vermont seem to have provided no punishment for wife desertion.

Abandonment is cause for divorce in these states as in many others.

32. What is the age of consent?

Delaware, Georgia, Mississippi, ten years.

Alabama, Missouri, New Mexico, North Carolina, South Carolina, Virginia, West Virginia, Wisconsin, fourteen years.

Iowa and Texas, fifteen years.

Arkansas, Connecticut, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Vermont, sixteen years.

Arizona, seventeen years.

California, Colorado, Florida, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, New York, North Dakota, South Dakota, Utah, Washington, Wyoming, eighteen years.

Tennessee, twenty-one years.

33. What is the penalty for crimes and offenses against woman?

ALABAMA.

RAPE. — Death or imprisonment ten years in penitentiary, or fine not less than fifty nor more than five hundred dollars, and imprisonment in county jail six months.

PROSTITUTION. — Taking child under fourteen for purpose of prostitution — imprisonment in penitentiary not less than two years.

BASTARDY. — Father must support child. Must pay judgment, give bond or be committed to jail. Law fixes the amount at fifty dollars per year for ten years.

SEDUCTION. — Civil action only for damages.

ARIZONA.

RAPE. — Imprisonment for life or for any term of years not less than five.

PANDERING. — Fine not less than one thousand dollars and imprisonment not less than one year nor more than ten years. Enticing female for immoral purpose: Imprisonment in penitentiary not exceeding five years, or in county jail not exceeding six months; or by fine not exceeding one thousand dollars, or both fine and imprisonment.

SEDUCTION. — Imprisonment not less than one year nor more than five years, unless barred by marriage of the parties.

ARKANSAS.

RAPE. — Death. Carnal knowledge of child under sixteeen, with or without consent, imprisonment in

penitentiary not less than one nor more than twenty-one years.

BASTARDY. — Must pay expenses and certain amount each month until child is seven years old. May be imprisoned if order is not obeyed.

SEDUCTION. — Imprisonment not less than one nor more than ten years, and fine not exceeding five thousand dollars.

CALIFORNIA.

RAPE. — Imprisonment not less than five years. Enticing for immoral purposes, imprisonment five years and fine of one thousand dollars.

SEDUCTION. — Imprisonment five years or fine of five thousand dollars, or both fine and imprisonment. Marriage is a bar to prosecution.

COLORADO.

RAPE. — Imprisonment not less than three years. If offender is under twenty and has previously borne a good character he may be committed to state reformatory.

INDECENT LIBERTIES. — With child under sixteen: Imprisonment not more than ten years. If under eighteen, may be committed to state reformatory.

BASTARDY. — Civil action for damages and support of child.

Kidnaping woman for immoral purposes is a felony and may be punished by imprisonment not less than one nor more than six years. To live upon the earn-

ings of lewd women is also a felony and may be punished accordingly.

CONNECTICUT.

RAPE. — Imprisonment not to exceed thirty years.

INDECENT ASSAULT. — Imprisonment not more than ten years.

BASTARDY. — Father must support child.

ENTICING FEMALES. — Fine not more than one thousand dollars or imprisonment not to exceed fifteen years.

DELAWARE.

RAPE. — Death. Assault with intent to commit, fine not less than two hundred nor more than five hundred dollars, and imprisonment not exceeding twenty years.

INDECENT LIBERTIES. — With children under sixteen, fine not exceeding five hundred dollars and imprisonment not more than three years.

PROSTITUTION. — Harboring or using child under eighteen for immoral purposes, fine not to exceed one thousand dollars and imprisonment not more than seven years, or both fine and imprisonment.

DISTRICT OF COLUMBIA.

RAPE. — Imprisonment not less than five nor more than thirty years. Jury may impose death penalty by hanging.

Enticing Females under sixteen, imprisonment not less than two nor more than twenty years.

Seduction of female between sixteen and eighteen, imprisonment not exceeding one year and fine not more than two hundred dollars.

FLORIDA.

Carnal Knowledge with female under eighteen. Imprisonment not more than ten years or fine not exceeding two thousand dollars. With female of any age, with or without consent, she being mentally deficient, is felony punishable by imprisonment in penitentiary not to exceed ten years.

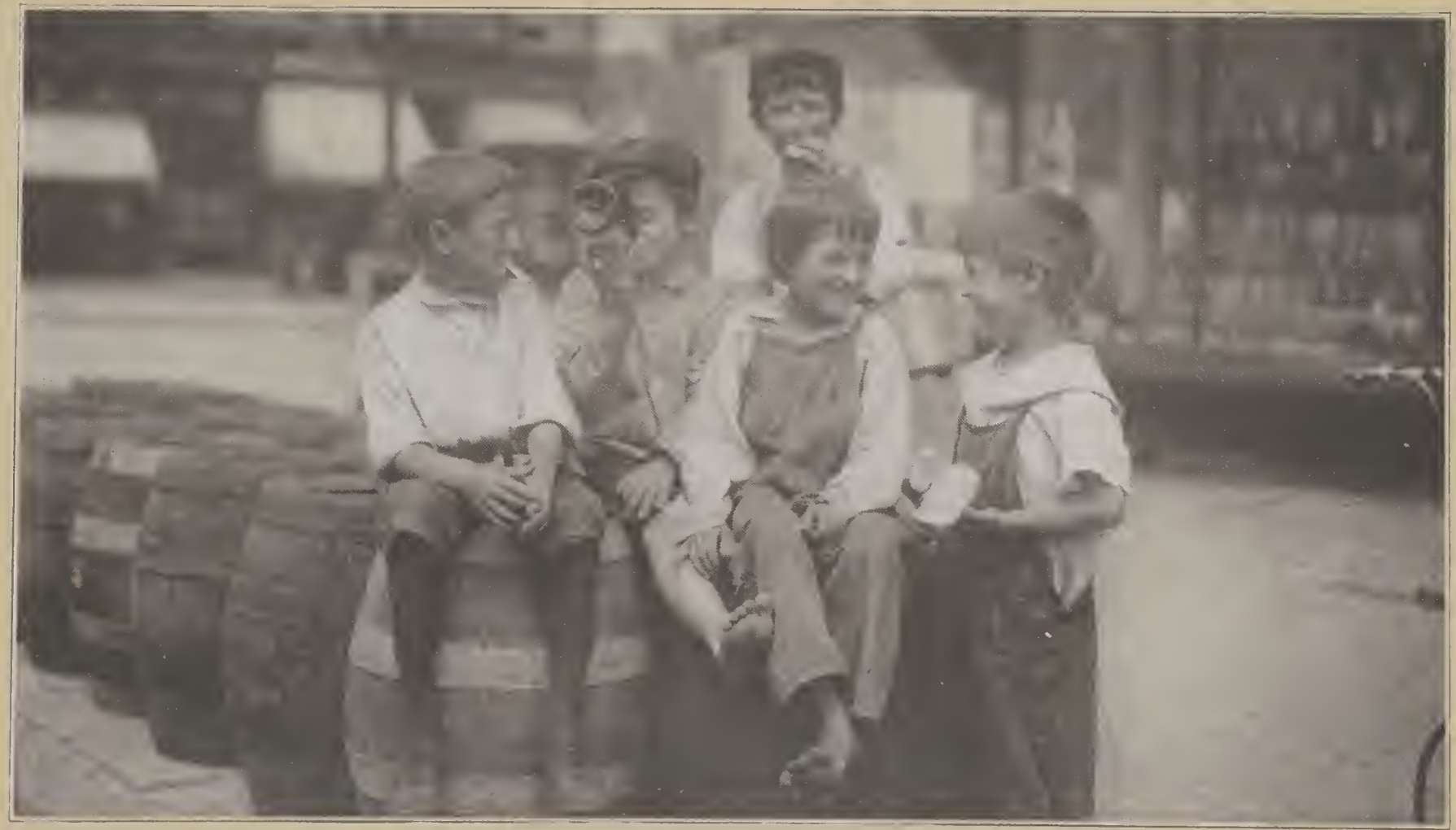
Pandering. — Imprisonment not to exceed five years, or fine not over one thousand dollars, or both fine and imprisonment.

Bastardy. — Fifty dollars yearly for ten years, and all expenses attending the birth of the child.

GEORGIA.

Rape. — Death unless recommended to mercy by the jury, in which case court may impose imprisonment at hard labor not less than one nor more than ten years.

Seduction. — Imprisonment and labor in penitentiary not less than two nor more than twenty years. Marriage may stop the prosecution, but defendant must give bond to support the woman and her child for five years. If this is not done, the prosecution will not be



STARTING EARLY
The danger of bad surroundings and lack of protection.

at an end until he shall live with the female in good faith for at least five years.

IDAHO.

RAPE. — Imprisonment not less than five years and may be for life.

ENTICING FEMALES. — Imprisonment not exceeding five years in state prison, or in county jail not more than one year, or by fine not exceeding one thousand dollars, or by both fine and imprisonment.

PANDERING. — Imprisonment in state prison not less than two nor more than twenty years, or by fine not less than one thousand nor more than five thousand dollars, or by both fine and imprisonment.

ILLINOIS.

RAPE. — Imprisonment not less than one year, or may be for life.

SEDUCTION. — Fine or imprisonment in county jail. Marriage is a bar to prosecution.

PANDERING. — Imprisonment in county jail or house of correction not less than six months nor more than one year, and fine not less than three hundred nor more than one thousand dollars. For second offense, imprisonment in state prison not less than one nor more than ten years.

BASTARDY. — Must pay one hundred dollars first year and fifty dollars yearly for nine years.

INDIANA.

RAPE. — Imprisonment not less than four nor more than twenty-one years. If victim is under twelve, imprisonment for life.

SEDUCTION. — Imprisonment in state prison not less than one year nor more than five years, and fine not exceeding five hundred dollars, or imprisonment in county jail not more than six months and fine not exceeding one hundred dollars.

BASTARDY. — Father is charged with support of child. If unable to pay judgment he may be imprisoned for twelve months. If able to pay he may be confined until judgment is paid.

ENTICING FEMALES under eighteen into immoral places. Imprisonment not less than two nor more than fourteen years.

PANDERING. — Imprisonment in penitentiary not less than two nor more than ten years, and fine not less than three hundred nor more than one thousand dollars. For second offense, imprisonment in penitentiary not less than five nor more than fourteen years. The female is a competent witness even though married to defendant.

IOWA.

RAPE. — Imprisonment for life or any term of years.

SEDUCTION. — Imprisonment in penitentiary not more than five years, or fine not exceeding one thousand dollars and imprisonment in county jail not more

than one year. Marriage bars the prosecution. Desertion after marriage in such case is a misdemeanor, punishable by fine or imprisonment in jail, or by both fine and imprisonment.

PROSTITUTION. — Enticing to house of ill-fame. Imprisonment in the penitentiary not more than ten nor less than three years. Detaining by force or other means any female against her will, for purposes of prostitution, is punishable by imprisonment in penitentiary not less than one nor more than ten years. Soliciting for purpose of prostitution, imprisonment in penitentiary not more than five years or in county jail not more than one year, or fine not exceeding one thousand dollars.

BASTARDY. — Father may be charged with the maintenance of the child.

KANSAS.

RAPE. — Confinement at hard labor not less than five nor more than twenty-one years.

SEDUCTION. — Imprisonment at hard labor not exceeding five years.

BASTARDY. — Father is charged with support of child.

PROSTITUTION, or taking away any female for the purpose of marriage or to be defiled. Imprisonment at hard labor not less than five nor more than twenty-one years. Taking female under eighteen from parent or guardian for such purpose, confinement at hard labor

not exceeding five years. Soliciting, enticing, persuading, under white slave act, is a felony. May be confined in penitentiary not less than one nor more than five years. The keeper of a house forfeits the lease, though rent is paid. The owner is liable and the house may be closed by injunction without bond.

KENTUCKY.

RAPE. — If child is under twelve, death or imprisonment for life. If over twelve, confinement in penitentiary not less than ten nor more than twenty years. Carnal knowledge of female under sixteen, or of idiot, same punishment.

SEDUCTION. — If female is under twenty-one, confinement in penitentiary not less than one nor more than five years. Marriage is a bar to prosecution, but it may be continued if husband deserts wife within three years.

BASTARDY. — Father is charged with support of child.

PANDERING is a felony if female is under sixteen, and may be punished by imprisonment in penitentiary not less than one nor more than five years.

ENTICING any female to enter house of ill-fame for purposes of prostitution, imprisonment not less than two nor more than five years.

LOUISIANA.

RAPE. — Penalty, death.

ENTICING, for immoral purposes, imprisonment at hard labor not more than five years.

CARNAL KNOWLEDGE of unmarried female between the ages of twelve and eighteen is felony. Imprisonment with or without hard labor not exceeding five years.

PANDERING. — Imprisonment not less than one nor more than ten years. The injured female is a competent witness even though married to the defendant.

MAINE.

RAPE. — On child under fourteen, imprisonment for any term of years. Between ages of fourteen and sixteen, fine not exceeding five hundred dollars or imprisonment not exceeding two years.

SEDUCTION. — Imprisonment not less than one nor more than ten years.

ENTICING FEMALE. — Imprisonment not less than one nor more than ten years.

BASTARDY. — Father must support child and may be imprisoned if he fails or refuses to obey order of court.

MARYLAND.

RAPE. — Death or confinement in penitentiary not less than eighteen months nor more than twenty-one years.

CARNAL KNOWLEDGE of female under fourteen or mentally deficient is felony. Penalty, death, or imprisonment for life or for a definite period not less than

eighteen months nor more than two years. If female is between fourteen and sixteen, offense is misdemeanor punished by imprisonment in house of correction not exceeding two years, or fine not exceeding five hundred dollars, or both fine and imprisonment.

ABDUCTION for purpose of prostitution of woman under eighteen, or knowingly harboring such woman, is misdemeanor. Penalty, imprisonment at discretion of court, not to exceed eight years.

BASTARDY. — Father must support child, or be imprisoned until he gives bond to do so.

MASSACHUSETTS.

RAPE. — Imprisonment for life or any term of years.

ENTICING for immoral purposes. Imprisonment in state prison for not more than three years or in jail not more than one year, or fine of not more than one thousand dollars, or both fine and imprisonment.

SENDING girl or woman to house of ill-fame. For each offense, fine not less than one hundred nor more than five hundred dollars, or imprisonment not less than three months nor more than two years.

DETAINING woman in such place. Imprisonment in state prison not more than five years, or in house of correction not more than three years, or by fine not less than one hundred nor more than five hundred dollars.

MICHIGAN.

RAPE. — Imprisonment for life, or any term of years.

SEDUCTION. — Imprisonment in penitentiary not more than five years, or in county jail not more than one year, or fine not exceeding one thousand dollars.

ENTICING FEMALE under sixteen for purposes of prostitution. Imprisonment in penitentiary not more than three years or in jail not exceeding one year, or fine not over one thousand dollars.

INDECENT LIBERTIES with child under fourteen. Imprisonment in penitentiary not more than ten years, or fine not exceeding one thousand dollars.

PANDERING. — Imprisonment not to exceed thirty years. For placing wife in house of prostitution, twenty years. For detaining woman in such place because of debt, not less than two nor more than twenty years. Transporting females for purpose of prostitution, twenty years.

MINNESOTA.

RAPE. — Imprisonment in penitentiary not less than seven nor more than thirty years.

CARNAL KNOWLEDGE of children. When child is under ten, imprisonment for life. When between ten and fourteen, same punishment as for rape. When between the ages of fourteen and sixteen, imprisonment in county jail not less than three months nor more than one year.

SEDUCTION. — Imprisonment in state prison not more than five years, or fine not exceeding one thousand dollars, or both. Subsequent marriage is bar to prosecution.

BASTARDY. — Father must give bond for maintenance of child, pay all expenses incurred, and such sum as the woman may agree to accept, with the approval of the county board.

PROSTITUTION. — Abducting, inveigling, enticing, detaining unlawfully, for purpose of prostitution, imprisonment in state prison not more than five years, or fine not more than one thousand dollars. Under the recent white slave act, the building, furniture, and fixtures may be declared a nuisance. A fine of three hundred dollars may be assessed against the owner and the building closed for all purposes for a year. The furniture and fixtures may be sold to pay costs.

MISSISSIPPI.

RAPE. — Death, unless the jury fixes the penalty at imprisonment for life. Assault with intent to commit rape, imprisonment for life, unless the jury fixes a shorter term.

SEDUCTION. — Of female over eighteen, imprisonment not to exceed five years.

BASTARDY. — May be assessed damages for benefit of the mother or child, and may be ordered to pay annually or otherwise, for a term not exceeding eighteen years. Bond may be required and defendant com-

mitted to jail if he fails to furnish it. If child and mother die, or if the parents are married, the judgment may be cancelled.

ABDUCTION for immoral purposes, imprisonment not less than five nor more than fifteen years.

ENTICING GIRL under fourteen for purposes of prostitution, imprisonment in county jail one year, or fine of one thousand dollars, or imprisonment in penitentiary not more than ten years.

MISSOURI.

RAPE. — Death, or imprisonment not less than five years, if female is under fourteen.

SEDUCTION. — Is felony. Imprisonment not less than two nor more than five years, or fine not exceeding one thousand dollars, and imprisonment in jail not exceeding one year. Marriage is bar.

CARNAL KNOWLEDGE. — If woman is between fourteen and eighteen, imprisonment in penitentiary two years, or by fine not less than one hundred nor more than five hundred dollars, or imprisonment in jail, or both fine and imprisonment.

TAKING away woman with intention to defile or to marry, five years in penitentiary.

ENTICING to house of ill-fame, five years in penitentiary, or in county jail not exceeding six months, or fine not less than fifty dollars, or both fine and imprisonment.

MONTANA.

RAPE. — Imprisonment in state prison not less than five years.

SEDUCTION. — Imprisonment in state prison not more than five years, or by fine not exceeding five thousand dollars. Marriage is a bar to prosecution.

SEDUCTION for purpose of marriage or prostitution, any female under eighteen, into any house of ill-fame or assignation, or elsewhere, whether principal or assistant in the offense, imprisonment in state prison not exceeding five years or in county jail not exceeding one year, or fine of one thousand dollars, or both fine and imprisonment.

ABDUCTING for purpose of prostitution, female under eighteen, state prison not exceeding five years and fine not more than one thousand dollars.

BASTARDY. — May be charged with maintenance of child in such sum and in such manner as the court shall direct, with costs of suit. The amount decreed may be paid in one sum immediately, or afterwards from time to time. May be committed to jail if order is not obeyed.

NEBRASKA.

RAPE. — Not less than three nor more than twenty years in the penitentiary.

BASTARDY. — Father must support child.

PANDERING. — First offense, imprisonment in county jail not less than six months nor more than one year,

or fine not to exceed one thousand dollars, or both fine and imprisonment. Second offense, not less than three nor more than ten years in penitentiary. Marriage is a defense and woman is a competent witness.

NEVADA.

RAPE. — Imprisonment not less than five years and may be for life. If great bodily injury accompanies the act, the punishment may be not less than twenty years' imprisonment, or death, as jury may determine.

SEDUCTION. — Woman may recover damages.

BASTARDY. — Father must contribute to support of child. If he fails to obey order of court he is guilty of contempt and may be punished as in other cases of contempt.

PROSTITUTION. — Placing woman in house of prostitution or compelling her to remain there or living on the proceeds of prostitution, imprisonment in penitentiary not more than five years, or fine not exceeding two thousand dollars.

NEW HAMPSHIRE.

RAPE. — Imprisonment not exceeding thirty years.

BASTARDY. — Father must contribute to support of child, and may be committed to jail if he fails to obey order of court.

NEW JERSEY.

RAPE. — Imprisonment at hard labor not exceeding

fifteen years, or fine not more than two thousand dollars, or both.

SEDUCTION. — Injured woman may recover damages. If rule of court is not obeyed, defendant may be committed to jail.

BASTARDY. — Father must support child, and may be imprisoned in jail if order of court is not obeyed.

PROSTITUTION. — Enforcing or compelling to prostitution, detaining female in disorderly house, transporting for such purpose, are all high misdemeanors. Penalty, fine of two thousand dollars, or imprisonment with or without hard labor not more than seven years, or both.

NEW MEXICO.

RAPE. — Of child under ten, imprisonment for life. In other cases, imprisonment not less than five nor more than twenty years.

SEDUCTION of minors. — Fine not exceeding one hundred nor less than eighty dollars, or imprisonment not more than one year nor less than eight months.

COMPELLING to marry or be defiled. Imprisonment not less than three nor more than ten years, or fine not less than one thousand dollars, or by both fine and imprisonment.

ENTICING for purposes of prostitution. Imprisonment not more than five years or by fine not less than one thousand dollars, or both fine and imprisonment. Under white slave act, imprisonment not less than two nor more than ten years.

NEW YORK.

RAPE. — Imprisonment not more than twenty years. If female is under eighteen, with or without consent, imprisonment not exceeding ten years.

SEDUCTION. — Imprisonment not more than five years, or fine not exceeding one thousand dollars, or both. Marriage is a defense.

PROSTITUTION. — Compulsory prostitution of women. Imprisonment not less than two nor more than twenty years, and fine not exceeding five thousand dollars. Living on proceeds of prostitution is misdemeanor in male person. Violation of white slave law, imprisonment not more than ten nor less than two years.

NORTH CAROLINA.

RAPE on girls of previously chaste character between the ages of ten and fourteen is a felony. Penalty, fine or imprisonment in discretion of the court.

SEDUCTION is felony. Fine or imprisonment in discretion of court. Maximum punishment, imprisonment in state's prison not to exceed five years.

BASTARDY. — Fine not to exceed ten dollars and fifty dollars to the woman, and bond to support the child. May be committed to prison in default of payment.

NORTH DAKOTA.

RAPE. — Imprisonment five or ten years, according to the degree of the offense.

SEDUCTION. — Imprisonment in penitentiary not less than one nor more than five years, or in county jail not exceeding one year, or by fine not exceeding one thousand dollars, or both fine and imprisonment. Marriage is bar to prosecution.

BASTARDY. — Father must support child. May be imprisoned for failure to do so.

PROSTITUTION. — Inveigling, enticing, or abducting for purpose of prostitution. Imprisonment in penitentiary not less than one nor more than five years, or in jail not exceeding one year, or fine not exceeding one thousand dollars, or both fine and imprisonment.

OHIO.

RAPE of child under twelve, or of any other female, forcibly and against her will, imprisonment not less than one nor more than twenty years. Of female under sixteen, with her consent, imprisonment in penitentiary not less than one nor more than twenty years, or six months in jail or workhouse.

SEDUCTION. — Imprisonment in county jail not more than six months, or in penitentiary not more than three years.

BASTARDY. — Father may be charged with maintenance and committed to jail if he refuses. If unable to pay, may be liberated in three months under insolvent debtors' law.

OKLAHOMA.

RAPE. — Imprisonment in penitentiary either five or ten years, according to degree of the crime.

SEDUCTION. — Imprisonment in penitentiary not exceeding five years, or in jail not more than one year, or fine not exceeding one thousand dollars, or both fine and imprisonment.

ENTICING, abducting, or inveigling for purpose of prostitution. Same punishment as for seduction.

BASTARDY. — Father may be charged with maintenance.

PANDERING. — First offense, imprisonment in jail not less than six months nor more than one year. Second offense, imprisonment in penitentiary not less than one nor more than three years. Marriage is no defense.

OREGON.

RAPE. — Imprisonment in penitentiary not less than three nor more than twenty years.

SEDUCTION. — Imprisonment in penitentiary not less than one nor more than five years, or in jail not less than three months nor more than one year, or fine not less than five hundred nor more than one thousand dollars.

PROSTITUTION. — Persuading, inducing, enticing, or coercing any woman to engage in prostitution, is a felony. Penalty, fine not less than one hundred nor more than five thousand dollars, or imprisonment in

penitentiary not less than one nor more than five years, or both fine and imprisonment. Transporting within the state for such purpose, fine one hundred to ten thousand dollars, or imprisonment five years, or both. If the girl is under eighteen, fine one hundred to ten thousand dollars, or imprisonment from one to ten years, or both. The building, fixtures, and furniture may be declared a nuisance and the building closed for all purposes for a year. The owner may be fined, and furniture and fixtures sold to pay costs.

PENNSYLVANIA.

RAPE. — Is felony. Penalty, fine not exceeding one thousand dollars and imprisonment, with or without hard labor, not exceeding fifteen years.

SEDUCTION. — Fine not exceeding five thousand dollars and imprisonment either at labor, by separate and solitary confinement, or without labor, not exceeding three years, both or either, at discretion of court.

BASTARDY. — Fine not exceeding one thousand dollars, paid to overseers of the poor where offense was committed, expenses incurred at birth of child, and maintenance of child.

PANDERING. — Imprisonment by separate or solitary confinement at hard labor, not exceeding ten years.

RHODE ISLAND.

RAPE. — Imprisonment not less than ten years or for life.

ON THE STREETS OF NEW YORK

CARNAL KNOWLEDGE of girl under sixteen, imprisonment for fifteen years.

SEDUCTION. — Imprisonment not exceeding five years.

BASTARDY. — Father must defray all expenses of birth of child and pay costs of suit, and must support child.

PANDERING. — For first offense, imprisonment not less than six months, nor more than one year, and fine from three hundred to one thousand dollars. Subsequent offense, imprisonment not less than one nor more than ten years. If child is under fourteen, imprisonment not exceeding five years or fine not exceeding five thousand dollars.

SOUTH CAROLINA.

RAPE. — Death by hanging. If recommended to mercy by the jury, court may reduce punishment to imprisonment for life at hard labor. Assault with intent to ravish, imprisonment for thirty years. If female is between ten and fourteen and jury recommends to mercy, penalty is imprisonment not exceeding fourteen years, at discretion of court.

CARNAL KNOWLEDGE of child under fourteen is punished same as rape.

BASTARDY. — Father must pay twenty-five dollars yearly toward support of child until it is twelve years old.

PROSTITUTION. — Enticing, taking, or conveying

any female child under sixteen for purpose of marriage or prostitution may be punished by imprisonment for five years or by fine, at discretion of the court, such fine to be divided between the state and the parent or guardian or other parties aggrieved.

SOUTH DAKOTA.

RAPE. — Imprisonment from ten to twenty years, according to degree of the offense.

SEDUCTION. — Imprisonment not exceeding five years or fine of one thousand dollars, or both fine and imprisonment. Marriage is a defense.

BASTARDY. — Father must pay two hundred and fifty dollars the first year and one hundred and fifty dollars yearly for ten years. May be committed to jail for failure to pay or give bond. If unable to pay, may be discharged in one year.

PROSTITUTION. — If female is under twenty-five and is induced to lead a life of prostitution by any means, the party responsible may be imprisoned not exceeding twenty years or by fine not exceeding one thousand dollars, or by both fine and imprisonment. Under the white slave act, the building, furniture, and fixtures may be declared a nuisance. A tax may be assessed against the owner and person maintaining, which shall be a perpetual lien on all real and personal property used. The house may be closed against all use for one year and furniture and fixtures sold to pay costs.

TENNESSEE.

RAPE and carnal knowledge of child under eighteen is felony. Penalty is death by hanging, but jury may commute punishment to imprisonment in penitentiary for life or for any period not less than ten years.

SEDUCTION. — Woman may recover such damages as may be found in her favor.

BASTARDY. — Father must pay costs of suit and towards support of child, first year, forty dollars; second, thirty dollars; fourth year, twenty dollars. This provision is only when child is likely to become a public charge.

PROSTITUTION. — Taking females from parents for immoral purpose, imprisonment not less than ten nor more than twenty-one years.

TEXAS.

RAPE. — Death or imprisonment in penitentiary for life or any term of years not less than five.

SEDUCTION. — Imprisonment not less than two nor more than ten years.

ABDUCTING female under fourteen for purpose of prostitution or marriage, fine not exceeding two thousand dollars. If forced into marriage, not less than two nor more than five years' imprisonment. If prostituted, imprisonment not less than three nor more than twenty years.

PROSTITUTION. — Soliciting or procuring for houses

of prostitution, fine not less than fifty nor more than two hundred dollars and imprisonment in jail not less than one month nor more than six months.

UTAH.

RAPE. — Imprisonment in penitentiary not less than five years.

SEDUCTION. — Such damages as may be assessed.

BASTARDY. — Father must pay for support of child two hundred dollars the first year and one hundred and fifty dollars yearly for seventeen years, and costs of prosecution. May be committed to jail until bond is given.

PANDERING. — Imprisonment in state prison not to exceed twenty years. Leaving or forcing wife in house of prostitution, ten years. Detaining female because of debt, not more than ten years. Obtaining transportation into or across state, ten years. Receiving money from proceeds of prostitution, imprisonment not less than two nor more than ten years.

VERMONT.

RAPE. — Imprisonment in state prison not more than twenty years, or fine not more than two thousand dollars, or both.

BASTARDY. — Father must support child, with assistance of the mother. Must give bond and may be committed to jail for failure to do so.

WHITE SLAVE TRAFFIC. — Is felony. Fine not less

than two hundred nor more than two thousand dollars, or imprisonment not less than one year nor more than ten years, or both fine and imprisonment.

VIRGINIA.

RAPE. — Death, or imprisonment not less than five nor more than twenty years.

SEDUCTION. — Imprisonment in penitentiary not less than two nor more than ten years. Marriage is bar to prosecution.

ABDUCTION for purpose of prostitution, imprisonment in penitentiary not less than three nor more than ten years. Anyone assisting, not less than two nor more than five years.

WASHINGTON.

RAPE. — If injured party is child under ten, imprisonment for life. Between ten and fifteen, imprisonment not less than five years. Between fifteen and eighteen, not more than ten years in penitentiary or not more than one year in county jail. All other cases, imprisonment not less than five years.

INDECENT LIBERTIES. — Is gross misdemeanor. Imprisonment in jail not more than one year, or by fine not more than one thousand dollars, or both fine and imprisonment.

SEDUCTION. — Imprisonment in penitentiary not more than five years, or in jail not more than one year, or fine not exceeding one thousand dollars, or both fine

and imprisonment. Marriage is bar to prosecution, but if husband fails to provide for wife for three years, proceedings may be revived.

PROSTITUTION. — Placing female in house of prostitution, imprisonment in state prison not more than five years, or fine not exceeding two thousand dollars.

WEST VIRGINIA.

RAPE. — Death, or imprisonment not less than seven nor more than twenty years.

BASTARDY. — Father must give bond to support child. May be imprisoned if he fails to do so.

PANDERING. — Keeping or holding females in house of prostitution, for first offense, imprisonment in jail not less than six months nor more than one year, and fine not less than one hundred nor more than five hundred dollars. For subsequent convictions, imprisonment in penitentiary not less than one nor more than three years.

WISCONSIN.

RAPE. — If female is under fourteen, imprisonment not less than five nor more than thirty-five years. If over fourteen, not less than ten nor more than thirty years.

SEDUCTION. — Imprisonment in state prison not more than five nor less than one year, or in jail not less than one year.

INDECENT LIBERTIES. — Imprisonment in jail not less than thirty days nor more than six months.

BASTARDY. — Father must pay all expenses incurred and give bond for support of child. May be imprisoned if bond is not provided.

PROSTITUTION. — Soliciting, keeping, detaining female under sixteen, imprisonment not less than one nor more than ten years, or fine not exceeding one thousand dollars. If woman is over sixteen, imprisonment not less than five nor more than fifteen years.

WYOMING.

RAPE. — Imprisonment in penitentiary not less than one year and may be for life.

SEDUCTION. — Imprisonment in penitentiary not more than five years or in county jail not more than twelve months.

BASTARDY. — Father must give bond for support of child. May be committed to jail upon failure to do so.

ENTICING females, or procuring for house of prostitution, imprisonment in penitentiary not more than five years, or in jail not more than six months or twelve months, according to the offense.

34. What laws are there in your state for the protection of wage earning women and children?

ALABAMA. — Women are not permitted to work in mines. Seats must be provided for all female employes and they must be permitted to use them when

not actively engaged. Children under twelve cannot be employed in any mill, factory, or mercantile establishment.

ARIZONA. — Women and girls are not permitted to work in mines, quarries, or breakers, nor in any occupation where they must constantly stand. They may not work in saloons nor give any exhibitions in saloons or similar places. Children under fourteen must not be employed unless proof is furnished that the child is excused from school attendance for some good and sufficient reason.

ARKANSAS. — Women and girls may not be employed in mines or in connection with mines. Children under fourteen may not be employed in any gainful occupation, except in preservation or canning of fruits or vegetables, during school vacation.

CALIFORNIA. — Women are free to engage in any business, profession, or employment. Seats must be provided for female employes. Minors under eighteen may not work between 10 p. m. and 5 a. m. Eight hours is a day's work and one whole day of rest each week must be given all employes.

COLORADO. — No woman may be employed in any mine, and no female help can be employed in any place of bad repute. Girls under sixteen are not allowed to be employed where they must stand constantly. All employers of women must provide seats and suitable dressing rooms. Eight hours is the legal day's work and forty-eight hours per week.

CONNECTICUT. — Women or girls may not be employed in saloons, nor sent by employers to any place of bad repute. Employers must furnish seats for rest. No woman shall be forced to labor more than ten hours per day or fifty-eight hours per week, and one full day of rest must be allowed in each week.

DELAWARE. — All employers of women must provide seats and separate dressing and wash rooms for women employes. These rooms must be kept heated and in a sanitary condition. Using profane or indecent language towards a female employe is a misdemeanor. The Governor must appoint a woman factory inspector whose duty shall be to see that all laws relating to women and children are enforced.

DISTRICT OF COLUMBIA. — Seats must be provided for all women employes. No girl under sixteen may be a bootblack or sell papers or any other wares publicly on the street, nor can they be employed more than eight hours per day, nor between the hours of 7 p. m. and 6 a. m. Employment agencies must not send applicants to places of bad repute.

FLORIDA. — Employers of women must provide seats for them and permit them to rest when not actually employed. Children under twelve years of age may not be employed in any factory, nor in any place where intoxicating liquors are sold. Nine hours is a legal day's work for all children under twelve. Women may not be employed more than ten hours per day. Sunday labor is prohibited.

GEORGIA. — Seats must be provided for female employes. Minors must not be employed where intoxicating liquors are sold, nor be let out for employment in acrobatic or other exhibitions. No child under fourteen shall be employed unless he or she can write his or her name and simple sentences and shall have attended school twelve weeks of the preceding year, six weeks of which shall have been consecutive. Children under fourteen may not be employed between the hours of 7 p. m. and 6 a. m. Children under sixteen cannot be employed as messengers between 9 p. m. and 6 a. m.

IDAHO. — Nine hours per day is the legal limit for female labor, except for those employed in harvesting, packing, curing, or canning any variety of fruit or vegetables. Seats must be provided for female employes. Children under twelve may not be employed between twelve and fourteen while school is in session. Between fourteen and sixteen without the required school instruction. No minor may be employed in any bottling, brewery, where intoxicating liquors are sold or prepared for sale, gambling house, saloon, or any immoral place. No child under fourteen may work in any mine. Children under sixteen may not work more than nine hours per day. Sunday labor is prohibited.

ILLINOIS. — Women or girls may not work in mines. Ten hours is a legal day's work for all women employed in factories, stores, laundries, hotels, restaurants, telegraph or telephone offices, places of amusement, transportation or utility business, public institu-

tions. The hours of labor may be so arranged as to permit the employment of women any time during the twenty-four hours of any day. No female under sixteen can be employed where she must remain constantly standing. Seats must be provided for all female employes. Children under fourteen may not be employed in any occupation. The employment of children under sixteen in any concert hall, theater, or any place where intoxicating liquors are sold, or as messengers to houses of ill-fame, or in any other employment dangerous to life or morals, is strictly prohibited.

INDIANA. — Women and girls may not work in mines. Females under eighteen must not be employed in cleaning machinery while in motion, nor where constant standing is necessary. Seats and suitable dressing rooms must be provided for all female employes. One hour must be allowed for the noonday meal. The employment of children under fourteen is prohibited, except from June 1 to October 1, when children who are twelve or over may be employed in fruit canning and preserving establishments. No woman or girl shall be employed in any factory between 10 p. m. and 6 a. m. No female under sixteen may work more than eight hours per day, except with permission of parent or guardian. In no case must the hours of work exceed fifty-four hours per week. Sunday labor is prohibited.

IOWA. — No woman or girl may be employed where intoxicating liquors are sold. No female under sixteen shall be employed where the duties of such em-

ployment shall keep her constantly standing. Seats must be provided for all female employes. Children under sixteen must not be employed in operating or assisting to operate dangerous machinery, nor in any occupation dangerous to life, health, or morals. They must not be required to work more than ten hours in any one day, exclusive of the noon intermission, which must not be less than thirty minutes between the hours of 11 and 1 o'clock; nor may they be employed before 6 a. m. or after 9 p. m. Exception is made of persons employed in husking sheds or other places connected with canning factories where vegetables or grains are prepared for canning and where no machinery is operated. Sunday labor is prohibited. One woman deputy factory inspector must be appointed, whose duty shall be to inspect conditions under which women and children labor.

KANSAS. — Seats must be provided for female employes. Sunday labor is prohibited. No child under fourteen may be employed in coal mines, factories, or packing houses, or in any gainful occupation when school is in session. If under fourteen, they must not be employed in any acrobatic, immoral, or mendicant vocation. Children under sixteen may not be employed in any occupation dangerous to life or morals. There must be one female factory inspector who shall have charge of the enforcement of laws relating to health, sanitary conditions, hours of labor, and all other laws affecting the employment of female wage earners.

KENTUCKY. — Seats and suitable dressing rooms must be provided for female employes — at least one seat for every three employes. Women under twenty-one must not work more than ten hours a day or sixty hours a week, except for domestic service or nursing. Women of any age may not work longer than this in laundries, bakeries, factories, workshops, stores, hotels, restaurants, or telephone exchanges. Children under sixteen may not be employed in any acrobatic, mendicant, or immoral occupation. No child under fourteen shall work in factory, mill, or mine unless without other means of support. Sunday labor is prohibited.

LOUISIANA. — No woman or girl can be employed where intoxicating liquor is sold. Seats must be provided for female employes, also suitable dressing rooms. Thirty minutes must be allowed for lunch. No child under fifteen can engage in any acrobatic or theatrical public exhibition. No child under fourteen can be employed in mill or factory. No woman may work more than ten hours a day. Sunday labor is prohibited.

MAINE. — No female under eighteen years of age and no woman shall be compelled to work more than ten hours a day, and in no case must the working hours exceed fifty-eight in any one week. No child under fourteen may be employed in any factory. No child under sixteen can be employed in acrobatic, immoral, or mendicant occupations. Sunday labor is prohibited. Seats must be provided for all female employes.

MARYLAND. — No woman or child may be employed where intoxicating liquors are sold. No child under sixteen may be engaged in bottling intoxicating liquors, in breweries, or in handling packages containing intoxicating liquors. No woman may be employed more than ten hours in any one day. If a woman is employed before 6 a. m. or after 10 p. m., she may not work more than eight hours a day, and no woman may work more than six hours consecutively without an interval of at least one-half hour. Children under sixteen must not engage in acrobatic, immoral, or mendicant occupations. Children under twelve may not be employed in any business, except in the country from June 1 to October 15, in farm labor. Children under eighteen and women in factories must not be employed more than fifty-four hours per week. Sunday labor is prohibited.

MASSACHUSETTS. — Women may not be employed two weeks before, nor four weeks after, childbirth. Seats must be provided for female employes, and no woman or young person shall be required to work more than six hours without at least thirty minutes for lunch. Women cannot be employed in any manufacturing establishment between the hours of 10 p. m. and 6 a. m., nor between 6 p. m. and 6 a. m. in any textile works. Persons under twenty-one cannot deliver messages or goods between 10 p. m. and 5 a. m. Children under ten cannot be newsboys on trains. Children under fifteen may not be engaged in acrobatic,

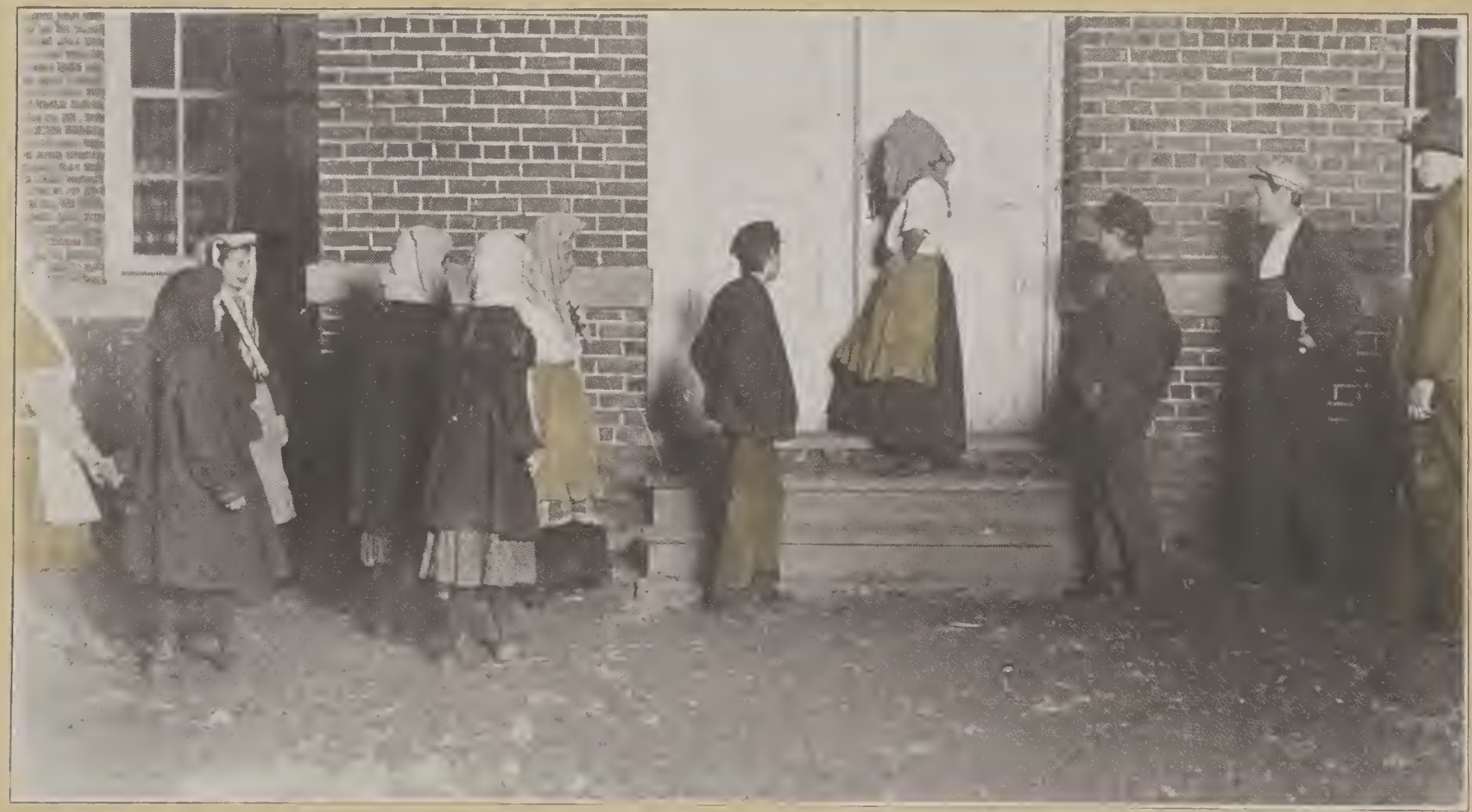
immoral, or mendicant occupations, or in any exhibitions of children. No child under fourteen or illiterate under sixteen can be employed in any mercantile establishment, factory, or workshop. Minors under eighteen may not work in barrooms, saloons, handling packages containing intoxicating liquors, bottling establishments, or breweries. Sunday labor is forbidden. Fifty-six hours is a week's work for garment workers connected with mercantile establishments.

MICHIGAN. — No female may be employed where intoxicating liquors are sold. Seats must be provided for women employes. Ten hours per day or fifty-four hours per week is the legal limit of hours of labor for women. No female under eighteen shall be employed between the hours of 10 p. m. and 5 a. m. No child under sixteen shall be employed in any manufacturing establishment or workshop, mine, or messenger service between 6 p. m. and 6 a. m. No child under eighteen may be employed between 10 p. m. and 5 a. m. in the transmission or distribution of messages or merchandise. No female under twenty-one may be employed in any occupation dangerous to life or morals, nor where duties require them to constantly stand. At least forty-five minutes must be allowed for lunch. No child under sixteen years of age shall be employed in any theater, variety show, moving-picture show, burlesque show, or other kind of playhouse, music, or dance hall, poolroom, or billiard room, or with any

traveling theatrical company. Sunday labor is prohibited.

MINNESOTA. — No woman shall be required or permitted to oil or clean moving machinery. No female under sixteen may be employed where constant standing is necessary. Seats must be provided for all female employes. Children under eighteen may not engage in any acrobatic, mendicant, or immoral occupation, nor be employed between the hours of 6 p. m. and 7 a. m. No child under fourteen may work in factory, mill, mine, or workshop, nor in any other employment when school is in session. No child under sixteen can be employed where intoxicating liquors are sold, nor in any occupation dangerous to life, limbs, health, or morals. Ten hours is a legal day's work and fifty-eight hours per week in mercantile establishments, restaurants, lunchrooms, or eating houses, or in kitchens operated in connection therewith. In mechanical or manufacturing establishments, telegraph or telephone offices, nine hours is a day's work, or fifty-four hours per week. Females may be employed in retail mercantile establishments eleven hours on Saturday, but in no case more than fifty-eight hours per week. Sixty minutes must be allowed for meals, and where employes work more than one hour after 6 p. m. twenty minutes for lunch before beginning overtime. Sunday labor is prohibited. A female factory inspector must be appointed.

MISSISSIPPI. — Children under twelve may not



CHILDREN ON NIGHT SHIFT GOING TO WORK

These children work from 6 P. M. to 6 A. M. Two of the smaller girls, with three other sisters work at night to support a big, lazy father. Largest girl has been working seven years. What is the law doing for these child slaves?

be employed in factory, mill, or manufacturing establishment, nor in operating dangerous machinery. Children between twelve and sixteen cannot be employed without affidavits of age and school certificates. Sunday labor is prohibited.

MISSOURI. — Females must not be employed in dramshops, saloons, or other places where intoxicating liquors are sold, nor in mines or occupations which require constant standing. Seats must be provided for female employes. Children under eight years of age must not be employed in any occupation; may not be employed during school hours, if between eight and fourteen, without schooling certificate. No child under fourteen may work in any occupation dangerous to health or life, nor in any place where intoxicating liquors are sold, nor in any store, bowling alley, laundry, factory, manufactory, workshop. If under sixteen, may not engage in dangerous occupations. No boy under ten nor girl under sixteen may sell or offer for sale newspapers, magazines, periodicals, or other merchandise, in any street, hotel, railway station, place of public amusement, place where intoxicating liquors are sold or manufactured, or in public office buildings. Sunday labor is prohibited. No child under sixteen may work more than eight hours per day, or forty-eight hours in one week, nor before 7 a. m., nor after 7 p. m. No female may work more than nine hours per day, or fifty-four hours per week.

MONTANA. — No female shall be employed more

than nine hours per day, except in retail stores one week before Christmas or in case of emergency when life or property is in danger, and then for extra compensation. Seats must be provided for female employes. Children under fourteen may not be employed during school term. Children under sixteen may not be employed during school term without a schooling certificate. Children under sixteen may not be employed in underground mines, nor in factories, freight elevators, where machinery is operated, mills, messenger service, passenger elevators, railroads, smelters, telegraph or telephone service, workshops, or in any other service dangerous to life, health, or morals. No child under sixteen may be employed in any acrobatic, immoral, or mendicant occupation. Sunday labor is prohibited.

NEBRASKA. — The hours of employment for females must be between 6 a. m. and 10 p. m., except public-service corporations, who may employ females between these hours, but in no case more than eight consecutive hours. Seats must be provided for female employes. Mills, factories, and manufacturing establishments must provide separate toilet and dressing rooms. Children under fourteen must not be employed during school hours. Children under fourteen may not be employed where intoxicating liquors are sold, or in factory, hotel, bowling alley, laundry, store, place of amusement, office, messenger service, workshop, manufacturing or mercantile establishments. If between

fourteen and sixteen, they must have schooling and health certificates. Nine hours is a legal day's work, and fifty-four hours per week.

NEVADA. — No special laws relating to women and children.

NEW HAMPSHIRE. — Seats must be provided for all female employes. Women and girls are prohibited from employment in barrooms or selling or serving intoxicating liquors. No child under twelve may be employed in any factory, nor during school if under fourteen in any employment. If between fourteen and sixteen, without schooling certificate. Children under fourteen must not be employed in acrobatic, immoral, or mendicant occupations. No male under twenty-one can be engaged in selling or serving intoxicating liquors. Boys under ten and girls under sixteen may not be employed in street trades, nor in messenger service between 10 p. m. and 5 a. m. if under eighteen. The maximum hours of labor for boys under sixteen and girls under eighteen are fifty-eight per week, or eleven per day. No work allowed between 7 p. m. and 6:30 a. m., except that children sixteen years of age may work in retail stores and telephone exchanges. Sunday labor prohibited.

NEW JERSEY. — Seats and suitable dressing rooms must be provided for all female employes. Female employes must not be sent to houses of ill-repute. No girl under sixteen may sell papers or magazines on the street. Children under fourteen may not

be employed in factory, mill, or workshop. If between fourteen and sixteen, employes must have health certificate if demanded by the inspector. No child under sixteen may be employed in cleaning moving machinery. Children under eighteen may not engage in acrobatic, immoral, or mendicant occupations. Hours for labor must be between 7 a. m. and 6 p. m., with one hour for noon lunch, except in fruit-canning establishments and in glass works. Young people under twenty-one cannot deliver messages between 10 p. m. and 5 a. m. Children under sixteen may not work more than fifty-eight hours per week in any mercantile establishment, nor between 7 p. m. and 7 a. m., except during the Christmas holidays, when they may work until 10 p. m. from the 15th until the 25th of December. They may also work until 9 p. m. one day each week. Sunday labor is prohibited.

NEW YORK. — No woman may be employed in factory, mercantile establishment, mill, or workshop within four weeks after she has given birth to a child. Seats must be provided for female employes. Women and girls are prohibited from working in mines or quarries, or operating dangerous machinery, or in any other dangerous occupation. They may not be employed in barrooms or other places where intoxicating liquors are sold. If under twenty-one, they cannot be employed in cleaning moving machinery. If under sixteen, females may not sell newspapers, periodicals, or magazines on the street or in any public place.

Women may not be employed in occupations which require constant standing. Hours of labor for women are nine per day, or fifty-four per week, except in preserving establishments between June 15 and October 15. Children under fourteen may not work during school term. If under fifteen, may not work in elevators or factories. If under sixteen, may not be employed in any dangerous occupation, or in any freight or passenger elevator, or in any acrobatic, immoral, or mendicant occupation. If under eighteen, may not be telegraph operators on railroads. No child under sixteen may work more than nine hours in any one day, nor more than fifty-four hours per week, or before 8 a. m. or after 7 p. m. No female employe between sixteen and twenty-one shall be permitted to work in stores more than ten hours per day, or sixty hours per week, except from December 18 to December 24. Forty-five minutes must be allowed for noonday lunch.

NORTH CAROLINA. — Where men and women are employed, separate dressing rooms must be provided. Children under twelve may not be employed except in oyster canning and packing. If between twelve and thirteen, they may not be employed, except as apprentices after attending school four months during the preceding twelve months. Persons under eighteen may not work more than sixty hours in any one week. No boy or girl under sixteen may be employed in any factory or manufacturing establishment

between 9 p. m. and 6 a. m., nor shall they be required to work more than fifty-four hours per week.

NORTH DAKOTA. — Children under fifteen may not be employed unless their labor is actually necessary for the support of the family. Employment during school hours is positively forbidden. Hours of labor for children under sixteen are fifty-eight per week. Sunday labor is prohibited.

OHIO. — No female shall be employed where constant standing is necessary. Seats and suitable toilet rooms for female employes must be provided. Girls may not work after 7 p. m., nor before 6 a. m., nor may they work more than ten hours per day. Children under fourteen may not be employed in any occupation, and those under fifteen may not work in mines during vacation. Children under sixteen may not be employed in occupations dangerous to life or morals. Sunday labor is prohibited. Hours of labor for women are fifty-four per week. Thirty minutes must be allowed for lunch if lunchroom is provided. If no lunchroom, one hour must be allowed. Eight female visitors must be appointed by the chief factory inspector.

OKLAHOMA. — No female may be employed in any underground mine or quarry. No female under sixteen may sell magazines, newspapers, or periodicals in any city, in out-of-door places. Children under sixteen may not be employed in any capacity where they may be compelled to stand constantly, nor may they be engaged in dangerous occupations. Boys under six-

teen may not work in underground mines. If under fourteen, children may not be employed in any bowling alley, factory, workshop, pool hall, steam laundry, or theater. Eight hours is a legal day's work for children under sixteen, except in agricultural and domestic service. Sunday labor is prohibited.

OREGON. — The minimum age for employment in factories, workshops, mercantile establishments, and business offices is fourteen years, and for employment in telegraph, telephone offices, and public messenger service, sixteen years. No child under fourteen years of age can be employed during the school term. Children under sixteen cannot be employed between 6 p. m. and 7 a. m., and the hours of labor are limited to ten per day, with an intermission of thirty minutes at noon. Children between twelve and fourteen may be employed in suitable work during vacation. Persons under eighteen may not engage in messenger service between 10 p. m. and 5 a. m., nor can they be employed in elevators. Seats must be provided for female employes. Hours of labor must not be more than ten in any one day in mill, factory, or manufacturing establishment. Employes may work overtime when absolutely necessary, but not to exceed three hours per day, and must be paid one and one-half the regular wage for such overtime. Upon public works hours of labor are limited to eight per day, or forty-eight in any one week.

PENNSYLVANIA. — Seats must be provided for

female employes. No female may work in any mine. Children under eighteen may not engage in mendicant or dangerous occupations. If under fifteen, they are prohibited from employment in acrobatic performances, nor may they work in dance halls, or where liquor is sold. Children under sixteen may not work in anthracite coal mines. No child under fourteen shall be employed in any occupation or business. Hours of labor for females are limited to ten per day and fifty-eight per week. Children under sixteen must not be employed more than ten hours per day, or fifty-eight in any one week. No female may work in any bakery, macaroni, or similar establishment more than twelve hours per day.

RHODE ISLAND. — Seats must be provided for female employes. Hours of labor for all female workers are limited to ten per day, or fifty-four per week. Children under fourteen must not be employed. If under sixteen, they may not be employed in acrobatic, immoral, or mendicant occupations. Under eighteen, must not be employed on passenger elevators. Hours of labor for children under sixteen are limited to ten per day and fifty-four per week. Nor may they work between the hours of 8 p. m. and 6 a. m. Sunday labor is prohibited. Governor must appoint one woman assistant factory inspector.

SOUTH CAROLINA. — Seats must be provided for female employes. Women employed in stores may not work more than twelve hours in any one day, nor

more than sixty hours per week, nor after 10 p. m. Children under twelve may not be employed. Children under sixteen must not be employed between 8 p. m. and 6 a. m. Sunday labor is forbidden.

SOUTH DAKOTA. — No woman under eighteen shall work more than ten hours in any one day, or sixty hours per week, except farm laborers and domestic servants. Separate dressing rooms and seats must be provided for all female employes. No child under fourteen shall work at any time in any mine, factory, or workshop, nor in any mercantile establishment, except during vacation of public schools. Children under fifteen may not be employed when school is in session. No minor under twenty-one shall work in barrooms where intoxicating liquors are sold. No child under sixteen shall be employed at any time in any occupation dangerous to life, health, or morals, nor for more than ten hours per day or sixty hours per week, except on Saturdays and ten days prior to Christmas, when they may be employed until 10 p. m. Sunday labor is forbidden.

TENNESSEE. — Seats must be provided for all female employes. No child under fourteen can work in factory, mine, workshop, telegraph, or telephone office, or in the distribution of merchandise or messages. Hours of labor for women, and children under sixteen, are limited to sixty in any one week. Sunday labor is prohibited.

TEXAS. — No females may be employed in saloons

or other places where liquors are sold. Children under twelve may not be employed. Children under fifteen may not work where dangerous machinery is used, or about machinery in any mill or factory, in any distillery or brewery. Children under this age may not work in any place where their health would be impaired or their morals injured, nor may they be sent as messengers to houses of ill-repute. Children under seventeen may not work in mines or quarries. Sunday labor is prohibited. Children between the ages of twelve and fourteen may not be employed between 6 p. m. and 6. a. m.

UTAH. — Women may not be employed in any saloon, brewery, or bottling establishment, or, if under twenty-one, in any restaurant or resort where liquor is sold. Women may not be employed for more than nine hours per day, or fifty-four hours per week, in manufacturing or mechanical establishments, laundries, hotels, telephone or telegraph offices. Females and children under fourteen may not work in mines. Children under fourteen may not be employed in any dangerous employment, and employment certificates will not be issued to children who are not able to read and write the English language. The maximum hours of labor for children under sixteen are fifty-four per week, except in season of fruit and vegetable packing. Boys under twelve and girls under sixteen may not engage in street trades, and permits must be obtained for those under sixteen who do engage in such occupa-

tions, and they cannot work after 9 p. m. Messengers under twenty-one may not work between 9 p. m. and 5 a. m., and they must not be sent to any objectionable place. Sunday labor is prohibited.

VERMONT. — Women or girls under eighteen may not be employed more than eleven hours per day, or fifty-eight hours per week. No woman or girl may be employed in barrooms, nor male persons under twenty-one. No child under fourteen may be employed in mill, factory, mine, quarry, railroad, or workshop where more than ten persons are employed. No child under twelve shall be employed in any of these places, nor in delivering messages, nor in any office, store, restaurant, or hotel. Girls under eighteen cannot be employed where they must stand constantly. Children under sixteen may not work after 8 p. m., nor before 7 a. m., nor more than nine hours per day, or fifty-four hours per week. Seats must be provided for female employes. Sunday labor is prohibited.

VIRGINIA. — No woman or girl may be employed in any mine. Seats and separate dressing rooms must be provided for all female employes. Ten hours is a legal day's work for all women and children under fourteen, except farm laborers and domestic servants or persons engaged in the care of live stock. No child under fourteen may be employed at any time in any factory or workshop, or about any mine, nor in any mercantile establishment except during vacation of public schools. No child under sixteen shall be employed

at any time in any occupation dangerous to life, health, or morals, nor more than ten hours in any one day, nor more than sixty hours in any one week, except on Saturdays and ten days prior to Christmas, when he or she may be employed till 10 o'clock at night. Every factory, workshop, mine, mercantile establishment, or other place where children are engaged in labor at any time shall be at all times subject to inspection by the county superintendent of schools. Clean and sanitary conditions are required.

WASHINGTON. — No female may be employed in mines, barrooms, beer halls, places of amusement where liquors are sold, saloons, or theaters. No female under nineteen may be employed as a messenger. Seats must be provided for women and girls. Hours of labor are limited to eight, except in canneries and in the harvesting of perishable fruits and vegetables. Children under twelve may not be employed in any factory, mill, or workshop. If under fifteen, may not be employed without schooling permit. Males under fourteen and females under sixteen may not work at any inside employment, factory, mine, shop, or store, except on farm or at housework, without a permit. Children under eighteen may not be employed in acrobatic, immoral, or mendicant occupations.

WEST VIRGINIA. — No female may work in mines. Seats must be provided for female employes. Children under fourteen cannot be employed in or about factories, mills, workshops, or manufacturing

establishments. Under this age, cannot be employed in any business without a permit. Children under sixteen are required to have an age and schooling certificate. No child under fifteen may be employed in acrobatic, immoral, or dangerous occupation, or where intoxicating liquors are sold. Children under eighteen are prohibited from engaging in mendicant occupations. Sunday labor not allowed.

WISCONSIN. — No female under eighteen may be employed in selling papers in public places, or as bootblacks, or in any street trade, or where constant standing is necessary. Children under sixteen may not be employed in musical or theatrical establishments, in bowling alleys, or in any place where intoxicating liquors are made, bottled, sold, or given away. Children under eighteen may not work in mines or other dangerous occupations. Messenger service is prohibited between 8 p. m. and 6 a. m. for persons under twenty-one. Children under fourteen may not be employed in any occupation. Eight hours per day, or forty-eight per week, for children under sixteen, are legal working hours. Hours of labor in manufacturing, mechanical, and mercantile establishments, laundries, restaurants, telegraph and telephone offices, or express or transportation companies are ten hours per day, or fifty-five hours per week. Eight hours per day for night work. One hour must be allowed for lunch. or dinner. Sunday labor is prohibited.

WYOMING. — No female may work in any mine.

Seats must be provided for female employes. Children under fourteen may not be employed in any acrobatic, immoral, mendicant, or dangerous occupation. If under eighteen, may not be employed in mines. Sunday labor is forbidden.

35. Are the public schools from the lowest grade to the State university open to girls on the same terms as men?

Nearly all public schools, including universities and state colleges, are open to both sexes.

There is a large number of sectarian schools and colleges, and others of high grade, supported by private endowments, which are coeducational, also many for boys alone, and others for girls, in most states, but these are not included, except where all or nearly all are coeducational.

In Florida, women or girls are not admitted to the State university, but Florida has a State college for women.

The Georgia University and the Georgia School of Technology are closed to women students. The North Georgia Agricultural college is coeducational.

In Iowa, there are but two colleges in the entire state which do not admit women. One is a small Lutheran college at Clinton, and St. Joseph's Roman Catholic college at Dubuque. All public and state schools offer the same educational advantages to women as to men.

All schools and colleges in Kansas supported by the state are coeducational.

The Maryland State Agricultural college is closed to women.

In Michigan, the State College of Mines is for male students, also the Colorado State School of Mines, while similar schools in Montana, New Mexico, and South Dakota are open to both sexes.

The public schools of New Jersey are open to boys and girls. This state has no university or school of equal grade, but it boasts of Rutgers, Stevens Institute of Technology, Princeton, and other high-grade colleges, all for male students, but none of similar standing for girls.

New York has no state university or state college. All public schools are open to both sexes. There are ten high-class colleges which are coeducational; eighteen for male students only, including West Point, and five for women, including Wells, Barnhard, and Vassar.

In North Dakota, Oklahoma, and Oregon all public schools, and all colleges, both public and private, are open to both sexes.

Pennsylvania public schools and State college are open to boys and girls. There are seven colleges exclusively for women, including Bryn Mawr and Pennsylvania College for Women at Pittsburgh. There are nineteen coeducational colleges, in addition to public schools and state colleges, and there are twelve colleges in the state which admit only male students.

Rhode Island has but two colleges, the State college

and Brown University, both open to women students.

The State university of South Carolina is open to women, but the Agricultural college, a state school, is for men students only.

All public schools in South Dakota are open to girls, and all colleges, whether public or private, admit women students.

Virginia public schools are open to both sexes, but women students are not admitted to the Polytechnic Institute, the State university, or to William and Mary college.

In the State of Washington all public schools and every college is coeducational, except one Roman Catholic school for male students.

The schools and colleges of West Virginia, whether public or private, are coeducational, except one which is exclusively for women.

Wisconsin public and state schools are all coeducational, also all other colleges, except one for male students and one for women.

36. Are the professional schools open to women?

All professional schools which are part of the state college or state university system are open to women in all states when these schools and universities are coeducational. Other professional schools are open to women in many states, and probably all would be if women were to demand entrance.

THE DESIRE TO KNOW

Italian girls studying English during a great strike of the garment workers

37. Do the salaries paid women teachers average as high as the salaries paid men?

In no state do the salaries of women teachers average as high as the salaries of men. In most states women have always been paid less than men for the same work, not only in schools, but wherever employed. In New York city, after a fight lasting for several years, a law was passed giving equal pay for equal work to men and women teachers. In states where women vote, female teachers receive the same salaries as are paid to men for the same grade of work. This has been the law in California since women became eligible to all educational offices. It is the law in Utah and Colorado.

The salaries of men average about one-third higher than those paid women. During the last ten years all salaries have been increased, those of men about 35 per cent, while the salaries of women have increased only 25 per cent.

A greater number of men than women are employed as principals and in other of the higher positions in schools, and this is one reason why the average salary of the woman teacher is lower.

No state aid may be given any school in Wisconsin for instruction in agriculture, domestic economy, manual training, or industrial branches unless the salary paid to every teacher of such branches is at least sixty dollars per month.

38. What states have women State Superintendents of schools?

Colorado, Idaho, Washington, and Wyoming.

39. Are women generally employed as county superintendents of schools?

Yes, in some states. California has 20; Colorado, 43; Idaho, 21; Illinois, 8; Iowa, 44; Kansas, 20; Michigan, 14; Minnesota, 23; Montana, 29; Missouri, 15; Nebraska, 42; New Mexico, 5; New York, 42; North Dakota, 24; Oklahoma, 14; Oregon, 1; South Dakota, 28; Tennessee, 5; Utah, 2; Texas, 3; Washington, 14; Wisconsin, 16; Wyoming, 13.

Montana, with thirty counties, and Wyoming, with fourteen counties, each has but one man county superintendent.

40. Are women superintendents of schools in large cities?

Yes, in Chicago, Cleveland, and Denver.

41. Are women on the school boards of large cities?

Yes, they are on boards of education of the following cities which have a population of 300,000 or more: New York, Chicago, Cleveland, San Francisco, Milwaukee, Washington, Minneapolis. Also in Indianapolis, Worcester, Grand Rapids, Cambridge, Fall River, Rochester, St. Paul, Denver, Columbus, all cities whose population numbers from 100,000 to 300,000.

42. To what offices are women eligible?

None in Alabama, Arkansas, Delaware, Georgia,

Indiana, Maryland, New Hampshire, North Carolina, Ohio, Rhode Island, Virginia, West Virginia.

Eligible to all offices in Arizona, California, Colorado, Idaho, Kansas, Oregon, Utah, Washington, and Wyoming.

CONNECTICUT. — Boards of education, boards of school visitors, town school committees, or district committees. They may hold the office of assistant town clerk, register of births and marriages, or commissioner of the supreme court.

FLORIDA. — State Librarian.

ILLINOIS. — Women are eligible to nearly all offices except those expressly reserved to male voters by the constitution.

INDIANA. — Eligible to any office the election of which shall be vested in the General Assembly, or the apportionment to which shall be vested in the Governor, and to all school offices under school laws of the state.

IOWA. — To all school offices, county recorder, county superintendent of schools, and school directors.

KENTUCKY. — All school offices, or offices pertaining to the management of schools.

LOUISIANA. — Eligible to any office of control or management under the school laws of the state.

MAINE. — Not eligible to elective offices, but may be members of school committees.

MASSACHUSETTS. — Eligible to membership on

school committees and as overseers of the poor, and by statute have been made eligible to many other offices.

MICHIGAN. — Eligible to all school offices.

MINNESOTA. — Eligible to any office pertaining to the management of schools or libraries, and to all appointive offices.

MISSISSIPPI. — State Librarian.

MISSOURI. — Eligible to all offices if there is no provision in the constitution requiring the incumbent to be a male.

MONTANA. — Eligible as county superintendent of schools or any school district office.

NEBRASKA. — Eligible to all offices not expressly forbidden by the constitution. They may hold school offices, and may be county treasurers.

NEVADA. — County superintendents and school trustees.

NEW JERSEY. — Eligible as members of boards of education and many other offices not forbidden by the constitution.

NEW MEXICO. — No express disqualification for holding office, and by express enactment may hold any appointive office.

NEW YORK. — Women are eligible to many offices and by express enactments they may be appointed to positions of trust and responsibility.

NORTH DAKOTA. — Eligible to all school offices.

OKLAHOMA. — Women may hold any office from which the constitution or laws do not exclude them.

PENNSYLVANIA. — Eligible to any office of control or management under the school laws of the state.

RHODE ISLAND. — Women may be members of school committees.

SOUTH CAROLINA. — Eligible to office of librarian only.

SOUTH DAKOTA. — Any office in the state except as otherwise provided in the constitution.

TENNESSEE. — Eligible to the office of county superintendent of schools and to that of state librarian.

TEXAS. — Not expressly excluded by the constitution. Held eligible to be deputy county clerk.

VERMONT. — Eligible to school offices, town offices, superintendent of schools, and trustees of public libraries.

WISCONSIN. — Eligible to all school offices, either by election or appointment.

43. Are any women on the Boards of Control of State Charitable Institutions?

Many states have women on all such boards. Unless expressly stated who shall compose boards of control, there is no prohibition against women being appointed to these positions. That they do not hold them in all states is probably due to the fact that women have not demanded them.

These are generally appointive offices, and unless there is an express requirement that women shall be appointed, it is left entirely to the discretion of the

Governor. The tendency of late has been to appoint women whenever practicable to do so.

COLORADO. — State board is appointed by the Governor. The board of county visitors is composed of six persons, three of whom must be women.

CONNECTICUT. — Two of the five members of the State Board of Charities must be women. One member of the board of education for the blind must be a woman.

ILLINOIS. — Has many women on such boards. The assistant superintendent of free employment agencies must be a woman. The state Home for Juvenile Female Offenders has two women on its board of five trustees. Two G. A. R. men and three W. R. C. women compose the board of the Soldiers' Widows' home. Each state charitable institution must have a board of management of three members appointed by the Governor. He may appoint women if he chooses to do so.

INDIANA. — Reform School for Girls has a board of managers composed entirely of women, and all employes are female. Women are eligible on state board of charities and on county board of charities — which must be composed of six members, four men and two women.

KANSAS. — Requires a matron at the detention home, police department, deaf and dumb institution, boys' industrial school. Superintendent, teachers, and attendants of the girls' industrial school must all be women. Two suitable women must be appointed as

visitors to state institutions. Probation officers may be either men or women.

KENTUCKY. — Requires boards of control of state institutions to be composed of four citizens appointed by the Governor. May be either men or women. Women physicians must be employed at insane asylums where women are confined.

LOUISIANA. — The Governor appoints the state board of charity and the board of administration of state insane asylums. They may be "persons" — no sex qualification. Women may be, and have been, appointed factory inspectors.

MAINE. — Two of the six trustees of the Maine Industrial School for Girls must be women, also one of the four assistants at insane hospitals and one of the seven trustees who have control and management of the state insane hospitals must be a woman. The Governor must appoint two members of the council and one woman as a committee to visit hospitals.

MARYLAND. — The Board of State Aid and Charities of Maryland shall be composed of "seven discreet persons" appointed by the Governor.

MASSACHUSETTS. — Gives the Governor authority to appoint two of the nine persons composing the State Board of Charities. These members shall serve five years, and the supreme court of the state has held that the Governor may appoint women, because "persons" include women. The Governor appoints boards of control of the State Industrial School for

Girls and the Lyman School for Boys, and two of the seven members must be women. Two women must be on boards of the various state insane institutions and state hospitals and state farm.

MICHIGAN. — The Governor appoints the board of Hospitals for the Insane. There seems to be no qualification as to sex. Board of directors for Schools for the Deaf and for the Blind are appointed by the Governor, also for the State Public School and the Home for Feeble-minded. One woman must be appointed on the board of the Industrial Home for Girls. The State Board of Charities and Corrections is to be composed of "four suitable persons." In this instance it is evident that the word "persons" was not intended to include women, because the Governor has been given authority to appoint "one or more suitable females" to inspect state institutions in behalf of the State Board of Charities. At least one deputy factory inspector must be a woman. Women physicians must be appointed for all Hospitals for the Insane, Industrial Homes, Home for Feeble-minded, School for Deaf and Blind, and state institutions where boys and girls or men and women are confined.

MINNESOTA. — State Board of Charities is composed of three members appointed by the Governor. This board may appoint competent women to visit and report on any hospital or asylum.

MISSOURI. — State Board of Charities and Corrections is appointed by the Governor and is composed

of six members, two of whom must be women. On petition of fifteen reputable citizens, the judge of the circuit court must appoint six persons, three of whom must be women, as a County Board of Visitors. The board of control of the Industrial School for Girls is composed of four men and two women. All the officials must be women. There must be two women on the board of managers of the Colony for the Feeble-minded.

MONTANA. — The State Board of Charities and Reform is appointed by the Governor. Has discretion to appoint women.

NEW YORK. — There must be three women on the board of the State Asylum for Feeble-minded Women. Two of the six managers of the House of Refuge must be women. Either sex may be appointed as managers of all such institutions, in the discretion of the Governor. There is no sex qualification as to the members of the State Board of Charities.

OHIO. — No woman members of Boards of Control or Charity, but a visiting committee may be appointed for state institutions. There must be a female physician in all insane asylums.

OKLAHOMA. — The constitution of Oklahoma provides that the Commissioner of Charities and Corrections may be of either sex.

PENNSYLVANIA. — Women may be appointed members of the State Board of Visitors by the State

Board of Charities. Trustees of state hospitals or asylums may appoint a skillful woman physician when there are male and female patients.

RHODE ISLAND. — There must be three women on the board of the State Home and School for Children, and three on the board of the Institution for the Deaf. There must be a board of female visitors to all penal institutions where women are confined.

SOUTH DAKOTA. — The State Board of Charities and Corrections is composed of five "persons" appointed by the Governor.

VERMONT. — The Board of Visitors for Reformatory and Penal institutions and insane asylums is composed of Governor, lieutenant-governor, and speaker. "The Governor may in his discretion appoint a woman, a citizen of this state, as a member of said board. The duties of such woman member shall be only to examine into the regulations and management of each institution so far as relates to the female persons therein confined."

WEST VIRGINIA. — All officers, agents, and servants of the Industrial School for Girls, in internal management, shall be women.

WISCONSIN. — The State Board of Control and Charities is composed of five persons, one of whom shall be a woman. The Governor may appoint a suitable person, male or female, to make investigation of state institutions.

44. May the apparent equal justice of our civil service laws be evaded if a head of department prefers a man rather than a woman who may have had higher marks?

All states have not civil service laws. Heads of departments in all states are generally permitted to employ men if they prefer to do it. Such discrimination would not be shown in states where women have equal political rights.

45. Are women admitted to practice law?

Women are admitted to practice law in most states. In a few the question has not been tested because no woman has sought admission. In a few, either by the constitution of the state or by legislative authority, only men may be admitted.

In Arkansas only male citizens may be admitted to practice law.

In Delaware, "there may be a competent number of persons of an honest disposition and learned in the law, admitted by the judges of the respective courts to practice as attorneys therein." Women have been excluded under judicial interpretation of this provision. Another court might see a different meaning and intent in these words at the present time.

Male citizens only are entitled to admission to the bar in Georgia, but, while women may not be admitted within the state, any woman who has been admitted in another state may practice law in Georgia.

In Indiana, "every person of good moral character, being a voter, shall be entitled to admission to practice

in all courts of the state." The supreme court has held that this does not prohibit the admission of women, the opinion stating that while the words of the constitution authorizes the admission of voters, it does not expressly exclude persons who are not voters.

In Louisiana, "any citizen of the United States, possessing the qualifications (except residence) necessary to constitute a legal voter, shall be admitted to practice law." Only male citizens are voters. The law states: "Men are capable of all kinds of engagements and functions unless disqualified by reasons and causes applying to particular individuals. Women cannot be appointed to any public office nor perform any civil functions except those which the law expressly declares them capable of exercising."

Male citizens only may be admitted in Virginia, though any person duly authorized in another state may practice in this state.

46. For what officers and on what questions have women a right to vote?

For all officers and upon all questions in Wyoming since 1869; Colorado since 1893; Utah and Idaho since 1896; Washington since 1910; California since 1911; Kansas, Oregon, and Arizona since November 5, 1912; Alaska since March 21, 1913.

CONNECTICUT. — School officers and directors of public libraries, and upon questions relating to schools or libraries.

DELAWARE. — Women who are taxpayers may vote on questions of raising money for public school purposes. They may also vote on the establishment of free libraries and at elections for town library commission. In a few towns, by town charter, women vote on questions of raising money by taxation.

ILLINOIS. — Since July, 1913, women may vote for all officers and upon all matters which the State Constitution does not specifically reserve for political action of male citizens only.

IOWA. — Women do not vote for any officers. They may vote at any election held for the purpose of issuing bonds for municipal or school purposes or for the purpose of borrowing money or for increasing the tax levy.

KENTUCKY. — Since 1912 women may vote for all school officers and upon all school measures or questions submitted to a vote of the people.

LOUISIANA. — Women who are taxpayers may vote at municipal or other political sub-division election, either in person or by agents authorized in writing, upon all questions submitted to a vote of the taxpayers.

MASSACHUSETTS. — Women may vote for school committees.

MICHIGAN. — Women may vote for school officers and upon school questions and, if taxpayers, may vote on question of taxation or the granting of franchises.

MINNESOTA. — School officers and members of

library boards and upon any measure relating to schools or library boards.

MISSISSIPPI. — School trustees in districts which are not cities, if patrons of the school.

MONTANA. — The constitution gives women who are taxpayers a right to vote upon all questions submitted to a vote of the taxpayers of the state, and also at any school district election upon school questions or for school officers.

NEBRASKA. — Women who have children of school age or who own either real or personal property assessed in their own name, may vote for school officers and upon school questions.

NEW HAMPSHIRE. — For school officers and upon school questions.

NEW JERSEY. — Women vote upon all questions relating to appropriations for educational purposes.

NEW MEXICO. — Since 1910, for school officers and questions relating to schools.

NEW YORK. — For all school officers and upon school questions. On questions of local taxation in towns and villages, if taxpayers. In all towns, villages, and third class cities women may vote on the issuance of bonds.

NORTH DAKOTA. — All school officers except State and County Superintendents.

OHIO. — Women may vote "for members of the board of education and upon no other question."

OKLAHOMA. — For school officers of districts and

for members of school boards in cities, but upon no other question.

SOUTH DAKOTA. — For school officers or upon any other school question, if election is held solely for school purposes. State and County Superintendents are elected at general elections, so women do not vote for these officers.

VERMONT. — Women may vote for school officers and upon all matters pertaining to schools.

WISCONSIN. — Women vote for school officers and on all school questions, whether at school or general elections.

Women have no right to vote for any officer or upon any question in any of the following states: Alabama, Arkansas, Florida, Georgia, Indiana, Maine, Maryland, Missouri, Nevada, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia.

47. What classes of persons are disfranchised?

Minors, idiots, insane persons, criminals, and women. This is the general classification. Many states expressly name the crimes which are sufficient to disfranchise a citizen, while the same crimes in other states do not have this effect. The laws of some states disfranchise the criminal only while he is confined in prison. When released by pardon or by the expiration of his term of imprisonment, he may be reinvested with all the rights of citizenship without further action. This is the law

in Colorado, but Colorado women have been enfranchised for twenty years.

Delaware gives the legislature the power to impose the forfeiture of the right of suffrage as a punishment for crime.

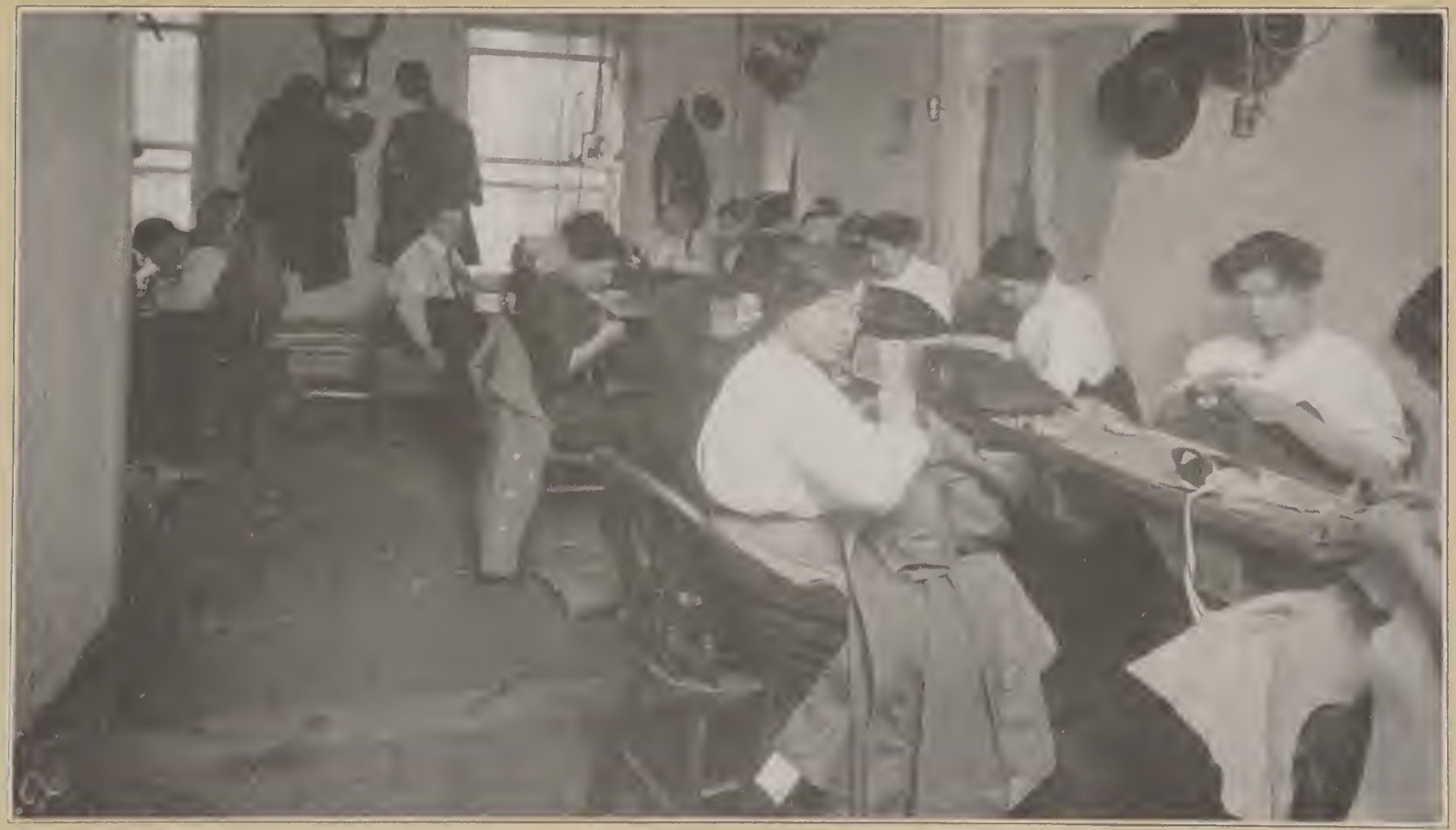
A person convicted of the crime of bribery at any election, or of voting under the influence of a bribe, may be disfranchised for ten years in the State of Maine.

The constitution of Maryland provides that persons convicted of crime shall never be permitted to vote, and if convicted of bribery, directly or indirectly, or of illegal voting, shall be forever disqualified to hold any office of profit or trust or to vote at any election.

48. May lapse of time or efforts of the disfranchised enable them to become eligible?

Lapse of time will certainly make minors eligible, and in some states restore the right of suffrage to criminals, and might cure the mentally defective. Lapse of time, combined with the efforts of the other disfranchised class, is rapidly securing to them full rights of citizenship, and eventually in all states this class — the disfranchised women — will become eligible.

At the present time, Alaska, Arizona, California, Colorado, Idaho, Kansas, Oregon, Utah, Washington, and Wyoming do not class women, simply because they are women, with other disfranchised citizens, and



A SWEAT SHOP
No conveniences provided; poorly lighted and ventilated.

Illinois has almost entirely removed the disability of sex.

49. Is it necessary that a constitutional amendment be passed before women can be allowed to vote for certain officers?

Yes; constitutional amendments must be passed in all states that have not already given women full suffrage, before women can vote for any officer mentioned in the state constitution, for whom "qualified electors" only may vote, all state constitutions having originally provided that only "male" persons are electors.

50. What action is necessary before a constitutional amendment can be passed giving women full suffrage?

(See also SUFFRAGE CONSTITUTIONAL AMENDMENTS, Volume VII, Page 1804.)

ALABAMA. — Any proposal to amend the constitution must pass both houses of the legislature by a two-thirds majority. After publication for three months it must then be submitted to the people, either at a special election called for that purpose, or at the next general election.

ARKANSAS. — Must receive vote of a majority of both houses, be published for six months and then submitted to a vote of the people.

CONNECTICUT. — Must be proposed in the House, receive a majority vote, and published before the election of the next legislature, and must be ratified by a two-thirds vote of both houses of this second legislature, and then submitted to the people.

DELAWARE. — Proposed amendment must be passed by a two-thirds vote of both houses, be approved by the Governor, and published for at least three months before the election of the next legislature. If this next legislature approves by a three-fourths vote of each house, it is then a law. Does not have to be submitted to the voters.

FLORIDA. — Must pass both houses by a vote of three-fifths, be published three months, and submitted to a vote of the people. If a majority favors the amendment it becomes law.

GEORGIA. — Requires a two-thirds vote of both houses of one legislature. Must be published two months and submitted to the people.

ILLINOIS. — Requires two-thirds vote of both houses of one legislature. Must then be published six weeks and submitted to the voters.

INDIANA. — Must have majority of both houses of two successive legislatures, and then submitted to a vote of the qualified electors.

IOWA. — Requires majority vote of both houses of two successive legislatures, after which it must be submitted to the people at the next general election, or at a special election called for that purpose.

KENTUCKY. — Must receive a vote of three-fifths of the members of both houses of one legislature, be published at least ninety days, and submitted at the next general election.

LOUISIANA. — Requires a vote of two-thirds of

the members of both houses on three different days. Must be published for three months and then submitted at next general election.

MAINE. — A two-thirds vote of both houses of one legislature, and submitted to the voters.

MARYLAND. — Requires a three-fifths vote of both houses of one legislature, then published and submitted to the people.

MASSACHUSETTS. — Must have a majority vote of members of the senate and two-thirds of the house, and be referred to the next legislature. If receiving the same or greater vote of the second legislature, will then be submitted to the people.

MICHIGAN. — Requires a two-thirds vote of both houses of one legislature, after which it may be submitted to the voters at either the next spring or autumn election.

MINNESOTA. — Requires a majority vote of both houses of one legislature and submission to the voters.

MISSISSIPPI. — Must have a two-thirds vote of both houses on three successive days. Must be published three months and submitted to the voters.

MISSOURI. — Requires majority of both houses of one legislature. Must be published four weeks and submitted to the voters.

MONTANA. — Two-thirds of both houses of one legislature. Publication for three months and submission to the voters.

NEBRASKA. — A three-fifths vote of both houses

of one legislature. Publication for three months, and submission to a vote of the electors.

NEVADA. — A majority of both houses of two legislatures. Must be published three months and submitted to the voters.

NEW HAMPSHIRE. — Has no provision for submitting single amendments. People must demand a revision of the constitution, which can only be done by a constitutional convention not oftener than once in seven years. Revision must be approved by two-thirds of the voters.

NEW JERSEY. — Must have a majority of both houses of two successive legislatures, and must be submitted to the people within four months after adjournment.

NEW MEXICO. — Amendments may be proposed in either house and must have a favorable vote of two-thirds of both houses. They must then be published four consecutive weeks before the next election and then submitted to the electors. If a majority approves, they become a part of the constitution.

NEW YORK. — Must have a majority of both houses and be published for three months before the election of the next legislature. It must be referred to this legislature, and if the amendment receives a two-thirds vote of both houses it must then be referred to the people for approval, and, if it receives a majority vote, becomes law.

NORTH CAROLINA. — Requires a three-fifths

vote of both houses of one legislature and submission to the voters.

NORTH DAKOTA. — A majority of both houses of two legislatures, and submission to the voters.

OHIO. — Must have a three-fifths vote in both houses of one legislature, be published for six months, and be submitted to the voters.

OKLAHOMA. — Must have a majority vote of both houses of one legislature and then be referred to the people at the next general election. A special election may be ordered by a two-thirds vote of both houses.

PENNSYLVANIA. — Requires a majority of both houses of two successive legislatures and submission to the voters. Amendments may not be submitted oftener than once in five years.

RHODE ISLAND. — A majority of both houses of two legislatures, and submission to the voters.

SOUTH CAROLINA. — A two-thirds vote of both houses of one legislature, and submission to the voters.

SOUTH DAKOTA. — A majority vote of both houses of one legislature, and submission to the voters.

TENNESSEE. — Requires majority of both houses of first legislature and two-thirds of both houses of second legislature, and submission to voters. Amendments can not be submitted oftener than once in six years.

TEXAS. — Requires a two-thirds vote of both houses of one legislature and submission to the people.

VERMONT. — Must have a majority vote of the house and two-thirds of the senate in one legislature, and a majority of the house and senate in the next legislature, and submission to the voters. Amendments can be submitted only once in ten years.

VIRGINIA. — Requires majority of both houses of two legislatures, and submission to the voters.

WEST VIRGINIA. — Two-thirds vote of both houses of one legislature, and submission to voters.

WISCONSIN. — A majority of both houses of two legislatures, and submission to voters.

QUESTIONS FOR REVIEW. PART II

1. What is the legal age for marriage in your state? What are the causes for divorce?

2. Do women in your state share in the guardianship and control of their children? Can a father will away the custody of an unborn child?

3. Do you own your own clothes? Do clothing or personal ornaments purchased after marriage belong to the husband or wife? Who owns the wages earned by the wife outside of the home?

4. Can a wife in your state convey her separate property without her husband's consent? What authority has the husband over her real estate or rentals therefrom? Has she the right to will away her separate property? Can it be levied on for family necessaries ordered by her?

5. Does the law in your state secure to the wife any portion of the family income? Has she a share in the surplus property accumulated by joint efforts? Is it legal for the husband to invest this surplus and take title in his own name? Do husband and wife inherit equally from each other? From a deceased child?

6. Is a father responsible, in your state, for family expenses for wife and child if incurred without his approval? Is the wife legally responsible for her husband's support?

7. Can a wife, in your state, have any voice in the choice of a family home? Can she ever become the legal "head of the family"? Has the husband any control over her liberty? Can she make contracts without his consent? Or enter into a business partnership?

8. Can a wife or husband testify for or against each other in your state? What is the punishment for wife desertion or non-support?

9. What is the age of consent in your state? What is the penalty for crimes or offenses against women?

10. What are the laws of your state for the protection of wage earning women and children? At what age may children be employed for pay?

11. Are your schools and colleges open to girls on the same terms as to men? Are professional schools?

12. Can you hold office in your state? If so, to what offices are you eligible? Can you practice law if desired? For what officers can you vote?

SUBJECTS FOR SPECIAL STUDY

1. The personal and property rights of women in your state.

2. The guardianship laws of your state as compared to other states.

3. Penalty for "white slavery" and crimes against women.

4. Public opportunities for women in your state and duties of officers. (See Volumes IV, V, and VI on "Practical Politics.")

IN THE RUSH OF THE DAY'S WORK

This great corset factory is well lighted and ventilated but is overcrowded and therefore dangerous in case of fire

PART III

Laws Affecting Woman's Work

By IRENE OSGOOD ANDREWS

The Nature and Extent of the Problem

BECAUSE of the physical differences between man and woman, the working woman is exposed to dangers which do not so seriously threaten the man worker. She, therefore, is granted special legislative favors.

With a physique slighter and less strong, she does not have the resistance to conditions which insidiously break down health, lower vitality, and open the way to many kinds of degenerative diseases. In sharp contrast with the leisurely, easy-going methods found in the early stages of factory production we see a new and threatening strain created in industry by the speeding up of machinery, by increasing the number of machines to be handled or attended by one person, and by the requirement of an ever-increasing output. The complexity of modern industry and machinery, in marked distinction with the simplicity of the earlier forms, has resulted in a division of labor which has greatly increased the monotony of work and tends to bring on a fatigued condition.

Today, also, we know more about the nature of fatigue.* Both European and American authorities have shown that the wastes of the body, which under normal conditions of work and exercise would be thrown off, under conditions of overwork and exhaustion are allowed to accumulate in the blood, and the worker is literally poisoned by her own waste products. The remedy for this fatigued condition is rest; and unless the health loss due to the exertions of one day's work is completely repaired before beginning the next day's work, a constant and accumulating condition of deterioration occurs which will ultimately result in a complete physical breakdown. During this period the worker is constantly threatened by specific physical and moral dangers. This condition must be remedied by careful sanitary precautions in work places, by limiting the number of hours an employee is required to work in one day, and by requiring the workday to be broken by rest periods.

Legislatures have, therefore, given her protection both by regulating the conditions and hours under which she may be employed, and also by entirely prohibiting her employment in especially dangerous occupations. In most states certain sanitary requirements must be conformed with if she is to be permitted to work, and more than three-fourths of the states limit the number of hours she may labor in one day or one week.

* See "Fatigue and Efficiency," Josephine Goldmark, published by Russell Sage Foundation, New York, N. Y.

Because of the attitude of the courts, which uphold restrictive legislation affecting women mainly on the grounds of protection to health, it has been necessary to emphasize that side of the problem. But we should never lose sight of the fact that leisure for recreation, for education — in short, for citizenship — is an absolute necessity in order to maintain a standard of living which will make for the proper development of American community life.

This movement toward protective legislation was greatly stimulated by the significant increase during the last thirty years in the number of women industrially employed in this country. In 1880 this number reached nearly two and one-half million; in 1900 the number arose to over four and one-half million, and in 1910 the number is reported to be between six and seven million. Upon the basis of the 1900 census we find that the number of female breadwinners is increasing faster than the number of male breadwinners, and also much faster than the adult female population; woman labor is also increasing faster than child labor. The largest proportions of women workers as compared with men are found in the North and South Atlantic divisions, but the largest absolute numbers are found in the North Atlantic division and in the North Central divisions of the states.

Hour Legislation

The more important protective legislation in this country has taken the form of limiting the hours of

work in all classes of industries where women are employed except domestic service and agriculture. In this movement, which for the last generation has actively demanded the shortening of the work period for women, a new epoch was established by the decision of the United States Supreme Court in 1908 (Muller v. Oregon, 208 U. S., 412), which declared that the Oregon ten-hour law for women workers was constitutional.

Although organized labor and socially minded citizens succeeded as early as 1847 in placing upon the statute books of New Hampshire a ten-hour law for factory workers, followed during the next few years by several other states, yet these laws were practically dead letters, since "into the statute was drafted a clause which permitted employers to hire for more than ten hours by special contract. Three days before the law went into effect New Hampshire employers submitted such special contracts to their employees, giving them the option of working more than ten hours or not working at all. Strike after strike proved to the employees the uselessness of resistance." *

In 1867 Wisconsin enacted a law which forbade an employer to *compel* a woman to work for more than eight hours a day. Obviously, such a law could not be enforced, and no effective hour limitations were im-

* For a detailed history of the efforts of organized women workers to secure shorter hours, see "The History of Women in Trade Unions," by John B. Andrews, Ph. D., U. S. Senate Document, No. 645, 61 Congress, 2nd Session, Vol. X, 1911.

posed in that state until very recently. But in 1876 a ten-hour law was passed in Massachusetts which the state supreme court upheld, saying that this limitation did not prevent a woman from working outside a factory for as many hours as she wished, but only limited the number of hours she might be employed within an establishment. (Com. v. Hamilton Mfg. Co., 120 Mass. 383.) A decided setback occurred, however, when, in 1895, the Illinois supreme court declared an eight-hour law for women unconstitutional as depriving her of property rights without due process of law. (Ritchie v. People, 155 Ill., 98.) From this time until the Oregon decision in 1908 there was no definite assurance that hour limitation laws when passed by the legislatures would be sustained by the courts.

In the Oregon case a mass of evidence was produced showing the ill effects of long hours upon the health of working women, which ultimately, through the process of reproduction, becomes a serious drag upon the general health and welfare of the nation. Under the guise, then, of promoting the "general welfare" of the nation, hour limitation laws for women have since the time of the Oregon decision been generally upheld by the courts, favorable decisions having been given in Illinois, Michigan, Ohio, Washington, California, and New York; the last five years have seen a very great advance in this kind of legislation.

Today we find legislation materially shortening the length of the working day for women in a large num-

ber of industrial groups in thirty-seven states. These include all of the important industrial states and omit only a few in the southern and western sections of the country.

The most advanced position in hour regulation has been taken by Arizona, California, and Washington, all three states having enacted eight-hour-day laws, and by Colorado, which, in November, 1912, by a referendum vote, also established an eight-hour day for women; but, in addition, California limits hours to forty-eight a week, while Arizona, Washington, and Colorado permit seven-day labor, or fifty-six hours a week.

A second group comprises those states which have reduced hours below ten a day and sixty a week, but permit more than eight hours a day. These are:

State	*Hours per day*	*Hours per week*
Minnesota*	9	54
Missouri	9	54
Nebraska	9	54
Utah	9	54

Still another group permits ten or more hours a day, but places a weekly limit of less than sixty hours. By this plan a half-holiday on Saturday is secured for the women, or at least shorter hours on one day of the week. The states found in this group are:

State	*Hours per day*	*Hours per week*
Connecticut	10	55
Delaware	10	55
Massachusetts*	10	54

State	*Hours per day*	*Hours per week*
Michigan	10	54
New Hampshire	10¼	55
New York*	10	54
Ohio	10	54
Pennsylvania	10	54
Rhode Island	10	54
Texas	10	54
Vermont	11	58
Wisconsin	10	55

The following states have a sixty-hour limitation, but Oregon, through her Industrial Welfare Commission, has already reduced hours below the statutory limit, as described later in the section on "The Regulation of Hours and Wages by Commissions":

State	*Hours per day*	*Hours per week*
Georgia	10	60
Kentucky	10	60
Louisiana	10	60
Maine	10	60
Maryland*	10	60
New Jersey	10	60
North Carolina	—	60
Oregon*	10	60
South Carolina*	11	60
Tennessee	—	60

No weekly limitations have been placed in the following states, which, in each case, therefore, permit more than sixty hours a week, and may also permit labor on seven days of the week:

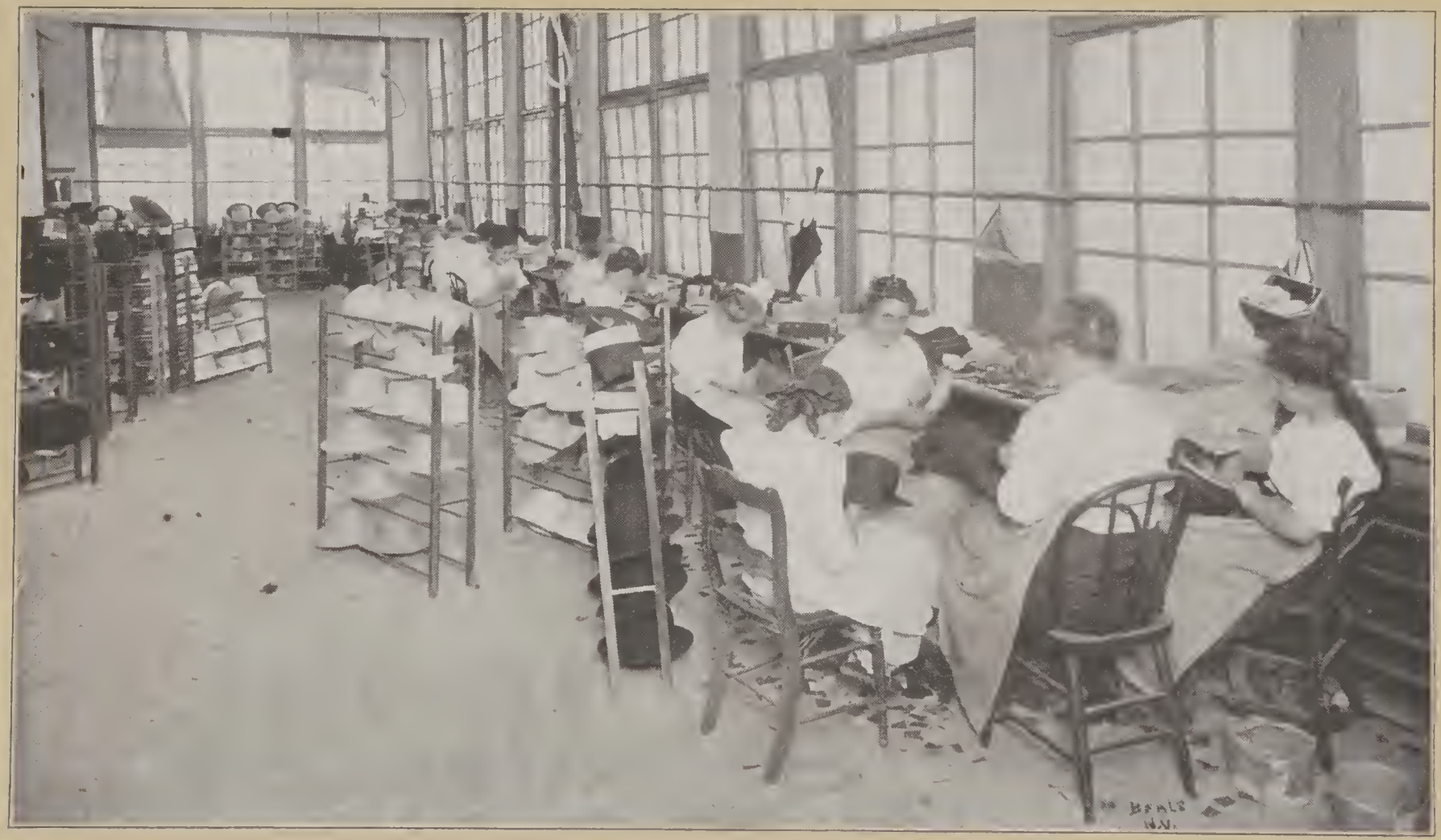
State	*Hours per day*
Idaho	9
Illinois	10
Montana	9
North Dakota*	10
Oklahoma*	10
South Dakota*	10
Virginia	10

There remain eleven states and the District of Columbia which have no laws regulating the daily hours of labor for women:

Alabama
Arkansas
Florida
Iowa
Indiana
Kansas
Mississippi
Nevada
New Mexico
West Virginia
Wyoming

Exceptions permitting overtime under certain circumstances occur in these laws in most states, but overtime is usually limited to making up time lost in repairing machinery, or is permitted in order to secure one shorter work day a week. But in Maine, overtime above the fifty-eight-hour limit is allowed, so that work for sixty hours a week is permitted for over half the year. Maryland and Massachusetts extend the work period in seasonal and manufacturing industries, provided the average per week for the entire year does not exceed the regular statutory limit. The laws of North Dakota, Oklahoma, South Dakota are so worded, by the inclusion of the word "compel," as to make enforcement practically impossible, and compliance with the law must be left to the voluntary action of the employer. In a few states a longer number of hours of work are allowed in certain classes of industry, as, in Connecticut, there are no day limitations in mercantile establishments; in Massachusetts, two additional hours, or fifty-six a week, are permitted in work shops for repairing

*Exceptions are to be noted.



THIS EMPLOYER IS WISE

He provides good light and air and reasonable comfort for his employees and is repaid by better service and more work. (A hat factory in New York)

garments; in mercantile establishments, in Minnesota, ten hours a day and fifty-eight a week, are permitted. and twelve a day, with sixty a week, in South Carolina. The exact situation in any state can be ascertained only by a careful study of the text of the law and a knowledge of the effectiveness of the enforcing machinery of the state.*

Industries Affected by Hour Legislation

The industries affected by hour legislation in practically all of our states are manufacturing, mechanical, and mercantile establishments, laundries and restaurants; several states include, in addition, offices, hotels, bakeries, express and transportation companies, and telephone and telegraph offices. In a few states, such as Pennsylvania, Illinois, and California, practically every place where women are employed, except agriculture and domestic service, is under the hour-limitation laws; in many of the southern states, however, the laws are so limited in scope that they affect only a very few employees.

In a few states the question has arisen whether or not work in hotels is sufficiently injurious to health to make hour limitations valid; but the point has been decided affirmatively in the courts of both Illinois (People v. Elerding, 98 Northeastern Reporter, 982)

* For a complete analysis of these laws see "American Labor Legislation Review," Vol. II, No. 4 and Vol. III, No. 3. 131 East 23 St., New York, N. Y.

and California (Ex parte Miller, 124 Pacific Reporter, 427).

The question of work in harvesting, canning and preserving fresh fruit, fish, or vegetables has presented many difficulties. On account of the seasonal character of this work and the perishable nature of the materials, it has been the custom to work employees for extremely long hours, running sometimes as high as fourteen to eighteen hours a day, and ninety to ninety-six hours a week, during the rush season. Operators of canneries have therefore vigorously opposed any legislation which would limit the hours of work during the summer months. But it was argued that if this industry was specifically exempted, other industries included in the act would immediately bring the law into the courts on the ground of "class legislation," and, if their contention was sustained, the entire law would be lost. This latter point, however, came up in the Michigan courts under the woman's work law of 1909, and the exemption of the canneries was held not to be class legislation, and the law was sustained. (Withey v. Bloem, 128 Northwestern Reporter, 913.) Several states, fearful of the opposition of the canners, followed the example of Michigan and permitted unlimited hours of work for the women and children employed during the summer months in this industry.

But a more scientific solution of the problem has been attempted in New York and Wisconsin in 1913. In both states, instead of removing all restrictions, em-

ployees are permitted, for limited periods during the height of the canning season, to work longer hours than the regular statutory limit, but this overtime must not exceed a certain stated maximum. This method will doubtless be extended at least to those states which have the power to regulate hours of work for women, as described later.

Rest Periods

The question of rest periods during the working day has received no legal attention in this country except that one-half hour to one hour is often required for the noon meal. With the increasing speed and complexity of modern industry, entailing great nervous strain, short intervals of rest in the middle of the morning and afternoon would mean much both to the physical welfare and the efficiency of the worker, and would, in addition, add to the value of his product. In the telephone service, for example, the nervous strain is particularly severe. In the Report of the Royal Commission on a Dispute Respecting Hours of Employment between the Bell Telephone Co. of Canada, Ltd., and operators at Toronto, Canada, 1907, it was recommended that the working day be not longer than six hours, spread over a period of from eight, to eight and three-quarters hours; this would allow for at least three rest periods of from one-half to one hour's duration. Such rest periods in various industries have been voluntarily adopted in a few American establishments, and are provided for by law in several European countries.

Night Work

In addition to protecting women by limiting their working hours in the day time, several attempts have been made to prevent altogether their work at night. Although the dangers, both physical and moral, surrounding the night work of women have frequently been disclosed, they have received but little legal recognition in this country. As already emphasized, recovery from fatigue is secured mainly through rest and sleep. Sleep lost at night can seldom be adequately made up in the day time, especially in the noisy and crowded conditions of many of the homes of the working people of our large cities. The moral dangers also to which women are exposed who must travel the streets at night should receive serious consideration in drafting legislation upon this subject. From the standpoint of economy, also, night work has been shown to be inefficient and defective in quality.

Europe early recognized the seriousness of the problem, and in 1906 the International Association for Labor Legislation called a convention which was attended by representatives from the fourteen leading European countries. An International Treaty was formed by which it was agreed to prohibit, as soon as possible, the industrial night work of women between 10 p. m. and 5 a. m., and to allow eleven consecutive hours of rest at night. In practically all of these countries the night-work prohibition was in force by January, 1912. The backward condition of America in this

respect is most striking. No state has an inclusive night-work prohibition law. Massachusetts prohibits work in factories, laundries, dressmaking establishments, etc., between 10 p. m. and 6 a. m.; and in textile mills between 6 p. m. and 6 a. m. Night work is forbidden between 10 p. m. and 6 a. m. in manufacturing establishments in Indiana, and in several classes of employment in Nebraska. South Carolina has a law intended to prohibit work in mercantile establishments after 10 p. m., but the law is not enforcible because an employer is liable only for "requiring" overtime.

In 1907 the New York law which prohibited the employment of women over twenty-one in factories between 9 p. m. and 6 a. m. was declared unconstitutional by the Supreme Court of that state (People v. Williams, 189 N. Y., 131). This decision had such a widespread effect that no legislation on this subject was attempted by the states until 1913, and in the meantime no such protection has been afforded those women who are compelled to work at night. In 1913 New York reaffirmed her earlier law, placing the closing hour at not later than 10 in the evening; Nebraska extended and reaffirmed her night-work law (which had been declared constitutional by a lower court), but permits public-service corporations to employ women for eight hours at night; in Pennsylvania, women may not be employed in manufacturing between 10 p. m. and 6 a. m., but managers, superintendents, clerks, and stenographers are not included in the law.

Until these new acts have been tested in a superior court, we cannot know definitely whether or not we may enforce laws for the protection of women by prohibiting work at night.

Prohibited Employments

It has also been recognized that there are certain employments in which women should not be employed at all on account of unusual physical or moral dangers.

We in America have done but little in this class of protective legislation; work in mines is forbidden in most of the mining states, and in saloons (except by members of the family) in about sixteen states; but in neither of these industries has the problem of female labor been as serious as it was and, to a certain extent, still is, in England and other foreign countries where prohibition is also enforced. We have also forbidden the employment of women in a few states in core rooms, in cleaning moving machinery, and in using emery, polishing, or buffing wheels where articles of the baser metals or of iridium are manufactured. But only a few investigations have been made in this country into the effects of work in the more dangerous occupations, such as those involving the use of poisons; and practically no attempt has been made to classify industrial occupations in order to distinguish between the more and the less harmful industries.

In European countries the evil effects of certain kinds of work are much better known. Among workers using

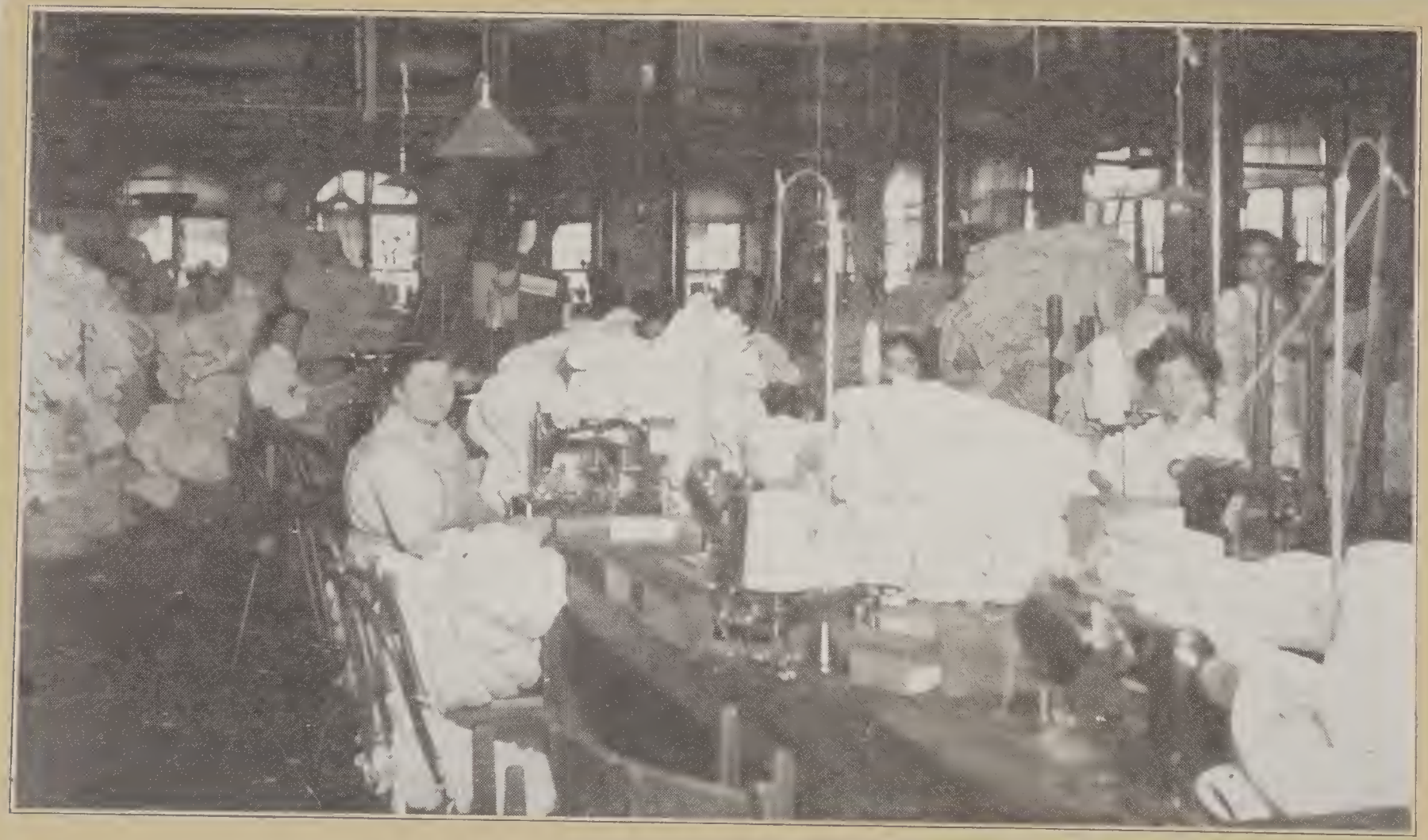
white lead, for instance, it was discovered that the percentage of miscarriages and still-births among married women was exceedingly high, and that a serious derangement of the reproductive organs frequently occurred. Therefore in most of these countries women are forbidden to work in the dangerous processes involving the use of this poison. In France, females are forbidden to enter a place in which any one of forty-six processes are carried on, because of the danger to health from poisoning or disease due to high temperature or presence of injurious fumes, gases, or dusts. Another list of nearly one hundred occupations is forbidden to females, except under special protective conditions. Even Spain has forbidden the employment of females and minor children in a long list of occupations. While it is true that women in foreign countries are employed in occupations where in this country only men are found, or where the specific process differs greatly, yet investigations have shown that our women work under conditions extremely dangerous to their health and from which they should be excluded entirely, unless the hours of labor are greatly reduced.

It was not until 1911 that the prohibition of the industrial employment of women for a stated period before and after childbirth became the subject of legislation in America. Massachusetts in 1911, New York in 1912, and Connecticut and Vermont in 1913, passed such laws. Legislation of this character is common in European countries, but there it is frequently supple-

mented by provisions which permit the giving of financial aid during the period of enforced idleness. This problem of working mothers is undoubtedly more serious there, and, in addition, the enforcement of these measures is in many instances connected with both public and private insurance associations which greatly aid in effective administration.

Seats, Toilets and Dressing Rooms

Additional protection for the comfort, health, and morals of women workers is found in the requirements for suitable seats, sanitary and separate toilets, dressing rooms, and lunch rooms. These provisions form a very important factor in maintaining the health and morals of the working forces in any establishment; the character of the work done is frequently such as to require street clothes to be exchanged for work clothes, and it is also highly desirable that a suitable place be provided where women and girls may eat their lunch, secure a little rest at the noon period, and where they may retire in case of illness. In a few states the laws require that medicine chests with suitable supplies be maintained in case of sickness or accident. While it is possible to see that seats are provided in establishments, it is practically impossible to see that their use is permitted. Nearly all states require seats and toilets to be provided, but only about one-third require dressing rooms to be maintained.



IN THE BATTLE FOR THE DAILY BREAD

Work-room is dark, poorly ventilated, and crowded with boxes and material. A good fire trap

Enforcement of the Law

If the gains intended in this protective legislation are to be made real, we must look to the efficiency of the enforcing power of the state. State factory inspection departments are usually entrusted with the administration of these laws. Inspection departments exist in most industrial states, but with varying efficiency in law enforcement. In a few states, no administrative authority is provided, and enforcement depends entirely upon individual complaints filed with the prosecuting officials. Penalties ranging ordinarily from $25 to $500 are usually imposed for violations, and imprisonment for a stated period is frequently included, although this latter penalty is seldom if ever imposed. Detection of violation is one of the most difficult problems; as an aid to this, most states require that notices be posted which state the time of beginning and ending work, the length of the working day, and the time allowed for meals; in addition, in a few states, each employer must keep a book, open to the inspector, with a record of the number of hours each girl works during the day. In this way the inspector can tell, upon entering an establishment, whether or not a girl is working a longer number of hours than the legal rate; this direct and personal knowledge of violations is frequently the only evidence that will stand the test of the court.

Another aid in detecting violations is the establishment of a definite closing hour beyond which it is illegal for women to be employed; overtime work, or irregular

allotment of hours makes the enforcement of the law most difficult. It also frequently happens, especially among the foreign-speaking workers, that they are not cognizant of their rights under the law, and the employer may therefore work them overtime without resistance on their part. In order to avoid this condition, some states require notices to be posted containing a brief abstract of the law printed in as many languages as may be necessary, and in a size, type, and place prominent enough to be easily read by all employees. In case of violations, this posted notice is evidence of a knowledge of the provisions contained in the law.

The Regulation of Hours and Wages by Commissions

The last two years have each seen the introduction of a new principle in labor legislation affecting women and children. In 1912 Massachusetts established the principle of determining a minimum wage for women and children in any occupation. The year 1913 has seen the introduction of the principle which permits boards or commissions to determine the number of hours a woman or child may work, within statutory limits, in any given occupation, and to determine the conditions under which work may be carried on. These two lines of activity will, if efficiently carried out, mean much to the woman and the child worker, especially in industrial employments.

Commissions to study the general work of women and children were created in 1913 in Connecticut and

Indiana; the Industrial Commission of Ohio was authorized to gather information on the subject; commissions to study the minimum wage were established in Michigan and New York, and minimum wage boards were provided for in Washington, Colorado, Oregon, California, Nebraska, Minnesota, and Wisconsin; and Utah established a minimum wage for females by statute law.

In all these states, except Utah, wages in any occupation are to be determined, after careful investigation, by representatives of employers and employees, together with representatives of the public. The findings of a board are, in most states, as in foreign countries, binding upon the employer; but in Massachusetts and Nebraska, the commissions, relying upon the compulsion of publicity, may only publish in the daily papers the names of the employers who do not pay the minimum agreed upon by the wage board; and, furthermore, an employer may apply to the courts for a restraining order, if, in his opinion, the payment of the minimum wage would take away reasonable profits.

In Utah the law differs from those in other states, in that it establishes in the act itself a minimum wage of seventy-five cents a day for female minors under eighteen, ninety cents for adult female learners and apprentices (time limited to one year), and one dollar and a quarter for experienced women workers. This measure is unique in its method, and is of doubtful constitutionality.

While the method of procedure differs somewhat in

each state, the main provisions are similar, and the analysis of the Oregon law will serve to illustrate the method of work in all states, except as noted above. In Oregon, it is declared unlawful to employ women or minors in any occupation for unreasonably long hours, or under surroundings or conditions detrimental to their health or morals, or to employ women at wages inadequate to supply the necessary cost of living to maintain them in health, or to employ minors at an unreasonably low wage. The term "minor" means any person under the age of eighteen years.

To enforce this declaration, an Industrial Welfare Commission is created, consisting of three unsalaried members, appointed by the Governor. One member must represent the employers, one the interests of the employees, and the third must be an impartial person, representing the public. The commission shall elect one of its members as chairman and shall choose a secretary and fix his salary. It may declare, for any occupation, standards of

(a) Hours of labor for women and minors, not exceeding the present ten-hour statutory limit;
(b) Conditions of labor for women and minors;
(c) Minimum wages for women workers;
(d) Minimum wages for minors.

Every employer is required to keep a register of all women and minors in his employ. The commission has power to inspect books, pay-rolls, and records and to

investigate conditions which relate to the work of women or minors, and it may require full statements from employers regarding hours and wages, hold public hearings, subpoena witnesses, and administer oaths. If the commission finds any substantial number of women working for unduly long hours or low wages, in any occupation, it may call a conference to inquire and report upon conditions in that industry. The conference is to be composed of one or more of the commissioners, of not more than three representatives of the employers, three of the employees, and three disinterested persons, all appointed by the commission. The conference must report to the commission its findings and recommendations, which may include minimum price as well as time rates, minimum wages for learners and apprentices and the maximum length of time that this sum may be paid. As soon as the commission has approved the recommendation of the conference, it must hold a public hearing previously announced in at least two newspapers for at least once a week for four consecutive weeks. After the hearing it may issue an order which will put into effect the proposed recommendations, and will become operative after sixty days.

The orders may be different for different branches of an occupation or for different localities, and, where a time rate wage has been established, a special license authorizing a lower wage may be given to a woman physically defective. On questions of fact, no appeal can be made, but on questions of law an appeal may be

made to the state Circuit Court for Multnomah County and to the state Supreme Court.

For minors, the commission itself may determine, after investigation, standards of hours, wages, and conditions of work, and may issue orders in the same manner as for women workers.

Any woman worker who is paid less than the established minimum wage may receive in a civil action the balance of her legal wages, together with attorney's fees; any agreement for her to work at less than the established minimum is no defense in such an action. An employer who discharges or discriminates against an employee who has, or who he believes is about to testify in any proceedings, is guilty of a misdemeanor and subject to a fine of $25 to $100. Penalty for any person who violates the act, $25 to $100, or ten days to three months in jail, or both.

The Oregon Commission is also the first one to reach an agreement as to wages. It fixed, in 1913, a minimum weekly wage of $8.64 for adults in all manufacturing establishments and $9.25 for adult women clerks who are not apprentices.

The minimum wage is to be fixed in relation to the cost of living in the community where the workers live. Difficulties at once present themselves, both in determining, to the satisfaction of all parties concerned, what constitutes a living wage—whether only bare necessaries are to be included, or whether some account may be taken of those expenses which go toward the mental

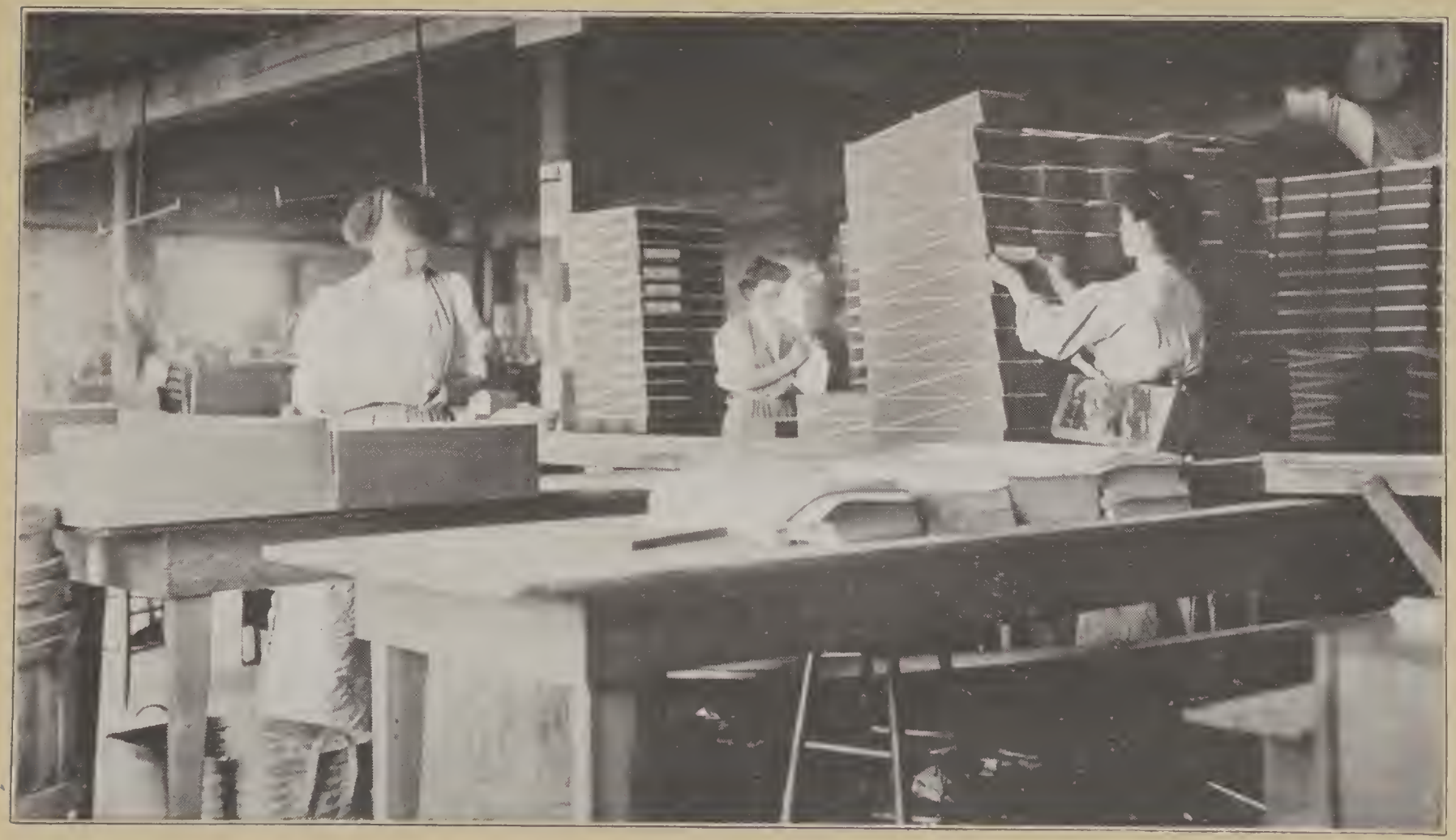
and moral welfare of the worker. Shall we accept Mrs. Gilman's bold demand for "two rooms and a bath" for every grown-up human being? Again, what shall be the standard of income, that is, shall the income of an individual worker be considered alone in its relation to purchasing power over the necessaries of life, or shall the family income be taken as a standard? Can two minimum wage standards be fixed, one for the girl living alone, another for the girl living at home, sharing the income of the entire family? No doubt within the next five years some definite conclusions will be reached upon these subjects.

These wage laws differ from those in European countries in that ours, for obvious constitutional reasons, do not apply to men, although in Minnesota male minors up to twenty-one years of age are included; neither do our acts always permit the employees to elect their own representatives on the wage boards. These acts do not fix wages by law, nor do they destroy the competitive element in wage fixing; they attempt only to place a lower limit beyond which wages may not fall. In the low-wage industries, women and children predominate, and they are especially weak in bargaining power often because of their ignorance of the English language and lack of knowledge of American conditions. Women, too, present peculiar difficulties in the way of organization, and all of these factors make them especially helpless in keeping up their wages through their own bargaining power.

The problem of administration also presents the most serious difficulties in the matter of detecting violations of the law after a minimum wage has been promulgated and in effectively prosecuting violations after they have been discovered. As an aid in enforcing the law, the organization of the girls into trade unions has been found in England to be of the greatest value.

In the meantime another important question arises: What will the courts say upon the subject? While laws regulating hours and conditions of work for women are now quite generally upheld on the ground that the good health of women is essential to the welfare of the state, yet it is difficult to say whether or not the courts will accept the health argument when applied to wages. In this class of legislation, two questions must be determined: first, Is it constitutional to regulate wage payments? second, Is the method employed — that is, the delegation of the powers of the legislature to a commission — constitution? In one state the first question of constitutionality cannot be raised. Ohio, in its recent constitutional convention, proposed a section relating definitely to this subject, which was subsequently adopted as part of the constitution of Ohio, which now says "laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety, and general welfare of all employees; and no other provision of the constitution shall impair or limit this power."

The regulation of wages establishes a new and broader



JUST AN EVERY-DAY WORKSHOP
But there is fair light and good air. (Paper-box makers)

aspect of the "general-welfare" principle, which, if sustained, can perhaps be extended to regulate the work of men.

Administrative Regulation of Hours

Perhaps even more important than the creation of minimum-wage boards is the power given in 1913 to commissions in Oregon, California, Wisconsin, and Ohio to regulate, within statutory limits, the hours of work for women and children. It is obvious that in some occupations eight or even ten hours a day may not be physically injurious, while in other occupations, such as those involving the use of poisons, work under extremes of temperature or humidity, or excessive nervous strain, seven, six, or even five, hours a day may seriously injure the health of the worker.

Commissions in these states may, after thorough investigation, recommend for any occupation a working day which they believe will not be injurious to the women and children employed; and here also the Oregon Commission has recommended a nine-hour day and fifty-four-hour week in manufacturing establishments; eight hours and twenty minutes and fifty hours a week as the maximum in mercantile establishments, with the closing hour at 6 p. m. The statutory limit is ten hours a day and sixty hours a week.

Women Administrators

The employment of women as factory inspectors and on boards or commissions regulating labor conditions

is being extended to many states. In New York, women have for several years been employed as inspectors, but in 1913 the Department of Labor was authorized to employ, out of a total of one hundred and twenty-five, "not more than" thirty women factory inspectors, to include one woman medical inspector at $2,500 a year and four women mercantile inspectors at from $1,000 to $1,500 a year.

In the Pennsylvania Department of Labor and Industry, one member of the Industrial Board at $10 per day and necessary expenses; one medical inspector at $2,500 a year, and five factory inspectors at $1,500 a year, must be women.

The Bureaus of Labor in Minnesota and Washington have each had a Woman's Department for several years, and in 1913 Tennessee and Utah each authorized the appointment of a woman deputy commissioner. Iowa and Kansas authorize women factory inspectors, and the appointment of women is required on the minimum wage boards of Oregon, Minnesota, Massachusetts, Nebraska, and California, but not upon the Washington board. Massachusetts and Pennsylvania require the appointment of at least one woman on the boards of the departments of labor and industry, but this provision is omitted for those departments in Ohio, Wisconsin, and New York, although in the latter state women are serving upon both the Industrial Board and the Factory Investigating Commission.

The method of establishing wages, hours, and condi-

tions of work through boards or commissions is comparatively new in American law and, with the enlightened court decisions upholding hour limitations on woman's work, it is doubtful if even the courts will feel inclined to split hairs over the constitutionality of the method here provided.

QUESTIONS FOR REVIEW. PART III

1. What is the relation of fatigue to efficiency?

2. In what way has efficiency been promoted by acts of state legislatures?

3. What state first passed a law limiting the hours of employment for women workers? How was the law evaded?

4. On what grounds did the Supreme Court of Illinois declare an eight-hour law for women as unconstitutional? Can a woman work longer than the legal day by holding two positions?

5. On what evidence was the Oregon ten-hour law declared constitutional? What action was taken in Arizona, California, and Washington?

6. Does your state limit the working hours for women? If so, how long, and how compared to other states? Can you help in any way to relieve the condition of your own women?

7. Have any of the states established a "Rest Period" during a working day?

8. What is the position of your state regarding night work? What has been done in New York State, and how has it effected action in other states?

9. What lines of employment are prohibited to women? In Europe?

10. What protection for comfort, health, and morals

of women workers is most required? What effect has this protection had on their efficiency?

11. Look up the work being done by your state factory inspector. Is he enforcing the laws you have?

12. What, in your opinion, is the minimum pay that should be given a woman for a days' work? What effect does low wages have on the morality and efficiency of employees?

SUBJECTS FOR SPECIAL STUDY

1. Fatigue and efficiency.

2. The legal working day in your state.

3. Working conditions in your stores, shops, and factories.

4. Wages of women workers. The minimum wage.

5. What a working girl in your state requires to support herself in comfort and decency. How much for clothes, board, and incidentals.

6. Home life of working women; particularly girls away from home and boarding in congested districts.

PART IV

The No-Vote-No-Tax Movement

By BELLE SQUIRE

A Demand for More Equitable Laws

WHEN the history of the "Votes for Women" movement shall finally have been written, doubtless then it will be recognized that in America, at least, no phase of the struggle will have been more logical, more idealistic or more unique, than that carried on by a group of Chicago women who adopted for their creed, "No Vote No Tax" and carried their creed to its logical conclusion, so far as the *personalty* tax was concerned.

The great possibilities of the situation were pointed out later by one of our most eloquent speakers, Mrs. Frances Squire Potter, when she likened the tactics of the No-Vote-No-Tax League to the "strike method" of the industrial world. According to her, to resist organized oppression, whether in the State or in Industry, is at once dignified, courageous, and dramatic. It was she, too, who deplored the short-sightedness of the many rich women who, having been won over to the "suffrage cause," were too timid or too conservative

to take the stand of their less conspicuous sisters with regard to the tax question in its relation to the vote.

A patriot is one who is willing to risk not only his life but his fortune for his country, though perhaps it might be just to admit that many of our patriots had nothing but their lives to lose. Perhaps, however, with the great advance that the suffrage cause has made in the last two or three years, the chance has forever gone for women of large wealth to achieve immortality not only in the history of their sex but of their country by their courage in defying to the limit the tax authorities and doing it effectively to arouse the public conscience. We are still in that raw state where large things awe us more than principle, and there was a time, not so far distant, when a woman of great wealth could have won deathless fame by putting her all in jeopardy, thus challenging the admiration of the world by the magnificence of her sacrifice. It may be that there still are many backward communities where just such an awakening of the public conscience not only could, but ought to be made by women willing to endure the necessary publicity and to risk their fortunes by refusing to pay their taxes until the vote is won.

Strangely enough, it has not been generally recognized that it is the tax-paying women who hold the strategic position in the suffrage struggle, in all English speaking countries, at least, though perhaps the advantage could not be utilized without the widest publicity, for in order to be effective, it must be used

to create public opinion in favor of the fundamental principle that has been recognized as inherently just by the whole English race, except, perhaps, such as happen to be statesmen or politicians.

As for the Chicago movement, it has been carried on by women of small means, modest professional women, teachers, homekeepers, and business women. True, they had not much to lose, but surely the *all* of one person is just as important to its owner as the *all* of another person. If one risks *all* she has, it matters little whether it be her handful of furniture, her reputation or her position in the working world wherewith her shelter, bread, and covering are bought, or whether her *all* is much personal and real property and an income large enough amply to supply the things that make life desirable.

The point is that women can argue until they faint from weariness that "votes for women" is just and right and nothing will come of it, but if a woman who is due to pay taxes insists that she will abide by the fundamental principle of this particular Government and forthwith refuses publicly to pay anything into the public treasury until women are allowed to vote, she at once forces the question into the realm of practical politics. Her refusal will precipitate the question. Either must the authorities force the issue with her by all the legal machinery at their command or else must they ignore her and thus prove the absolute justice of her stand.

IDEAL SURROUNDINGS AND CONDITIONS FOR WOMEN WORKERS

High ceilings, broad aisles; good light and air: rest rooms and every convenience for female employees.
(Store of Marshall Field & Co., Chicago)

Not An Aristocratic Movement

When the movement first began it was objected that a taxpayers' organization must of necessity be an aristocratic movement, in as much as it seems to put the right to vote upon tax-paying grounds. They said, in their haste, that it was undemocratic, for, somehow, we always think of property holders as being wealthy. Why waste sympathy upon tax-payers? They are fortunate indeed to have property upon which to pay taxes.

As a rule we think of tax-payers as those only who stand in line before the collector's office, pay their money and get their receipts or who send in a check and have it duly acknowledged. Yet it might not be amiss to investigate the tax-paying class briefly and find out who they really are. To begin with it might be asked if every one who receives a tax-receipt in his own name is in reality a tax-payer in the largest sense of the term?

Take the case of a woman who pays taxes from an income derived from an inheritance, and who is obliged to make no exertion herself to pay the tax, beyond the mere physical act of drawing the money from the bank or hiding place and turning it over to the authorities, and compare her case with that of another woman, living in her own little home, which she has perhaps earned, but who is obliged to go out by the day, not only to earn her living, but to get the wherewithal that will entitle her to a tax receipt in her own name. Is

there any question as to which of these two persons is the actual tax-payer?

Again, with regard to the renter and his landlord. It matters not whether the tenant rents a share in a room, a whole room, several rooms, a house or a flat. As a rule the landlord charges not only a fair interest upon his investment, but he adds enough to the rent to cover the cost of the taxes, the cost of repairs, plus the interest on the increase in the property value, if there be any. Although the landlord takes the money to the tax collector, it might well be asked, who is the real tax-payer, the landlord who gets the receipt or the tenant who earned the money with which the taxes were paid?

This may be unusual reasoning, but it is undoubtedly logical. Taken, then, in the largest sense surely most of us, no matter how poor we may be, are actually tax-payers, the tax often increasing in proportion to the degree of poverty. Perhaps, by this reasoning we could well afford to have an aristocracy of tax-payers, and disfranchise none but tax-dodgers, whether they be wealthy landlords or homeless, hapless tramps.

Not only is the No-Vote-No-Tax movement the essence of democracy as has been shown, but in that it aims to create favorable public opinion, through the somewhat drastic method of hazarding one's fortune to call attention to the fundamental injustice of forcing those to pay for the upkeep of government who have no voice in its affairs, the

movement is certainly idealistic. We believe that in every community, in every circle of friends, where a woman will refuse publicly to pay her taxes, that in that place a certain amount of public opinion will be crystallized in favor of fundamental American ideals. During Revolutionary times leaders of the revolt declared passionately that "he who takes my property from me without my consent deprives me of my liberty and makes me a slave." By such reasoning, and surely it is respectable, the large majority of women in America are slaves, and as such should rebel against the tyranny that keeps them slaves in a land of freedom. It is only by *openly* rebelling, however, that women can call *public* attention to the injustice of disfranchisement. Let no woman think that she can do it effectively and still hide her light under a bushel. It must be done in the open. All the world who cares to listen must know about the deed, and knowing, they must begin to talk and by talking they will educate themselves, and surely she who succeeds in getting the populace to discuss fundamental principles has accomplished her mission.*

It Has Historic Sanction

Just who it was first enunciated the idea that the payment of taxes without a voice in government is tyranny,

*The attention of the reader is called to the fact that the Illinois women have made the fight on the Personalty tax, and not on the Realty tax. So far they have succeeded in carrying their point.

no one really knows, but a pessimistic gentleman, also unknown, long ago averred that the fault lay with a meddling old typesetter in merrie England, who, in juggling his type about, hit quite by accident upon the telling phrase: "Taxation without representation is tyranny." It little matters, after all, who was the first to utter or publish the historic principle, for the idea found excellent soil, took root and grew lustily in the minds of Englishmen.

It has been stated, upon good authority, that most of the wars in history have been occasioned, or more or less remotely connected with unfair taxation. If there is any act of government calculated to upset a free man's equanimity, or even to arouse the poor in spirit, it is forcing him to pay taxes he thinks unjust. The idea, therefore, stubbornly grew in the British mind that it *was* tyranny to tax a man unless he had a voice in the levying of taxes and in their ultimate disposal.

Now this idea of connecting votes with taxes came over to America with the early English colonists. If it had found welcome in the hearts of British men, it found an even warmer welcome in the hearts of the sturdy, liberty loving American colonists.

So it was that when the British Parliament voted that the American colonists should pay a tax upon British imports, denying meantime those same colonists the right of parliamentary representation, their wrath kindled. To us of America all this is ancient history that every school child knows.

It must never be forgotten, either, that it never was the *amount* of the tax that the colonists opposed, but the fact that *they were taxed without their consent*, and the only way they could give their consent was by having representation in the English Parliament. This, the short-sighted politicians of that time would not allow, but the Americans insisted upon having the privilege of voting if they were to perform the duty of paying taxes. From all this it will be seen that the "No-Vote-No-Tax" cry of today has most eminent and respectable historic sanction.

It is interesting to note in this connection that the women who are struggling in England for the ballot today are asking for exactly the same right for which American patriots contended so successfully, a century and more ago. No American man who is logical and knows his history will criticize the English movement or harshly condemn the women who are waging a bloodless civil war, instead of a gory one. Today the English women stand exactly where the rebellious American colonists stood in 1776. Seven long and bitter years it took to convince the British statesmen of that time. They finally yielded, but only to the inexorable logic of bullets skillfully directed. Judging from present indications coupled with those of the past, it would seem that the skull of the average English statesman is congenitally so thick, that the only way he can be convinced is with brickbats or with bullets. It may be that the freedom of English women will not be accom-

plished until human blood is spilled upon the ground, not that their arguments are not convincing, not that they have not prayed and pleaded, though in vain; not that they have no wrongs, for they have many and grievous ones, but that those who are in power refuse, for selfish reasons, to be convinced.

Not only has the "No-Vote-No-Tax" theory historic sanction, but it has moral approbation. In the age-long struggle for liberty, men began to believe passionately that "resistance to tyranny is obedience to God," and to act upon their belief. It is the people who resist tyranny and injustice, who combat evil where they find it, who lead the world to liberty. Had no one ever had the courage to resist tyranny, how could the race have progressed? What freedom have we but that for which our forbears have fought and bled and died, or for which we ourselves contend?

Truly there is no progress without battle.

It Has No Legal Sanction

Is there not an element of the ridiculous in the situation when American women try to prove to American men that if taxation without representation was tyranny in 1776, A. D., it is still tyranny in 1913, A. D., and that what was tyranny for the men of the eighteenth century is also tyranny for the women of the twentieth century?

Legal sanction! Of course it has no legal sanction. The civil law lags behind public opinion and if laws are

to be changed, public opinion must first be changed. Lawyers do not deal in what ought to be, but in what *was* and *is*. So too, statesmen, as a rule. The wise politician, so it is said, has his ear to the ground, and at the psychological moment gives voice to what the people themselves are vainly trying to express.

It is true that women who refuse to pay their taxes for historic and moral reasons are not legal in their tactics, but is any loyal American prepared to admit that the Boston Tea Party of 1776 or thereabouts was a *perfectly legal proceeding* at the time it occurred? Is the question ever discussed in American schools as to whether the Revolutionary War was a *legal* affair, or whether George Washington and the gentlemen associated with him were within their *legal* rights? History would be a very tame affair indeed, if every one consulted his lawyer before going to war or obtained legal advice before resisting wrong, and *patriotism* would be an unknown quantity.

The Strategic Position of Tax-Paying Women

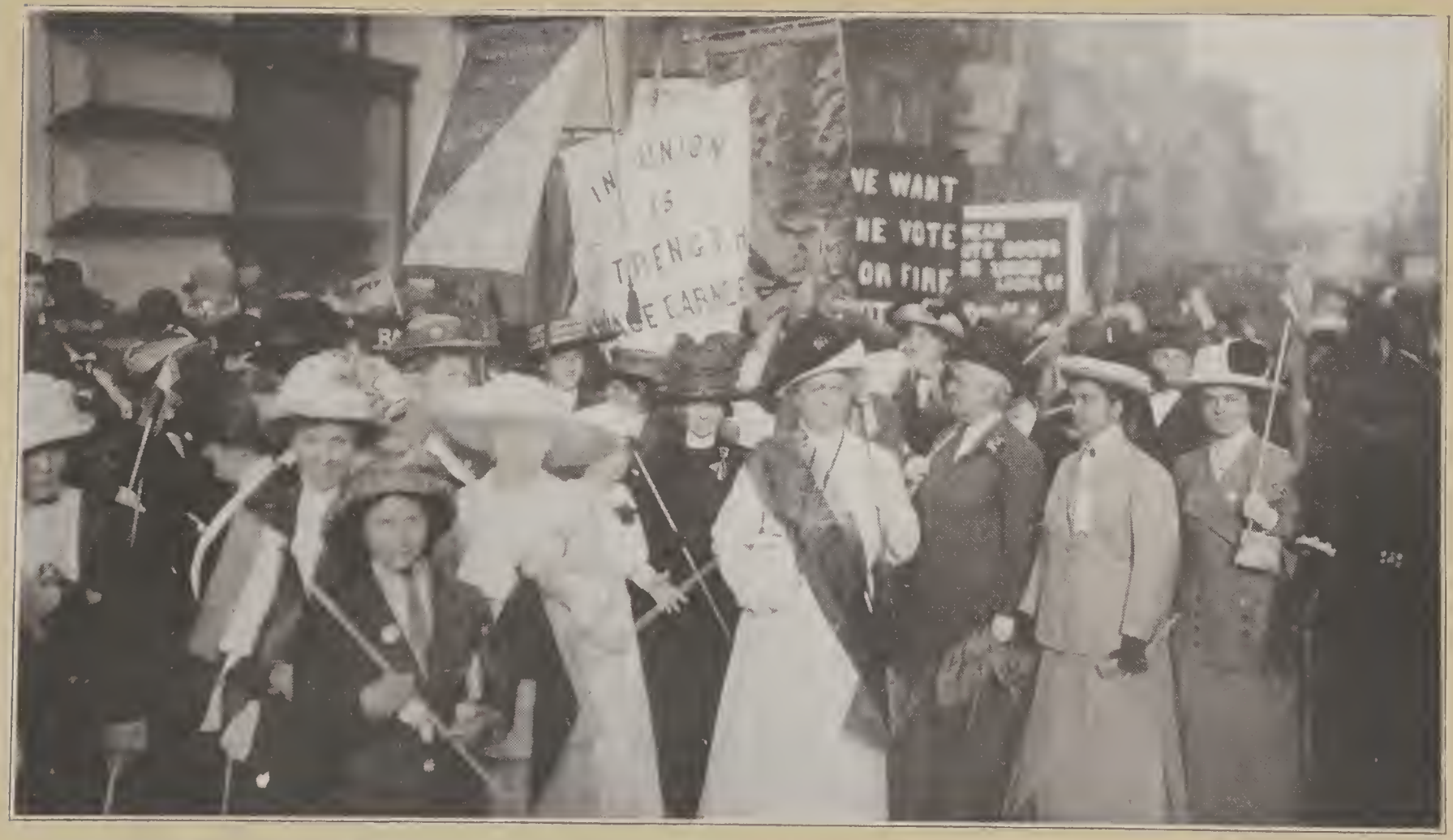
Even as the men of the Revolution were logical in their rebellion, so the women of today who are in the same position can logically rebel against this great injustice. Yet, somehow, it seems so pitifully ludicrous to be arguing this point more than six score years after it was so triumphantly carried.

The fact still remains, however, that many women are oppressed, some of them most grievously, and here

is the important point: *It is the women who are taxpayers in their own names, who hold the strategic position* in the bloodless war that is being waged against the prejudices of popular opinion. The tax situation in America is abominable and calls for reform. So, too, the suffrage situation. If the tax-paying women of the nation would combine, they could, by concerted action, force the authorities of their various localities to take action both for suffrage and tax reform.

What matter if it is illegal? If posterity not only excuses the lawlessness and illegality of the Revolution with all its violence, its heartaches, its bloodshed, but also glories in it, surely posterity will excuse the lawlessness of women brave enough to defy public opinion and risk loss of property for the sake of a principle that was established for men over a century ago? Had the men of that time done otherwise than resist, there would have been no American nation today, nothing but a British colony, abject and cowering under the tyranny of British politicians. Not only America, but all the British colonies profited by our Revolution, when British statesmen finally learned that they could not trifle too long with pioneers and freemen.

Would, then, that our American tax-paying women had the courage to take advantage of their strategic position and force the authorities to act! Foolish? Perhaps. No doubt the world-wise Tories of their day shook their heads and prophesied what the end would be when headstrong patriots refused to pay the trifling



THE WOMEN WHO WORK REALIZE THE NEED OF A VOICE IN THE MAKING OF OUR LAWS

Bindery girls forming for a suffrage parade

tax on tea, which every loyal subject ought to be glad to pay so that his gracious sovereign might have much wherewith to carry on his wars to increase his royal glory.

A tax on tea? Who cares for tea? Let it grow musty and mildewed in cellars or turn to amber the waters of a bay if Liberty be at stake!

Our task is no less gigantic than was that of the Revolutionary fathers. They had to convince a wooden-headed princeling and his bullet-headed courtiers that men who could subdue a great continent were capable of defending their rights as Englishmen. Ours is to convince the sons of the whole world here assembled in America that it was no *idle* lesson that the wooden-headed king and his bullet-headed courtiers were forced to learn more than a century ago.

Not with bayonets, however, but in a gentler way are we to force light into their skulls. Where men a century ago put bullets into the heads of their opponents we put ideas, which finally by the irresistible force of momentum open up the interiors of the densest craniums to the light of reason. It is for us to create public opinion; to educate.

Furthermore, there is no more convincing argument that a woman can now make than to refuse to pay her taxes for the sake of the principle, and do it publicly. It is the age of the dollar mark. We worship at its shrine, and she who aims at its shining mark is likely to hit the bull's-eye. Today, at least, the

pocket nerve is the most sensitive nerve that the body politic possesses.

The Great Cost of Buying Back Freedom

Because the suffrage agitation has been of a peaceful nature in this country, because it has moved forward as an educational movement rather than as a war, few have realized at what an immense cost to the women of America, the right to vote is being bought. It is not alone time, energy, endurance, but actual money that is being spent, and freely spent. It will cost American women perhaps millions of dollars to buy back the freedom that was so blithely signed away when the Fourteenth and Fifteenth Amendments to the Constitution were passed. Small fortunes have been spent in attempts which, when viewed by themselves, have seemed fruitless.

Several years ago it was estimated that, on an average, every twenty-nine days saw at least one suffrage bill defeated somewhere in the United States. If such were the case, it speaks volumes for the courage and patience of American women and other volumes for the stupidity, ignorance, and selfishness of American politicians. What a commentary upon the intelligence of our state legislatures that practically every new moon witnessed an assembly somewhere reject the plea of its progressive women for citizenship! It is safe to say that every one of those defeated measures was mothered by one or more women, who journeyed to

the state capital, watched the fate of the bill sometimes for days and weeks, while expenses piled up, and then journeyed back again.

Tons of literature have been distributed, fortunes have been spent in stationery and postage. Headquarters have been maintained at heavy expense. Devoted women have given of their substance, of their time, their energy, their health, often to reap but ridicule that ended in defeat.

The result of it all? A life-time of struggle by the devoted few has made ten states* entirely free, and has so smoothed the way of womanhood that many women have been lulled into lethargy, content with things as they are. Others, in their ignorance, and lacking wit, have gone themselves into politics to keep all other women out. They go about preaching that "woman's place is in the home." They boldly invade legislative halls, crying out that such places are not fit for women to enter, and, strangely enough, plead before bewildered statesmen not to heed the demand of women bold enough to want mere vulgar rights instead of womanly influence!

Meanwhile the Cause goes on triumphantly, gathering momentum as it goes. With astounding frequency legislatures are reversing the policy of former years and it now remains for some ardent adherent to compute how often, on an average, a suffrage bill is being passed by legislators abreast the times. The Cause of

* Including Alaska.

women is moving forward with an ever increasing impetus, but it is not yet won, and there is still a world of work to do.

The lot of women has been immensely bettered in the home at least, but in the industrial world there are grave wrongs to be righted. Truly, as has been said, we are but at the cock-crow civilization! Perhaps, too, we shall remain there until this great fundamental wrong of women's political slavery is removed forever. Grave problems are confronting us that never will be solved until the combined intelligence of the race, both male and female, is utilized by the State.

Tragedy of the Situation

If it should ever come to pass that girls develop the same pride in their sex that boys now have in their's, and they begin to search their histories to see how men won their votes in order to compare their methods with those of the women who struggled for equal rights, they may be disappointed to find that so few women of property utilized their strategic position. For the benefit of such, should there ever be any, let me cite some of the difficulties under which the Woman Movement is making its slow and halting way.

In the face of the possibilities of the situation, its tragedy seems almost ironical. Were the majority of tax-paying women young and strong, were the fires of youth coursing in their veins, it would be a simple matter to rouse them to concerted action.

Unfortunately the majority of this class of women seem to be old or middle-aged women; they are timid spinsters, frail widows, women often in precarious health. It is an easy thing to go out and die in a spectacular struggle for an abstract principle; it is more difficult to live and suffer for it. Far easier is it to face a rain of bullets than to endure the shafts of ridicule, or to take a course of action that might result in ostracism and slow starvation. It takes courage, bravery of a high order, or else a certain fool-hardiness to face the necessary publicity and the possible legal entanglements, than which nothing can be more trying and bewildering.

It is difficult, too, to arouse enthusiasm in a war where each who enters it must needs fight alone against the host. Perhaps, as a matter of fact, few of the tax-paying women are qualified to act effectively, for to be efficient it must needs be a war of words. The best instrument is the pen, and the bullets to be fired are logical and unanswerable arguments, so skillfully worded as to penetrate and convince the densest intellect. Moreover this war of words must be carried on with the utmost publicity, and for untold centuries women have been drilled in the virtue of shunning publicity for fear of being misunderstood or misinterpreted.

So we have this predicament, that, whereas the battles that men have fought for the freedom of men have been fought mostly by the young men of the world; this battle of women for women would have to be

fought by the old, the middle-aged, the weak, the timid. The men's battles have been fought by youths who were carried away by the glamour and excitement of war; youths who were fighting side by side with other youths eager for honor and glory, though often fired by a high and noble purpose.

Said one earnest woman to me: "If you could convince me that it was right to take this stand, I would do it no matter what it might cost. But here I am, a woman in precarious health, with old age creeping on. Suppose some morning while I was teaching, the tax authorities would come in and confiscate my piano. It would ruin me professionally and financially. My class of little people would be scattered and I would be bankrupt. How can I afford to have this happen?"

So this is the tragedy of the situation; those who are in a position to do this service are often incapacitated in other ways. So let the girls of the future take this to their comfort, that the wars that men carried on are fought by the very flower of manhood, not by the decrepid, old, and weak.

Yet think what it would mean should 1,000 women in various parts of this country take this stand simultaneously! There would be 1,000 centers of public opinion in favor of justice. It would result in making 100,000 people, nay! one million or ten times one million people begin to think about the relation of taxation to the vote.

We are in great need of tax reform. Think what

the tax-paying women might accomplish in the way of arousing public opinion and public enquiry upon this subject!

In conclusion, it might be said that while it may be illegal for an American woman to refuse to pay her taxes, her refusal would be absolutely moral and would have the most respectable historic sanction. In fact, it is not difficult to reason out that under existing conditions it is absolutely *im*moral for an American woman to pay her taxes, and actually *un*moral not to protest. The woman who meekly pays her share into the public treasury becomes herself a party to the tyranny against which she should rebel. Just so long as she helps to support it she is of the Government, whether she votes or not, and she should protest before, not after, the deed is done, and cease complaining.

Surely it is the duty of every woman tax-payer, as a rational being, to protest against being forced to pay money to support a government which does not recognize her except on pay-day. As women it is our duty to insist upon the highest ideals in civic life and as tax-payers perhaps our privilege to force the Government, by every means in our power, to be true to its own fundamental principles.

Brief History of the No-Vote-No-Tax League of Illinois

The No-Vote-No-Tax League of Illinois was organized in February, 1910, by a group of Chicago women, for the purpose of protecting Belle Squire, then a music

teacher, in her determination to pay no personal taxes until Illinois women should be given the ballot. The authorities not being willing, apparently, to force the issue with Miss Squire, the League took up the task of protecting other small tax-payers among women from injustice. Some of the members took the same stand as Miss Squire and refused to pay their personalty tax.

For the benefit of women in other communities who may consider the advisability of forming a No-Vote-No-Tax League, it might be well to state that the Illinois League is made up of both direct and indirect tax-payers. They have (1) a sustaining membership of men and women not directly or personally interested in taxation as such: (2) a number of tax-payers who receive receipts in their own names; and (3) a smaller group of women who stand for the historic principle of "no vote no tax." It is simply a case of the many combining to protect the few.

The Illinois League is incorporated and has its own attorney, who is a member of the Executive Board. The attorney, Antoinette Funk, is conversant with the tax laws of Illinois and is especially interested in the Chicago situation. Because she is deeply interested, she advises members as to what might be advisable to do or not to do.

In 1912, the League, acting on the advice of Mrs. Funk, called a Tax Strike, advising all tax-payers, especially the smaller ones, both men and women, to

refuse to pay their personalty taxes. This Tax Strike was advertised, at considerable cost, in all the big Chicago daily papers. The tax situation in Chicago is peculiarly disgraceful and the burden of taxation falls mainly upon the small property owners and modest householders owning property outside of what is known as the "Loop District." This district one mile square, is situated in the very heart of the city and comprises, naturally, the most valuable property in Chicago. Not only is this fabulously valuable land absurdly underassessed, owing to corrupt politics, but it is estimated that millions of dollars' worth of personal property lying in the vaults inside this same Loop District escapes taxation every year, while people in humble homes, particularly if they be unrepresented women, are taxed out of all proportion to their holdings.

The Tax Strike has little or nothing to do with the suffrage question and can go on for years until the tax laws are honestly amended and justice is accorded to the humblest person. It is a daring plan, but difficult to carry out, for it needs publicity which is difficult to achieve. The newspapers will not help as many of them have valuable holdings in the Loop District and thus escape their just share of taxation.

The founders of this notable organization were Minona S. Jones, Margaret Haley, Fannie H. Rastall, Charlotte C. Rhodus and Susan Radley. The League has had a spectacular and dramatic career and has done

much to further the suffrage cause, especially in Chicago and Illinois.

NOTE.—Owing to the lack of uniformity in State laws on the subject of taxation, together with possible political complications in the various localities, it will doubtless be found that the tax situation in many communities is peculiar to itself. Therefore, the tax-payers of no one State, or perhaps of no one community, could safely advise those of another what to do. However, this should not deter women from protesting or rebelling against the tyranny of taxation without representation.

QUESTIONS FOR REVIEW. PART V

1. Which are the more vital — human rights or property rights?

2. Upon which theory was our Republic built — property rights, human rights, sex rights?

3. Would you say that the old "taxation without representation is tyranny," or that it only seems to put property rights ahead of human rights?

4. What is the basis of taxation? How many kinds of taxation are there? Is it right to tax anything more than once? Do you know of any instances where property is taxed more than once?

5. What is your attitude toward taxation? Do you look upon your taxes as an investment or as a disagreeable burden? What is the proper attitude?

6. What is the theory of the tax on land? Is there any difference in principle between taxing land and taxing buildings, furniture, etc.?

7. What is it that makes land so valuable when it is valuable? Does it seem fair to be obliged to pay taxes on something which, like furniture, steadily depreciates in value?

8. Can you trace the reasoning by which men have denied to women the right to vote, yet have imposed upon them the duty of paying taxes and obeying laws in the making of which they have had no voice?

PART V

How to Assist Legislation

By HARRIET G. R. WRIGHT

THERE was never before in all the history of civilized countries the spectacle of such a large body of intelligent citizens to whom unusual privileges have been suddenly accorded as the one now presented to the world in the recent emancipation of several million women.

They have accepted the political privileges accorded them calmly, with an earnest desire to fulfill their new duties with dignity to themselves and with benefit to the world. Such intelligence and interest has never been shown by any other newly enfranchised body of people.

The women of Norway, Finland, New Zealand, and the United States have accepted their new responsibilities with an earnest, conscientious desire to perform these duties properly.

This new electorate is composed of the educated and uneducated, in every rank of life. The great emancipation in Russia, by royal decree, affected over five million of serfs,—people who were ignorant, economically dependent, superstitious, and unused to any freedom or initiative.

The emancipation of the negro in America was a parallel case. Their first exercise of the franchise was of no benefit to any one but the persons emancipated, as they could bring nothing of wisdom to the science of government, and no knowledge of wise methods to its administration.

It has required years of education to raise such people to the dignity of useful citizenship. The conferring of political rights on *women* has been vastly different, especially as the countries where women have received these rights are those in which they have been accorded educational privileges, and the great mass are as well educated and intelligent as the male citizen.

The social conditions in these countries are not like the cramped, restricted, secluded conditions of life imposed on women in many lands. The freedom of thought in democratic countries, the multiplication of magazines and periodicals for the home, have supplied women with a broader outlook on world affairs, and a better understanding of local issues.

The opportunities for travel which many women enjoy have made them acquainted with universal conditions, and they have found they can, with perfect safety and propriety, do things that would have frightened their grandmothers to death. Women have outgrown many foolish, conservative notions as to their helplessness, and the "rainbow-tinted sphere" which they have been supposed to occupy has expanded, until its horizon embraces the world.

Readjustment of Laws Required

Many women find themselves by necessity forced into the struggle for existence. Often they have not only themselves but others to support, and laws governing industrial conditions and property rights are found to be unfavorable to them. Some of the first problems confronting women are a readjustment of such laws, giving them a right to their own wages, the right and title to property, and possession of their children.

Women are naturally interested in school laws, the enactment of pure-food laws and their strict enforcement, better sanitation, decent conditions in factories, fire protection in all public schools, factories, theatres, hotels, etc.; the abolition of child labor, not from the business point of view, but on account of the physical and moral welfare of the child, the future citizen. Women have learned that unjust laws are responsible not only for social evils but for social crimes; that the legal abuse of privilege and financial power is responsible for many economic evils; that the treatment of the criminal is unjust, cruel, unsatisfactory, as it still aims only at punishment and makes very little effort to reform.

Women of large vision, and a sense of justice, have been trying to correct many crying evils, only to find their efforts ineffective and often futile, *because,*— and here they see a great light,— *because* they have no power to compel attention from those in authority. They have found that they have not the force to push forward their

cherished plans until they are clothed with political power and the authority of the ballot — the power to command attention.

Where women have the ballot, they find their efforts to obtain reforms much more effective than in those states where they are not recognized citizens. Where they have to depend on uncertain, "silent" influence, they need all of the coöperation and team-work they can possibly secure. Under even the most favorable circumstances, there are bound to be many failures and disappointments. Women have been so separated and isolated, and have lived such secluded lives, that they may fail in their first attempts at united action. We must acknowledge that they will make mistakes and have failures. Women do not claim infallibility. To obtain any measure of political wisdom requires time and patient study. They must learn to give loyalty and fidelity to leaders, and to unite with each other in perfect team-work, to sink minor differences, and bring all their enthusiasm to the obtaining of the greatest good.

There has been no end of advice given, ridicule bestowed, an abundant and absurd curiosity, and, most exasperating of all, mis-statement and unmerited abuse have been heaped upon our efforts in the past. It seems an unwarranted assumption of superiority to give advice to the great multitude of women who, through organized effort, are trying to do good work and hope to obtain definite results; but it may be of profit to review some suggestions that have been found of value in the

experience of other women, and to call attention to some of the methods which they have found useful.

How to Organize

In every endeavor, persons must be found who are fitted to be leaders, and who *will act* aggressively. They must be able, of wise judgment, pleasing, and popular. They must be enthusiastic for the cause; willing to work harmoniously with others, regardless of personal prejudices; ready to acknowledge the value of their colleagues; forgetful of self; absolutely non-partisan and non-sectarian, so far as their relation to this effort is concerned; able to grasp the essentials and sink the lesser good for the sake of the greater. Such leaders are not plentiful, but they can be found. There must be a definite object to be obtained, as well as a detailed plan of action, and care should be taken not to attempt to gain *too much* at one time. Concentration of effort is most essential in political activity, as in every other form of endeavor. Enlist the club women of the state, through its federation, in a united effort to obtain some one reform; ask the coöperation of the Woman's Christian Temperance Union, church organizations, members of the Farmers' Alliance, Teachers' Association, women of the Trades Unions and Consumers' Leagues,— every group of women organized for the uplift of humanity.

Have a Press and Publicity Committee of discretion and judgment. It is very important to secure a Finance Committee who can devise means of raising funds to

pay for necessary literature, postage, stationary supplies, and incidentals. The chairman of each of these committees should be a person with especial fitness for the position and with intense interest in the line of work for which she is selected.

Include in this organization women from every part of your county and state; women from city environment and country life as well. You may be astonished at the amount of talent that will be developed by some of the most quiet, unassuming women. Coöperate with any civic organizations you may already have.

If your organization is to do effective legislative work, the chairman of each committee and delegates from all societies interested in securing legislative reforms should meet often with the chairman and officers of the general committee, during legislative sessions at the state capital. Once a week, at least, is necessary in order to keep track of all bills they are interested in.

The chairman of each committee should report the progress of the bills they are watching and should ask help when they feel it is needed. Those who can not come to the meetings should be kept informed by mail of the progress of affairs and urged to communicate by letter with their representatives in the Legislature. Often a circular letter, signed by men and women from a representative's district, asking his assistance in behalf of a bill, and especially his vote, will be very effective. It keeps him in mind of the fact that his support of various issues and his vote on bills in which they are

interested, are known to his constituents. Many times a legislator seems to think his constituents are a long way off, or too busy to know about his legislative action.

Personal effort in behalf of good bills is *your right,* and is not offensive, nor is it considered officious interference on the part of the individual citizen. Neither is it transgressing any of the proprieties to do necessary lobbying. The only disgrace attached to the word is brought by those who use money or material advantage to buy a vote, without regard to the right or wrong of the issue. There should always be a dignified, tactful attempt to convince the one you hope to influence that there is merit in the bill you are working for, and that it is to benefit the greatest number.

Printed copies of bills in which your committee is interested can be secured, with all amendments added. Many times a good measure can be made ineffective by its amendment on the part of some enemy of the bill, who finds this the only way to nullify the results hoped for. It may be the only course left its enemies, and in the hurry of heated debate, through oversight or neglect of its friends, it may be inserted. It takes "eternal vigilance" to secure good results. If the women on your General Legislative Committee desire to introduce a bill, they should secure the services of a capable, honest lawyer to properly frame it for them. There is always a prescribed form of *title* to a bill that must be followed, and the *wording* of every section must be clear and definite. You must be sure that all you hope

to secure in the law sought is included in the bill as introduced. You will need legal knowledge and a trained legal mind to draft your form. As such services are valuable, you will see another reason for the need of a good Finance Committee.

The value of funds in your treasury will be apparent to you as you proceed. You may find it imperatively necessary to telegraph to some person in a distant district for prompt and immediate aid for a measure. The money to do so must be at hand, as such action may be its only salvation.

Your committee chairman must keep an account of the vote of every member of the legislature on the bill or bills of which she has charge. She must keep track of every amendment offered to her bills — by whom offered and the vote of each one on all such amendments.

Such data can be obtained from the house and senate journals. Let it be known also that you are keeping tab on all votes of measures in which your committees are interested.

After most careful organization, the most faithful labors, the most heroic efforts, you may meet with some defeats. Do not be discouraged at a few failures. You will have gained that most necessary asset in any work — valuable experience. With courage and unyielding tenacity you can continue the work another time, improving your methods with this experience, and you will be able to record a splendid percentage of

success in your succeeding efforts. You can do much to obtain good civic government. Use the same methods and keep up a perfect organization of all good, intelligent, earnest women. Here you must be firm to stand for principles and do not be led away by political names or shibboleths. Let your aim be to secure personal merit, honesty, and efficiency. Refuse to aid those who uphold gang methods. The aim of "the gang" is to maintain power for themselves, and advance the political ambitions of leaders by any method, and to reward the other members of the gang with the lesser plunder and spoil of office. It has been responsible for terrible abuses and criminal methods in city government, for petty thieving and wholesale graft. To be a good, useful citizen demands thought and study, the sacrifice of time and ease, patient investigation of theories advanced, and reforms advocated. One must learn to distinguish between the real and the unreal, the true and the false. This is no easy task and cannot be accomplished with superficial study. It is so easy to make the false appear plausible that one is well nigh discouraged. Women have many idle moments that might be well employed in earnest study, and there are quantities of books, pamphlets, leading articles on all the great questions of the day accessible to every woman.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THE
Heckman