

STATE OF NEW YORK.

No. 84.

IN ASSEMBLY,

JANUARY 28, 1895.

NINTH ANNUAL REPORT

OF THE

FACTORY INSPECTORS.

STATE OF NEW YORK:

OFFICE OF FACTORY INSPECTORS,
ALBANY, *January 28, 1895.* }

To the Hon. HAMILTON FISH, JR.,
Speaker of the Assembly:

In accordance with the provisions of chapter 409 of the Laws of 1886, as amended, the ninth annual report of the Factory Inspectors is herewith respectfully submitted to the Legislature.

Very truly yours,

JAMES CONNOLLY,
Factory Inspector.

JOHN FRANEX,
Assistant Factory Inspector.

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were insisted upon and obeyed, and a criminal suit instituted, an acquittal would result, in view of the Constitutional provisions quoted.

It will thus be seen that the duties of the commissioners of statistics and arbitration and those of the factory inspector are in no way harmonious, and are in many respects antagonistic and dissimilar. Combining such offices would work to the serious detriment of the principles upon which both were established, and no public interest would be conserved by such action. The work of all bureaus would be hampered and their usefulness materially hindered, if not in time entirely destroyed.

It may not be generally known that the experiment of connecting the factory inspection system with the bureau of statistics of labor of this State has already been tried. When the law creating the office of factory inspector was passed in 1886, the inspectors were required to render a report to the bureau of statistics. The confusion resulting from having two kinds of service emanating from the bureau became inside of a year so patent and objectionable, that the late Hon. James W. Husted, then Speaker of the Assembly, and Senator Daniel H. McMillan, introduced identical bills completely separating the inspection department from the bureau and creating two separate departments, which measures passed and received the Governor's signature.

In no important State or country are the duties of the factory inspectors combined with those of the other officers in governmental service. In England, which is the pioneer in factory legislation, the inspection bureau is isolated from all others. In Massachusetts, which has had a bureau of statistics for two decades, there is no connection between it and any other department, and the factory inspector there, who is styled the chief of district police, is an independent officer, having supervision over not only factories and workshops, but so far as it relates to their construction, safety and ventilation, over all theaters, halls, hotels, churches, schools and public buildings generally. In New Jersey, Pennsylvania, Connecticut, Ohio and Illinois, all with old

established bureaus of statistics, the factory inspectors' departments are separate from any other. In fact, it seems to be generally recognized among lawmakers and the advocates of factory legislation that the factory inspectors should not be required to perform clerical or judicial service, such as has been suggested in some newspapers of this State.

Comment upon the various sections of the law and the work accomplished under each specifically appears under appropriate headings in the pages which follow.

It is a pleasure to refer to the energetic and intelligent manner in which the deputy inspectors have assisted in enforcing the law during the year, and to the almost uniform courtesy extended by those manufacturers with whom we have had official relations. The prompt and energetic assistance rendered by the officers of the New York police department, whenever called upon by us, and the fairness of the judicial rulings of the justices of the court of special sessions, of New York, also merits appreciative recognition on our part.

The Factory Inspection Law.*

The law relating to the inspection of manufacturing establishments was amended by the Legislature of 1893 so as to read as follows:

CHAPTER 409, LAWS OF 1886 (AS AMENDED.)

AN ACT to regulate the employment of women and children in manufacturing establishments, and to provide for the appointment of inspectors to enforce the same.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Section 1. No person under eighteen years of age and no woman under twenty-one years of age, employed in any manufacturing establishment, shall be required, permitted or suffered to work therein more than sixty hours in any one week, or more than ten

*The first Factory Inspection Act was passed May 18, 1886; amended May 25, 1887; again amended June 15, 1889; again amended May 21, 1890; again amended May 18, 1893; and as it now stands was amended March 22, 1893; being chapter 409 of the Laws of 1886; 462 of the Laws of 1887; 560 of the Laws of 1889; 398 of the Laws of 1890; 673 of the Laws of 1892, and 173, Laws of 1893.

hours in any one day, unless for the purpose of making a shorter work day on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the whole number of days in which such person or such woman shall so work during such week; and in no case shall any person under eighteen years of age, or any woman under twenty-one years of age, work in any establishment after nine o'clock in the evening or before six o'clock in the morning of any day. Every person, firm, corporation, or company employing any person under eighteen years of age, or any woman under twenty-one years of age, in any manufacturing establishment, shall post and keep posted in a conspicuous place in every room where such help is employed, a printed notice stating the number of hours of labor per day required of such persons for each day of the week and the number of hours of labor exacted or permitted to be performed by such persons shall not exceed the number of hours of labor so posted as being required. The time of beginning and ending the day's labor shall be the time stated in such notice; provided, that such women under twenty-one and persons under eighteen years of age may begin after the time set for beginning and stop before the time set in such notice for the stopping of the day's labor; but they shall not be permitted or required to perform any labor before the time stated on the notices as the time for beginning the day's labor, nor after the time stated upon the notices as the hour for ending the day's labor. The terms of the notice stating the hours of labor required shall not be changed after the beginning of labor on the first day of the week without the consent of the factory inspector, assistant factory inspector, or a deputy factory inspector. When, in order to make a shorter work-day on the last day of the week, women under twenty-one, and youths under eighteen years of age are to be required, permitted or suffered to work more than ten hours in any one day, in a manufacturing establishment, it shall be the duty of the proprietor, agent, foreman, superintendent or other person employing such persons to notify the factory inspector, assistant factory inspector, or a deputy factory inspector, in charge of the district, in writing, of such intention, stating the number of hours of labor per day which it is proposed to permit or require, and the date upon which the necessity for such lengthened day's labor shall cease, and also again forward such notification when it shall actually have ceased. A record of the amount of overtime so worked, and of the days upon which it was performed, with the names of the employes who were thus required or permitted to work more than ten hours in any one day, shall be kept in the office of the manufacturing establishment and produced upon the demand of any officer appointed to enforce the provisions of this act.

§ 2. No child under fourteen years of age shall be employed in any manufacturing establishment within this State. It shall be the duty of every person employing children to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any proprietor, agent, foreman or other person in or connected with a manufacturing establishment to hire or employ any child under the age of sixteen years to work therein without there is first provided and placed on file in the office an affidavit made by the parent or guardian, stating the age, date and place of birth of said child; if said child have no parent or guardian, then such affidavit shall be made by the child, which affidavit shall be kept on file by the employer, and which said register and affidavit shall be produced for inspection on demand made by the inspector, assistant inspector, or any of the deputies appointed under this act. There shall be posted conspicuously in every room where children under sixteen years of age are employed, a list of their names, with their ages respectively. No child under the age of sixteen years shall be employed in any manufacturing establishment who cannot read and write simple sentences in the English language, except during the vacation of the public schools in the city or town where such minor lives. The factory inspector, assistant inspector, and deputy inspectors shall have power to demand a certificate of physical fitness from some regular physician, in the case of children who may seem physically unable to perform the labor at which they may be employed, and shall have power to prohibit the employment of any minor that can not obtain such a certificate.

§ 3. No person, firm or corporation shall employ or permit any child under the age of fifteen years to have the care, custody, management of or to operate any elevator or shall employ or permit any person under the age of eighteen years to have the care, custody, management or operation of any elevator running at a speed of over two hundred feet a minute.

§ 4. It shall be the duty of the owner, agent, or lessee of any manufacturing establishment where there is any elevator, hoisting-shaft or well-hole, to cause the same to be properly and substantially inclosed or secured, if in the opinion of the factory inspector, or of the assistant factory inspector, or a deputy factory inspector, unless disapproved by the factory inspector, it is necessary to protect the lives or limbs of those employed in such establishment. It shall also be the duty of the owner, agent or lessee of each of such establishments to provide or cause to be

provided, if, in the opinion of the inspector, the safety of persons in or about the premises should require it, such proper trap or automatic doors, so fastened in or at all elevator ways as to form a substantial surface when closed, and so constructed as to open and close by action of the elevator in its passage, either ascending or descending, but the requirements of this section shall not apply to passenger elevators that are closed on all sides. The factory inspector, assistant factory inspector and deputy factory inspectors, may inspect the cables, gearing or other apparatus of elevators in manufacturing establishments, and require that the same be kept in a safe condition.

§ 5. Proper and substantial hand-rails shall be provided on all stairways in manufacturing establishments, and where, in the opinion of the factory inspector, or of the assistant factory inspector, or deputy factory inspector, unless disapproved by the factory inspector, it is necessary, the steps of said stairs in all such establishments shall be substantially covered with rubber, securely fastened thereon, for the better safety of persons employed in said establishments. The stairs shall be properly screened at the sides and bottom, and all doors leading in or to such factory shall be so constructed as to open outwardly where practicable, and shall be neither locked, bolted nor fastened during working hours.

§ 6. If in the opinion of the factory inspector, or of the assistant factory inspector, or of a deputy factory inspector, it is necessary to insure the safety of the persons employed in any manufacturing establishment, three or more stories in height, one or more fire-escapes, as may be deemed by the factory inspector as necessary and sufficient therefor, shall be provided on the outside of such establishment, connecting with each floor above the first, well fastened and secured and of sufficient strength, each of which fire-escapes shall have landings or balconies, not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, and embracing at least two windows at each story and connecting with the interior by easily accessible and unobstructed openings, and the balconies or landings shall be connected by iron stairs, not less than eighteen inches wide, the steps not to be less than six inches tread, placed at a proper slant, and protected by a well secured hand-rail on both sides with a twelve-inch wide drop-ladder from the lower platform reaching to the ground. Any other plan or style of fire-escape shall be sufficient, if approved by the factory inspector, but if not so approved the factory inspector may notify the owner, proprietor or lessee of such establishment or of the building in which such

establishment is conducted, or the agent or superintendent, or either of them, in writing, that any such other plan or style of fire-escape is not sufficient, and may by an order in writing, served in like manner, require one or more fire-escapes, as he shall deem necessary and sufficient, to be provided for such establishment, at such locations and of such plan and style as shall be specified in such written order. Within twenty days after the service of such order, the number of fire-escapes required in such order for such establishment shall be provided therefor, each of which shall be either of the plan and style and in accordance with the specifications in said order required, or of the plan and style in this section above described and declared to be sufficient. The windows or doors to each fire-escape shall be of sufficient size and be located as far as possible consistent with accessibility, from the stairways and elevator hatchways or openings, and the ladder thereof shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of such establishment from the upper story to the roof, as a means of escape in case of fire.

§ 7. It shall be the duty of the owner, agent, superintendent or other person having charge of such manufacturing establishment, or of any floor or part thereof, to report in writing to the factory inspector all accidents or injury done to any person in such factory, within forty-eight hours of the time of the accident, stating as fully as possible the extent and cause of such injury, and the place where the injured person has been sent, with such other information relative thereto as may be required by the factory inspector. The factory inspector or assistant factory inspector and deputy factory inspectors under the supervision of the factory inspector, are hereby authorized and empowered to fully investigate the causes of such accidents, and to require such precautions to be taken as will, in their judgment, prevent the recurrence of similar accidents.

§ 8. It shall be the duty of the owner of any manufacturing establishment, or his agents, superintendent or other person in charge of the same, to furnish and supply, or cause to be furnished and supplied therein, in the discretion of the factory inspector, or of the assistant factory inspector, or of a deputy factory inspector, unless disapproved by the factory inspector, where machinery is used, belt shifters or other safe mechanical contrivances, for the purpose of throwing on or off belts or pulleys; and wherever possible machinery therein shall be provided with loose pulleys; all vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws, and machinery of every description therein shall be properly guarded, and no person

shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. By attaching thereto a notice to that effect, the use of any machinery may be prohibited by the factory inspector, assistant factory inspector or by a deputy factory inspector, unless such notice is disapproved by the factory inspector, should such machinery be regarded as dangerous. Such notice must be signed by the inspector who issues it, and shall only be removed after the required safeguards are provided, and the unsafe or dangerous machine shall not be used in the meantime. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels and grindstones, and dust-creating machinery therein. No person under eighteen years of age and no woman under twenty-one years of age shall be allowed to clean machinery while in motion.

§ 9. A suitable and proper wash-room and water-closets shall be provided in each manufacturing establishment, and such water-closets shall be properly screened and ventilated and be kept at all times in a clean condition, and if women or girls are employed in any such establishment, the water-closets used by them shall have separate approaches and be separate and apart from those used by men. All water-closets shall be kept free of obscene writing and marking. A dressing-room shall be provided for women and girls, when required by the factory inspector, in any manufacturing establishment in which women and girls are employed.

§ 10. Not less than sixty minutes shall be allowed for the noon-day meals in any manufacturing establishment in this State. The factory inspector, his assistant or any of his deputies, may, for good cause shown, issue a written permit in special cases, allowing a shorter meal time at noon. Such permit must be conspicuously posted in the main entrance of the establishment, and may be revoked at any time the factory inspector deems necessary. Where employes are permitted or required to work over time after six o'clock in the evening, for a longer period than one hour, they shall be allowed at least twenty minutes after six o'clock to obtain a lunch.

§ 11. The walls and ceilings of each work-room in every manufacturing establishment shall be lime washed or painted when in the opinion of the factory inspector, assistant factory inspector or of a deputy factory inspector, unless disapproved of by the factory inspector, it shall be conducive to the health or cleanliness of the persons working therein.

§ 12. Any officer of the factory inspection department, or other competent person designated for such purpose by the factory inspector, shall inspect any building used as a workshop or manufacturing establishment or anything attached thereto, located therein or connected therewith, outside of the cities of New York and Brooklyn, which has been represented to be unsafe or dangerous to life or limb. If it appears upon such inspection that the building or anything attached thereto, located therein or connected therewith is unsafe or dangerous to life or limb, the factory inspector shall order the same to be removed or rendered safe and secure, and if such notification be not complied with within a reasonable time, he shall prosecute whoever may be responsible for such delinquency.

§ 13. No room or apartment in any tenement or dwelling-house shall be used, except by the immediate members of the family living therein, for the manufacture of coats, vests, trousers, knee-pants, over-alls cloaks, hats, caps, suspenders, blouses waists, waist-bands, underwear, neck-wear, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers, cigarettes, or cigars. No person, firm or corporation shall hire or employ any person to work in any room or apartment, in any rear building or building in the rear of a tenement or dwelling-house at making in whole or in part any of the articles mentioned in this section, without first obtaining a written permit from the factory inspector, his assistant, or one of his deputies, stating the maximum number of persons allowed to be employed therein. Such permit shall not be granted until an inspection of such premises is made by the factory inspector, his assistant, or one of his deputies, and may be revoked by the factory inspector at any time the health of the community or of those so employed may require it. It shall be framed and posted in a conspicuous place in the room or in one of the rooms to which it relates. Every person, firm, company or corporation, contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partially finished, shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand made by the factory inspector, his assistant, or one of his deputies. No person shall knowingly sell or expose for sale any of the articles mentioned in this section which were made in any dwelling-house, tenement-house, or building in the rear of a tenement or dwelling-house, without the permit required

by this section; and any officer appointed to enforce the provisions of this act who shall find any of such articles made in violation of the provisions hereof, shall conspicuously affix to such article a label containing the words "tenement-made" printed in small pica capital letters on a tag not less than two inches in length; and such officer shall notify the person owning or alleged to own such articles that he so labeled them. No person shall remove or deface any tag or label so affixed. When any article mentioned in this section is found by the factory inspector, his assistant, or any of his deputies, to be made under unclean and unhealthy conditions, he shall affix thereto the label prescribed by this section, and shall immediately notify the local board of health, whose duty it shall be to disinfect the same and thereupon remove such label.

§ 14. Not less than two hundred and fifty cubic feet of air space shall be allowed for each person in any workroom where persons are employed during the hours between six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space shall be provided for each person in any workroom where persons are employed between six o'clock in the evening and six o'clock in the morning. By a written permit the factory inspector, assistant factory inspector or a deputy factory inspector, with the consent of the factory inspector, may allow persons to be employed in a room where there are less than four hundred cubic feet of air space for each person employed between six o'clock in the evening and six o'clock in the morning, provided such room is lighted by electricity at all times during such hours while persons are employed therein. There shall be sufficient means of ventilation provided in each workroom of every manufacturing establishment, and the factory inspector, assistant factory inspector and deputy factory inspectors, under the direction of the factory inspector, shall notify the owner, agent or lessee, in writing, to provide or cause to be provided ample and proper means of ventilating such workroom and shall prosecute such owner, agent or lessee if such notification be not complied with within twenty days of the service of such notice.

§ 14.* Upon the expiration of the term of office of the present factory inspector, and upon the expiration of the term of office of each of his successors, the Governor shall by and with the advice and consent of the Senate, appoint a factory inspector; and upon the expiration of the term of office of the present assistant factory inspector, and upon the expiration of the term of office of each of his successors, the Governor shall, by and with the advice and consent of the Senate, appoint an assistant factory inspector.

Each factory inspector and assistant factory inspector shall hold over and continue in office, after the expiration of his term of office, until his successor shall be appointed and qualified. The factory inspector is hereby authorized to appoint, from time to time, not exceeding twenty-four persons to be deputy factory inspectors, not more than ten of whom shall be women, and he shall have power to remove the same at any time. The term of office of the factory inspector and of the assistant factory inspector shall be three years each. Annual salaries shall be paid in equal monthly installments, as follows: To the factory inspector, three thousand dollars; to the assistant factory inspector, two thousand five hundred dollars; to each deputy factory inspector, one thousand two hundred dollars. All necessary traveling and other expenses incurred by the factory inspector, assistant factory inspector and the deputy factory inspectors in the discharge of their duties shall be paid monthly by the treasurer, upon the warrant of the comptroller, issued upon proper vouchers therefor. A sub-office may be opened in the city of New York. The reasonable necessary traveling and other expenses of the deputy factory inspectors while engaged in the performance of their duties shall be paid upon vouchers approved by the factory inspector and audited by the comptroller.

§ 16. It shall be the duty of the factory inspector and the assistant factory inspector, and of each of the deputy factory inspectors under the supervision and direction of the factory inspector, to cause this act to be enforced, and to cause all violators of this act to be prosecuted, and for that purpose they and each of them are hereby empowered to visit and inspect at all reasonable hours, and as often as shall be practicable and necessary, all manufacturing establishments in this State. It shall be unlawful for any person to interfere with, obstruct or hinder, by force or otherwise, any officer appointed to enforce the provisions of this act while in the performance of his or her duties, or to refuse to properly answer questions asked by such officer with reference to any of the provisions hereof. The factory inspector may divide the State into districts and assign one or more deputy factory inspectors to each district and transfer them from one district to another as the best interests of the State may, in his judgment, require. Any deputy factory inspector may be appointed to act as clerk in the main office of the factory inspector, which shall be furnished in the capitol and set apart for the use of the factory inspector. The assistant factory inspector and deputy factory inspectors shall make reports to the factory inspector from time to time, as may be required by the factory inspector, and the factory inspector shall make an

annual report to the Legislature during the month of January of each year. The factory inspector, assistant factory inspector and each deputy factory inspector shall have the same powers as a notary public to administer oaths and take affidavits in matters connected with the enforcement of the provisions of this act.

§ 17. The district attorney of any county of this State is hereby authorized, upon the request of the factory inspector, assistant factory inspector, or of a deputy factory inspector, or of any other person of full age, to commence and prosecute to termination before any recorder, police justice, or court of record, in the name of the people of the State, actions or proceedings against any person or persons reported to him to have violated the provisions of this act.

§ 18. The words "manufacturing establishment" wherever used in this act, shall be construed to mean any mill, factory, or workshop where one or more persons are employed at labor.

§ 19. A copy of this act shall be conspicuously posted and kept posted in each workroom of every manufacturing establishment in this State.

§ 21.* Any person who violates or omits to comply with any of the provisions of this act, or who suffers or permits any child to be employed in violation of its provisions, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty nor more than fifty dollars for a first offense, and not less than fifty nor more than one hundred dollars for a second offense, or imprisonment for not more than ten days, and for a third offense a fine of not less than two hundred and fifty dollars and not more than thirty days' imprisonment.

§ 21. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 22. This act shall take effect immediately.

Chapter 373, Laws of 1894.

AN ACT to provide factory inspectors and deputy factory inspectors with badges.

Section 1. The factory inspector is hereby authorized to procure badges for the use of factory inspectors and deputy inspectors employed by him in the performance of their duties as prescribed by law, at a cost not exceeding one hundred dollars, and the cost of such badges shall be a charge against the appropriation made for the department of the factory inspector. Any person using

* So in the original.

such badge and assuming to perform the duties of an inspector without the authority of the factory inspector shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

The Hours of Labor.

Section 1 of the Factory Law regulates the hours of labor of women under 21 and youths under 18 years of age, by putting the limit at which they may be employed at 60 hours in any one week, and prohibiting their employment between 9 o'clock at night and 6 o'clock in the morning. The enforcement of this clause of the law largely determines the hours of labor of those whose ages are beyond the prescribed number of years, especially where the minors form any considerable or important part of the working force. Inasmuch as persons of younger ages are usually employed in, and are practically all of, certain departments, when they are required by law to cease labor all of the other departments of such institutions are stopped also, and thus the law practically gives its benefits to many not specifically included in its terms. It may be said that there is very little disposition manifested to violate the law in respect to working overtime, although at intervals during the year there were spurts of activity exhibited in various industries which brought a number of requests asking permission to exceed the law limitation of the hours of labor, but in such cases we always suggested an increase in the working forces rather than an increase in the hours of labor, which plan would be adopted when possible, thus giving a greater number of persons needed employment.

The attention of the Legislature is again respectfully directed to the matter of still further reducing the hours of labor of minor women and children. The beneficial results which followed the restriction of their hours of labor to 60 per week, which, in effect, reduced them from 10 to 15 per cent. in many industries, is patent to every practical person. This material reduction in the working time was not accompanied by any reduction in