

land, New Jersey, Michigan) (10 to 12 hours), and coal-miners (Wyoming) (8 hours). These laws, in fact, amount to little more than a declaration that the number of hours mentioned shall (except as aforesaid) constitute a legal day's work in the absence of an agreement for longer service.

Congress and the legislatures of at least fourteen States have by statute created or provided for the creation of Boards of Arbitration in trade disputes, but have conferred very restricted powers for that purpose.

CHAPTER XCVI

WOMAN SUFFRAGE

ALTHOUGH the question of admitting women to active political rights cannot be called one of the foremost issues of to-day in the United States, its history and present position are so illustrative of the way in which political proposals spring up, and are agitated and handled in that country, that it would deserve to be here noticed, even were it not a matter which has a present interest for at least one European country. All those who have speculated on the foundations of human society and government have long been confronted by the question how far differences of sex ought to imply and prescribe a distinction of civic rights and functions between men and women. Some of the bolder among philosophers have answered the question by simply ignoring the differences. Perceiving in women an intelligence and will, which, if never equal to that of the very strongest men, yet makes the average woman the equal for most purposes of the average man, inasmuch as she gains in quickness and delicacy of perception what she loses in force and endurance, they have found no reason why woman should not share the labours, duties, and privileges of man. This was Plato's view, pushed by him so far as to expunge marriage and domestic life altogether; and it has found expression in more than one religious movement in ancient as well as in modern times.

Christianity approached the problem from another side. Recognizing in woman an immortal soul equally precious with the soul of man, the New Testament and the usages of the primitive church opened to her a wide range of functions, virtues, and glories, in some of which she was fitted to surpass, and has in fact surpassed man; while the imagination of the Middle Ages, more intense and fervid than that of any other

epoch in history, created an ideal of feminine sweetness, purity, and moral beauty infinitely surpassing that of the ancient world, and which the modern world may count as its noblest possession, an ideal on the preservation of which, more perhaps than of any other human conception, the welfare of the race depends.

The consecration of the spiritual equality of woman would doubtless have gone still farther than it did to secure for her a tangible equality in social and possibly even in political matters but for the rudeness of the times, in which physical force counted for much, and for the growth of a sacramental and sacerdotal system, which confined priesthood and the administration of certain life-giving sacraments to men. Thus, though the relations of the sexes were placed on a more wholesome basis than in Greek and Roman antiquity, though the standard of purity was raised and the conception of marriage dignified, the recognition of equality in the sphere of law, both private and public, was less complete than might have been expected. When sacramentalism and sacerdotalism were, in the peoples of Northern Europe, shattered by the religious movement of the sixteenth century, the idea of a clerical order confined to men was nevertheless maintained, except in a few small sects; and though the law grew constantly more just and humane to women, scarcely a voice was raised to claim for them a share in the privileges of public life.

In the early days of the American Republic it seems to have occurred to no statesman, though it did occur to a few keen-witted women, that the principles of the Declaration of Independence might find application without distinction of sex; but as they were not to be applied to men of any other colour but white, this need the less be wondered at. However, the legal position of women was speedily improved. State legislation gave them fuller rights of property and a better social status than they had enjoyed under the English common law, and the respectful deference with which they were treated was remarked by travellers as a singular exception to the general imperfection of American male manners, and as in fact tending to affect inauspiciously the grace of female manners.

When negro slavery began to excite the horror of sensitive minds, it became necessary to re-examine the foundations of

society and find a theory which would, in asserting the ultimate similarity and equality of all men, condemn the ownership of one man by another. This was done by recurring to the New Testament and the Declaration of Independence. Two questions speedily suggested themselves. If all men of whatever race are equal, what of women? If equality be an absolute and, so to speak, indefeasible truth and principle, what does it import? Does it cover merely the passive rights of citizenship, the right to freedom and protection for person and property? or does it extend to the active right of participating in the government of the commonwealth? "We demand freedom for the negro. Do we also demand a share in the government? If we do, are not women at least as well entitled? If we do not, it is because we see that the negro is so ignorant and altogether backward as to be unfit to exercise political power. But can this be said of women? The considerations which might apply to the case of the liberated negro do not apply to her, for she is educated and capable. How, then, can she be excluded?"

This was an abstract way of looking at the matter, because there had not as yet been any substantial demand by women for political rights. But it was on the basis of abstract right that they were proceeding. Theory is potent with those who are themselves appealing from an actual state of things to theory and general principles. And in this instance a practical turn was given to the question by the fact that many of the most zealous and helpful workers in the Abolitionist movement were women. They showed as much courage in facing obloquy and even danger in what they deemed a sacred cause as Garrison or Lovejoy. They filled the Abolition societies and flocked to the Abolitionist conventions. They were soon admitted to vote and hold office in these organizations. The more timid or conservative members protested, and some seceded. But in an aggressive movement, as in a revolution, those who go farthest are apt to fare best. The advocates of women's claims were the bolder spirits who retained the direction of the Anti-Slavery movement. The women established their right to share the perils of the combat and the glories of the victory.

The claim of women to be admitted to the franchise and to public office would no doubt have been made sooner or later in

America (as it has been made in England) had there been no anti-slavery agitation. But the circumstances of its origin in that agitation have tinged its subsequent course. They invested it in the eyes of one set of persons with a species of consecration while providing it with a body of trained workers and a precedent inspiring hope and teaching patience. To minds of an opposite cast they gave it a flavour of sentimentalism, crotchety-ness, and of what used to be called in America "radicalism."¹ While the struggle against slavery continued, the question was content to stand back, but since the end of the Civil War and the admission of the negroes to the franchise, it has come to the front, and continues to be actively pressed. There are now woman suffrage societies in most parts of the North and West. An annual convention of delegates from these societies is held, which stimulates the local workers and resolves on a plan of operations.² Proposals for the admission of women to this or that species of suffrage are sedulously urged on State legislatures. In every Congress amendments to the Federal Constitution recognizing women as voters are submitted. Neither House has so far accepted such an amendment, and the chance of its being passed by three-fourths of the States is at present very small. Once or twice women have been nominated as candidates for the Presidency, though none has ever put out a list of presidential electors pledged to support her candidature.

These efforts have borne some fruit, though less than the party counted on thirty years ago. So far as I have been able to ascertain the present state of the law in the different States and Territories of the Union, the political rights of women stand as follows:—

Up till 1893 the suffrage in elections to the State legislature and State offices had in one State only, Wyoming, been extended to women, and therefore only in that State have they enjoyed the right of voting in Federal elections. Amendments to State constitutions purporting to confer this suffrage had been passed by the legislature in several States; but the people invariably rejected them, and generally by a decisive

¹ The word "radical," frequently applied outside the sphere of pure politics, *e.g.* to theology, seems in American use to denote rather a tendency than a party.

² The first Women's Convention was held in 1848.

vote. In three Territories, however, the right of voting at legislative elections was given by the legislature of the Territory, and in one of these, Wyoming,¹ it was retained when the Territory received Statehood in 1890. In Utah it was abolished by a Federal statute, because thought to be exercised by the Mormon wives at the bidding of their polygamous husbands, and thus to strengthen the polygamic party. In Washington Territory the law which conferred it in 1883 was declared invalid by the courts in 1887, because its nature had not been properly described in the title, was re-enacted immediately afterwards, and was in 1888 again declared invalid by the U. S. Territorial Court, on the ground that the Act of Congress organizing the Territorial legislature did not empower it to extend the suffrage to women. In enacting their State Constitution (1889) the people of Washington pronounced against female suffrage by a majority of two to one; and a good authority declared to me that most of the women were well pleased to lose the privilege. In 1893 the legislature of Colorado sub-

¹ According to Governor Hoyt of Wyoming, woman suffrage was carried there, in 1869, by the arts of one man. His account is as follows: "One large-hearted legislator in Wyoming went and talked with other members of the legislature. They smiled. But he got one of the lawyers to help him draw up a short bill, which he introduced. It was considered and discussed. People smiled generally. There was not much expectation that anything of that sort would be done; but this was a shrewd fellow, who managed the party card in such a way as to get, as he believed, enough votes to carry the measure before it was brought to the test. Thus he said to the Democrats: 'We have a Republican Governor and a Democratic Assembly. Now then, if we can carry this bill through the Assembly, and the Governor vetoes it, we shall have made a point, you know; we shall have shown our liberality and lost nothing. But keep still; don't say anything about it.' They promised. He then went to the Republicans and told them that the Democrats were going to support his measure, and that if *they* didn't want to lose capital they had better vote for it too. He didn't think there would be enough of them to carry it; but the vote would be on record, and thus defeat the game of the other party. And they likewise agreed to vote for it. So when the bill came to a vote it went right through! The members looked at each other in astonishment, for they hadn't intended to do it, *quite*. Then they laughed, and said it was a good joke, but they had 'got the Governor in a fix.' So the bill went, in the course of time, to John A. Campbell, who was then Governor—the first Governor of the Territory of Wyoming—and he promptly signed it! His heart was right!" — Address delivered at Philadelphia in 1882. Mr. Horace Plunkett, however, discredits this story, and assigns as the reasons for the passing of the bill the notion that it would serve to advertise Wyoming (which it did) and a sort of rough Western liking for a joke. (*The Working of Woman Suffrage in Wyoming*, Cheyenne, Wyo., 1890.)

mitted to the voters (in virtue of a provision in the Constitution) a law extending full franchise for all purposes to women, and it was carried by a majority of 6347. This remarkable result appears to have been largely due to the breaking up of the old party organizations by the new People's party, which generally favours woman suffrage, and to the action of the Knights of Labour and other groups of workingmen, among whom abstract theories of equality prevail. The example of Wyoming doubtless also told.

In twenty States besides Wyoming and Colorado¹ women are allowed to vote at elections of school officers, or on some question connected with schools; and in several other States (nine at least), as well as in all or nearly all of these twenty, they may be chosen to fill school offices, such as that of school visitor, or superintendent, or member of a school committee. They also enjoy "school suffrage" in the Territory of Arizona and sporadically in a few cities.

In two States, Arkansas and Mississippi, women have the right of voting, though not in person, upon the question of granting licences for the sale of intoxicants. A bill to confer the same right was lost in the Massachusetts legislature of 1888 by a majority of one vote only. A similar proposal was defeated in the legislature of Iowa in March, 1888.

In Kansas, in 1886, and in Michigan in 1893, women received the suffrage in all municipal elections. In Michigan, however, the law has since been declared unconstitutional.²

In those States where women possess the school suffrage it is reported that few vote; and this is ascribed partly to indifference, partly to the difficulty which women of the humbler class experience in leaving their homes to go to the poll. In Minneapolis, a city of 175,000 people, one is told that only two or three hundred women usually vote at school elections, and in Massachusetts the number of women going to the poll

¹ Connecticut, North Dakota, South Dakota, Idaho, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New York, New Jersey, Oregon, Vermont, Washington, Wisconsin. Women enjoy school and municipal franchise in the Canadian Provinces of Ontario, Nova Scotia, Manitoba, and British Columbia.

² Similar proposals have within the last few years been defeated in a good many States, though often by small majorities. In several of the smaller cities of Kansas all the municipal offices, from the mayoralty and police judgeship downwards, have occasionally been filled by women.

declined rapidly after the first few years. But at the school election of 1888 in Boston they voted largely, and in 1893 pretty well, carrying one of their candidates; and in Kansas at the municipal election in 1893 a very heavy vote was cast by the female voters.

In Connecticut, the latest State which has extended school suffrage to women (1893), it would appear that the women have not, so far, shown much eagerness to be registered. However, while the advanced women leaders and Prohibitionists started a campaign among the women voters, the husbands and brothers of conservative proclivities urged their wives and sisters to register, and not without success.

In Wyoming (while it was still a Territory) women served as jurors for some months till the judges discovered that they were not entitled by law to do so, and in Washington (while a Territory) they served from 1884 to 1887, when the legislature, in granting the right of voting, omitted to grant the duty or privilege of jury service. Those whose opinions I have inquired inform me that the presence of women on juries was deemed a grave evil, and that in prosecutions for gambling or the sale of intoxicants a defendant had no chance before them. It is also stated that comparatively few went to the poll. In Wyoming, moreover, the women on juries are stated to have been more severe than men.

As respects the suffrage in Wyoming, the evidence I have collected privately is conflicting. One of the most trustworthy authorities writes to me as follows:—

"After the first excitement is over, it is impossible to get respectable women out to vote except every two or three years on some purely emotional question like Prohibition or other temperance legislation. The effect on family life seems to be *nil*; certainly not bad." Another highly competent witness writes: "There are no large towns, Cheyenne, with a population of 9000, being the largest. In the larger places most of the women, who are chiefly married, vote; in the smaller and more rural places the women take little interest in it, as indeed the men do. As a rule, women are in favour of temperance and good schools, and so far as they have been able to cast their influence, it has been on the right side in those questions. Woman suffrage so far seems to work well, but the field of its