

North Carolina manufacturers are, therefore, obeying the child labor law just as though they had never obtained an injunction against it. The case has been expedited and argument as to the constitutionality of the law will be heard by the Supreme Court of the United States at the April term. For the sake of the children, it is greatly to be hoped, that the court of last resort may not find this new law unconstitutional.

The federal child labor law is the first attempt of Congress to place children in all the 48 states on an equality, even to the limited extent that all alike must be free from factory work and mining until they are 14 years old, and from the strain of a workday longer than eight hours in twenty-four to the age of 16 years. Before that, we had had children of the first class in the Northwest Pacific States where cotton mills and sweatshops have not yet appeared. Children of the second class in the Middle and Northeastern States profited by compulsory education and child labor laws of varying degrees of insufficiency; while in the South with its cotton and tobacco, the boys and girls were largely outside the law. They were children of the third class. They had no right to childhood.

### The Will of the People

The contest over the federal child labor law is the current exemplification of the failure of the working class in the United States to enforce its demand that legislation shall express the will of the people. At present any statute that interferes with the unlimited freedom of adults to work as many hours as may suit the convenience of the employers, must be clearly a health measure if the courts are to let it stand. More than this, it must indicate in its title and text that it is a health measure. And it must appear to the highest court to be one.

\* It is, also, very important that it should not be kept under consideration twenty-seven months by the court, as recently befell the Oregon minimum wage law for women which, after that long delay, was in April, 1917, allowed to stand, by a 4 to 4 vote of the 9 judges composing the United States Supreme Court.

On this subject the powers of the legislatures depend utterly upon the interpretation by the court of the idea expressed in the words "health" and "welfare", and upon the skill, with which the argument is presented to the court that the statute involved is really adapted to promote the public health. The mere fact, that a law is economically necessary or desirable, cannot be considered, if there is interference with the freedom of adults to contract.

On the Pacific Coast, where women vote and where manufacture on a large scale has not yet developed, we see state minimum wage boards at work, and women's wage rates increased by their action to keep up with the increased cost of living. In New York State, the minimum wage bill is again before the legislature, and the new voters are lined up behind it. The result is still in doubt.

The labor press usually contents itself with criticism of a special decision or of a particular court. In a few of our states only, and those all in the Far West, local and state courts including the highest are all subject to recall by the voters. Citizens of these states are firmly convinced, that the existence of the recall goes far towards explaining the circumstance that courts in those parts of the country do not so frequently hold labor statutes void as courts elsewhere. They say that the will of the people must express itself not only in labor organizations and agreements, in statutes and the nomination and election of officials. They make their courts aware that the will of the people is a continuing force as capable of unmaking as of making the judges. They believe that this inclines the courts to treat with respect labor statutes enacted by means of the referendum.

### Wartime Conditions affecting Consumers

Our American labor movement as such does not interest itself in its power over consumption. We have never developed any large co-operative distribution. We have allowed most of our sources of fuel to be given to private owners before our