Child Labor in Kansas.

William H. Cape

Fort Hays Kansas State College

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CHILD LABOR IN KANSAS

being

A thesis presented to the Graduate Faculty
of the Fort Hays Kansas State College in
partial fulfillment of the requirements for
the Degree of Master of Science

by

William H. Cape, A. B.
Fort Hays Kansas State College

Date Jan. 23, 1948

Approved

Major Professor

Chairman Graduate Council
ACKNOWLEDGMENTS

The writer wishes to express appreciation to Dr. W. D. Moreland, under whose direction this thesis was prepared, for his helpful suggestions and constructive criticisms, and to Dr. F. B. Streeter for his advice and willing cooperation at all times. Acknowledgment must be made to the personnel of the United States Children's Bureau, especially to Elizabeth S. Johnston; and to Mrs. Nellie Kennedy, Director-Inspector of the Women's and Children's Division of the Kansas Labor Department for her assistance in collecting information on the child-labor problem in Kansas and for the use of numerous records of the Division.

To my wife who has worked long and faithfully in tabulating data, special appreciation is given.
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CHILD LABOR IN KANSAS

INTRODUCTION

The problem of child labor in Kansas is being recognized more and more by the people and by the legislature. Child labor has never assumed formidable proportions in this state, however young people need protection regardless of the number employed. This particular age group has never been a great employment problem, perhaps the principal reason being that Kansas is primarily an agricultural state. The possibilities that the state will become an industrial and manufacturing state are excellent and such a change would, no doubt, bring an increase in the number of children employed unless the group is protected by federal and state laws.

Three studies have been made concerning the legislation affecting children in Kansas. The first study, by Edith Hess in 1922, considers legislation affecting both women and children. Very little data are given concerning the labor problem of children, and most of this consists of an analysis of the state laws enacted.

The second study, by Nina Swanson in 1922, is devoted to a study of the agencies caring for children, education, public protection of the health of mothers and children, and children in need

of special care. Only three pages are devoted to the problem of child labor.

The third study, by Domenico Gagliardo in 1932, is an excellent though short study of the history of child labor in Kansas. These three studies do not therefore satisfactorily discuss the problem of child labor in the state. The present study is in part, however, a continuation of Dr. Gagliardo's study.

The purpose of this thesis is to present the facts regarding child labor in the state and to trace the development of the child-labor legislation. This does not include employment in institutions, agencies caring for children, children in need of special care, and migratory children. Children in agriculture are not dealt with to a great extent; the greatest emphasis is on children in industry. The historical method of research is used.

Children need further educational preparation for earning a living and being worth-while citizens under present-day conditions. The writer hopes this study will shed light on a vital topic that affects the future of our country.


CHAPTER I

THE NATURE AND EXTENT OF CHILD LABOR IN KANSAS

The source of material which shows most nearly in complete form the nature and extent of child labor in Kansas is the United States Census Reports. The United States Census Bureau first gathered comprehensive figures on child employment in 1880, however the data from 1880 to 1940 are not strictly comparable. The reasons for the differences include the following: changes in census dates, changes in definitions, changes in classification of occupations and modifications by the enumerators. Yet the census data do reveal certain striking features of the child-labor situation in Kansas.

Number of Children Gainfully Employed

The information in Table I shows the total number of children ten to fifteen years of age and the number gainfully employed by sex from 1880 to 1930. The 1940 labor force statistics are restricted to persons fourteen years of age and over; therefore those data are not included in the chart.

One important conclusion that can be drawn from Table I is that the number of gainfully employed children in the state has never been great when compared with the total number of children in the state. Furthermore, the number of children employed has been decreasing since 1900. There were less than 14,500 children from ten to fifteen

1. Introduction to the various Census Reports.
TABLE I. TOTAL NUMBER OF CHILDREN 10 TO 15 YEARS OF AGE, TOTAL NUMBER GAINFULLY EMPLOYED AND NUMBER GAINFULLY EMPLOYED BY SEX IN KANSAS, 1880-1930.\(^a\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Number</th>
<th>Total Employed</th>
<th>Males Employed</th>
<th>Females Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1880</td>
<td>138317(^b)</td>
<td>14447</td>
<td>13225(^c)</td>
<td>1122(^c)</td>
</tr>
<tr>
<td>1890</td>
<td>201209</td>
<td>21679</td>
<td>19706</td>
<td>1991</td>
</tr>
<tr>
<td>1900</td>
<td>200810</td>
<td>22489</td>
<td>20304</td>
<td>2185</td>
</tr>
<tr>
<td>1910</td>
<td>200794</td>
<td>18730</td>
<td>16997</td>
<td>1733</td>
</tr>
<tr>
<td>1920</td>
<td>211706</td>
<td>7270</td>
<td>6224</td>
<td>1046</td>
</tr>
<tr>
<td>1930</td>
<td>214785</td>
<td>4102</td>
<td>3504</td>
<td>598</td>
</tr>
</tbody>
</table>

a. The 1940 labor force census statistics begins at fourteen years of age.


years of age returned as employed in 1880; the largest number returned as employed was less than 22,500 in 1900; and for 1930 the number was approximately 4,100. The proportion of children employed from ten to fifteen years of age was small, the percentage having never exceeded 11.2 of the total number of children in the age group. Most of the children employed were males. The average number of males employed for the six censuses from 1880 to 1930 was 13,327 and the average number of females was 1,446.

The number of workers ten to thirteen years of age has become relatively small and the Census Bureau felt in taking the 1940 census
that the burden of enumeration and tabulation necessary to include this age group was no longer justified. Table II portrays the number of children fourteen to nineteen years of age and the number in the labor force for 1940, however this age group is not comparable to those children ten to fifteen years of age in the earlier censuses.

**TABLE II. EMPLOYMENT STATUS OF PERSONS 14 TO 19 YEARS OF AGE, TOTAL POPULATION IN AGE GROUP AND NUMBER IN LABOR FORCE BY SEX IN KANSAS, 1940.**

<table>
<thead>
<tr>
<th>Age</th>
<th>Total Population</th>
<th>Total Males</th>
<th>Number Employed</th>
<th>Total Females</th>
<th>Number Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>32937</td>
<td>16774</td>
<td>785</td>
<td>16163</td>
<td>148</td>
</tr>
<tr>
<td>15</td>
<td>33368</td>
<td>17038</td>
<td>1706</td>
<td>16330</td>
<td>392</td>
</tr>
<tr>
<td>16</td>
<td>34476</td>
<td>17619</td>
<td>3406</td>
<td>16857</td>
<td>1156</td>
</tr>
<tr>
<td>17</td>
<td>33470</td>
<td>17024</td>
<td>5268</td>
<td>16446</td>
<td>2136</td>
</tr>
<tr>
<td>18</td>
<td>34608</td>
<td>17232</td>
<td>8548</td>
<td>17376</td>
<td>4776</td>
</tr>
<tr>
<td>19</td>
<td>32868</td>
<td>16359</td>
<td>10709</td>
<td>16509</td>
<td>6284</td>
</tr>
</tbody>
</table>


The number of persons fourteen to nineteen years of age in 1940 was nearly equal in distribution. The percentage of employment was very low, however over half of those males eighteen and nineteen years of age were employed. More males were employed than females.

**Type of Work Performed**

Table III shows the type of work performed by children ten to fifteen years of age during the period 1880 to 1930. The data clearly show that the majority of children employed in the state are engaged
TABLE III. NUMBER OF CHILDREN OF EACH SEX 10 TO 15 YEARS OF AGE ENGAGED IN EACH CLASS OF OCCUPATIONS IN KANSAS, 1880-1930.

<table>
<thead>
<tr>
<th>Occupation</th>
<th>1880</th>
<th>1890</th>
<th>1900</th>
<th>1910</th>
<th>1920</th>
<th>1930</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Agriculture</td>
<td>11781</td>
<td>83</td>
<td>1791</td>
<td>23</td>
<td>17292</td>
<td>261</td>
</tr>
<tr>
<td>Mining</td>
<td>(d)</td>
<td>(d)</td>
<td>(e)</td>
<td>(e)</td>
<td>(f)</td>
<td>(f)</td>
</tr>
<tr>
<td>Manufacturing and Mechanical</td>
<td>272</td>
<td>19</td>
<td>112</td>
<td>26</td>
<td>891</td>
<td>152</td>
</tr>
<tr>
<td>Transportation</td>
<td>176</td>
<td>8</td>
<td>187</td>
<td>21</td>
<td>653</td>
<td>76</td>
</tr>
<tr>
<td>Trade</td>
<td>(f)</td>
<td>(f)</td>
<td>(f)</td>
<td>(f)</td>
<td>(f)</td>
<td>(f)</td>
</tr>
<tr>
<td>Professional and Public Service</td>
<td>996</td>
<td>1112</td>
<td>6</td>
<td>8</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>Domestic and Personal Service</td>
<td>(g)</td>
<td>(g)</td>
<td>328</td>
<td>925</td>
<td>1458</td>
<td>1678</td>
</tr>
<tr>
<td>Clerical</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Occupation</th>
<th>1880</th>
<th>1890</th>
<th>1900</th>
<th>1910</th>
<th>1920</th>
<th>1930</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Agriculture</td>
<td>14345</td>
<td>440</td>
<td>3613</td>
<td>142</td>
<td>1798</td>
<td>64</td>
</tr>
<tr>
<td>Mining</td>
<td>184</td>
<td>0</td>
<td>99</td>
<td>3</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Manufacturing and Mechanical</td>
<td>592</td>
<td>46</td>
<td>566</td>
<td>155</td>
<td>208</td>
<td>72</td>
</tr>
<tr>
<td>Transportation</td>
<td>181</td>
<td>65</td>
<td>266</td>
<td>71</td>
<td>126</td>
<td>7</td>
</tr>
<tr>
<td>Trade</td>
<td>752</td>
<td>107</td>
<td>949</td>
<td>150</td>
<td>1043</td>
<td>84</td>
</tr>
<tr>
<td>Professional and Public Service</td>
<td>18</td>
<td>16</td>
<td>38</td>
<td>17</td>
<td>77</td>
<td>8</td>
</tr>
<tr>
<td>Domestic and Personal Service</td>
<td>192</td>
<td>926</td>
<td>241</td>
<td>426</td>
<td>170</td>
<td>344</td>
</tr>
<tr>
<td>Clerical</td>
<td>362</td>
<td>44</td>
<td>452</td>
<td>82</td>
<td>73</td>
<td>19</td>
</tr>
</tbody>
</table>


b. U.S. Bureau of Census, Eleventh Census of the United States, Special Report on Occupations, pp. 76-86. (includes ages 10 to 14 only.)


d. Included under "Agriculture".

e. Included under "Manufacturing and Mechanical".

f. Included under "Transportation".

g. Included under "Professional and Public Service".


in agriculture. In 1880 more than 83 per cent, or 11,864 out of 14,447 children were returned as engaged in agriculture. The percentage in 1890 is not comparable as age fifteen is not included in the statistics. In 1900 the percentage was 78, or 17,553 out of 22,489; the 1910 percentage was nearly 79, or 14,785 out of 18,730; the percentage fell to slightly more than 53 or 3,755 out of a total of 7,270 in 1920; and the 1930 percentage increased to 69 or 2,862 out of 4,102. The change of the census date of 1910 from the spring season to midwinter in 1920 undoubtedly affected the number of workers returned as engaged in agriculture when children who would normally have been at work were attending school. The decrease in 1930 to a total of 4,102 employed was due to the economic conditions of the period when adults replaced the children at their jobs.

The number of children listed in the other occupations in the census reports is small. This is especially true of mining, professional and public service. The other occupations employed moderate numbers of children. The statistics do reveal the types of work performed by child labor even though the figures are not strictly comparable due to the changes in the census compilations.

The information given in Table IV shows the type of work performed by children fourteen to nineteen years of age for 1940. The data were compiled by the writer under headings corresponding with the types of work performed by children ten to fifteen years of age in previous censuses.
TABLE IV. NUMBER OF PERSONS IN EACH SEX 14 TO 19 YEARS OF AGE ENGAGED IN EACH CLASS OF OCCUPATION IN KANSAS, 1940.\(^a\)

<table>
<thead>
<tr>
<th>Occupation</th>
<th>14 years</th>
<th></th>
<th>15 years</th>
<th></th>
<th>16 and 17</th>
<th></th>
<th>18 and 19</th>
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<tr>
<td></td>
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<td>Female</td>
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<td>Male</td>
<td>Female</td>
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</tr>
<tr>
<td>Agriculture</td>
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<td>30</td>
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<td>44</td>
<td>3244</td>
<td>84</td>
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<td>2</td>
<td>1029</td>
<td>73</td>
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<td>51</td>
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<td>174</td>
<td>381</td>
<td>1209</td>
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<td>163</td>
<td>10</td>
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<td>20</td>
<td>920</td>
<td>287</td>
<td>1794</td>
<td>2546</td>
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<tr>
<td>Occupations not Reported</td>
<td>27</td>
<td>10</td>
<td>61</td>
<td>23</td>
<td>145</td>
<td>93</td>
<td>232</td>
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The data in Table IV reveal some striking differences from the early censuses. However one must keep in mind that this is an older age group. In general, there were considerable more children employed in industry than in agriculture. More males were employed than females, although females outnumbered the males in certain occupations. In the eighteen and nineteen year age group there were 13,041 males and 8,031 females employed in 1940.

Number Employed While Attending School.

No doubt the school-attendance laws have kept many children in school and lessened the labor problem. Table V shows the school attendance and employment problem for persons fourteen to nineteen years of age for 1940.
TABLE V. SCHOOL ATTENDANCE AND EMPLOYMENT STATUS FOR PERSONS 14 TO 19 YEARS OF AGE, 1940a

| Age | Attending School | | | Not Attending School | | |
|-----|-----------------|------|------|----------------------|------|
|     | Total Number Employed* | | | Total | Number Employed* |
| 14  | 31109 529 | | | 1828 268 | |
| 15  | 29779 779 | | | 2589 904 | |
| 16  | 27984 1101 | | | 6752 1896 | |
| 17  | 23744 1254 | | | 9726 3311 | |
| 18  | 16510 1262 | | | 18098 7621 | |
| 19  | 9501 1054 | | | 23367 11235 | |

* Except on emergency work

The statistics in Table V reveal that very few are employed while attending school. Nevertheless, these few constituted a portion of the child-labor problem in 1940. Probably most of these youth attending school were working to earn money to be financially able to attend school, however some surveys indicate that this is not always the case. A greater percentage of those not attending school were employed.

Work-Permit Statistics

The work-permit statistics are another source that portray the nature and extent of child labor. These permits are required of children employed in specified occupations. The permits are analyzed in Chapter III.

Nature and Extent of Child Labor in Other States

It is not the purpose of this study to discuss the nature and extent of child labor in the other states; however two states,
Connecticut and Nebraska, are broadly portrayed in order to make comparisons. The statistics have been compiled from the United States Census Reports and are confined to children fourteen to nineteen years of age for the last census. A complete discussion would necessarily include an interpretation of the child-labor laws of each state and the extent and enforcement of the permit-certificate systems would need to be discussed. A broad comparison of the child-labor laws of all the states may be seen by referring to pages 105 to 111 of the Appendices.

**Industrial Connecticut v. Agricultural Kansas**

The population of Connecticut in 1940 was 1,709,242 whereas Kansas had 1,801,028 inhabitants, a difference of less than 100,000 individuals. The total value of manufactured products in 1939, the last year manufacturing statistics are available, was nearly two and seven-tenths times greater in Connecticut than in Kansas; farm income the same year was five times greater in Kansas. Thus, one can state that Kansas is primarily agricultural and Connecticut is an industrial area.

The writer's comparison concerns the total number of children employed and the number employed in agriculture and industry regardless of the child-labor laws and their effects. In Kansas there were 201,727 children between the ages of fourteen and nineteen in 1940; 45,314 were employed or nearly twenty-two and one-half per cent of the total. Connecticut had 183,674 children in this age group; 52,976 were employed or nearly twenty-nine per cent of the total. Thus, it is noted
that a greater percentage of the total number of children in industrial Connecticut is employed than in agricultural Kansas. The above conclusion cannot be accepted at face value however; for example, the child-labor laws of Connecticut are more rigid than those of Kansas.

Another comparison is noted in the number of children employed in agriculture and industry in the respective states. In Kansas two times as many children fourteen to nineteen years of age were employed in agriculture as in manufacturing; eleven times as many children in Connecticut were employed in manufacturing as in agriculture.

_Agricultural Nebraska v. Agricultural Kansas_

The population of Nebraska was 1,315,834 in 1940 which was nearly 600,000 less than that of Kansas. The total farm income for the two states was nearly equal when population is given due consideration; that is, Kansas farm income in 1939 was $270,072,000 and $251,358,000 for Nebraska. On the other hand, Kansas' manufactured products were valued at two and seven-tenths times more than those of Nebraska. However, in general, one can say that the two states are agricultural. This is especially true when comparison is made with an industrial state like Connecticut.

The total number of children fourteen to nineteen years of age in Nebraska was 149,271; 39,993 were employed or nearly twenty-seven per cent of the total. It has already been stated that twenty-two and one-half per cent of Kansas children were employed in this age group.

The comparison for agriculture and industry shows nearly three and one-half times more children employed in agriculture as in
manufacturing in the state of Nebraska.

The foregoing comparisons are enlightening as far as considered. A strict comparison of the states is a basis for further study.

Summary

The total number of children employed in the state has never been great and the number employed through the years has been decreasing. In the past agriculture has absorbed the greatest number of employed children, however the percentage employed in industry has increased during the transition of the state to industrial pursuits. The percentage of children working while attending school is small. A comparison of the nature and extent of child labor in Kansas with that of Connecticut and Nebraska reveals that the situation is favorable in this state, however improvements are desired. Next we turn to the development of child-labor legislation as it has affected children in industry in the state.
Protection of children engaged in labor in Kansas began before the state was admitted to the Union. Various laws affecting children employed have been passed from time to time, and the trend of these laws has been toward more protection for the child. The tracing of these laws from the beginning to the present is significant in discussing the problem of child labor.

Child-Labor Laws

Law of 1855

The earliest Kansas law relating to the employment of children dates back to 1855 when an apprenticeship act was passed by the first territorial legislature.¹ This act was not strictly a child-labor law but it affected the employment of children. Under the act children might be bound in apprenticeship in any business until twenty-one years of age or a shorter time if so stated in the indenture. Children might be bound with the consent of the father; or, if he were dead, deserted his family for six months, or a habitual drunkard, the mother or guardian might give such consent. A child, having no parent or guardian, might bind himself an apprentice with the consent of the probate court until he reached twenty-one years of age, or, if a female, until the

¹ Laws of the Territory of Kansas, 1855, Ch. VI, pp. 90-93.
age of sixteen years. When any poor child was chargeable to the county, or begged for alms, or whose parents were of questionable character, the probate court could bind such child an apprentice. Furthermore, any orphan or minor whose estate was not sufficient for his maintenance might be bound in apprenticeship.

The duties of the master of an apprentice were:

That every master to whom such child shall be bound, shall cause such child to be taught to read and write, and the ground rules of arithmetic, the compound rules and the rule of three, and, at the expiration of his time of service, shall give him a new bible (Bible) and two new suits of clothes, if a male, to be worth forty dollars, and if a female, to be worth twenty dollars, and ten dollars in current money of the United States.

If an apprentice was a negro or mulatto, the master was not required to perform the above duties, however, he had to give the apprentice a sum of money, assessed by the probate court, in lieu of education. A master was required to sign an affidavit that he would perform the duties as provided by the act.

The act stated that it was unlawful to remove an apprentice from the Kansas territory. On oath of any competent person that a master was intending to remove an apprentice, the court could require security in the sum of one thousand dollars that he would not do so.

The court received the complaints of the apprentices against their masters alleging unwarranted punishment; insufficient food, clothing or lodging; lack of training, or that they were in danger of being

2. Ibid., sec. 8, p. 91.
removed from the territory. The court also received the complaints of the masters against their apprentices alleging desertion or bad behavior. The probate court heard such cases by a jury and determined the appropriate punishment.

Any person who aided an apprentice against his master might be fined a minimum of twenty dollars with a maximum fine of five hundred dollars, and any person who gave lodging to a runaway apprentice, knowing the apprentice to be a deserter, could be fined one dollar for every day of concealment. In addition, the master might sue an apprentice after he reached legal age for damages sustained within two years of the termination of the apprenticeship. 3

Law of 1859

The law of 1855 was revised slightly by an act of the legislature in 1859. The following section was found in the law of 1855 but did not appear in the law of 1859:

When an apprentice is a negro or mulatto, it shall not be the duty of the master to cause such colored apprentice to be taught to read or write, or a knowledge of arithmetic; but he shall be allowed, at the expiration of his term of service, a sum of money in lieu of education, to be assessed by the probate court. 4

The law of 1859 provided that the indenture for females expired

3. Ibid., sec. 25, p. 93.
4. Ibid., sec. 10, p. 91.
at the age of sixteen years when bound by parents or guardians; the law of 1855 provided that the indenture for both males and females expired at the age of twenty-one years when bound by parents or guardians unless otherwise stated in the indenture.

**Law of 1868**

The laws of 1855 and 1859 were enacted by the legislative assembly of the territory of Kansas and the law of 1868 was enacted by the legislature of the State of Kansas. The law of 1868 differed from the two previous laws in that the indenture for males expired at the age of eighteen years. Therefore, regardless of how bound, every person so bound by indenture was required to serve until the age of eighteen years, or, if a female, until the age of sixteen years, or a shorter time if so stated in the indenture.

The apprenticeship act of 1868 remained in force until 1939. At that time the law was repealed and no other law of like nature regarding apprentices has been enacted.

**Mining Act of 1883**

The first direct law against the employment of children was a section of the coal-mining law of 1883. The law definitely stated

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5. *Session Laws*, 1862, Ch.VIII, sec. 1, pp. 89-90. (Hereafter cited as *Laws*).


that no person under twelve years of age be allowed to work in coal mines. Minors between twelve and sixteen years of age might work if they were able to read and write and furnish a certificate from a school teacher showing that they had attended school at least three months during the year. The agent of such coal mines employing minors was responsible for the enforcement of the provisions. Upon wilful violation the agent was subject to a fine not to exceed fifty dollars for each offense. The labor commissioner reported that it was doubtful whether the law was rigidly enforced. 9

This section regarding the employment of children in the mining act of 1883 was still in force in 1915 as it was included in the General Statutes of 1915. 10 It was evidently repealed in Chapter 227, Laws of 1917, when the law states, "... and all acts and parts of acts in conflict with the provisions of this act are repealed." The law of 1917 provided that children under sixteen years of age could not be employed in mines. 11

Laws of 1889

The first real child-labor law was passed in 1889 and it affected only a small group of children. 12 This law is in effect at the present time. The act makes it unlawful to employ children under the age

of fourteen as acrobats, gymnasts, contortionists, circus riders, rope-walkers, or exhibitionists of like dangerous character. The act extends to the employment of children as beggars, mendicants, paupers, street-singers, and street musicians.

Any duly incorporated society having as its objective the protection of children, and employing an agent to aid in its work, may have such agent commissioned as a special policeman. In addition, it is made the duty of sheriffs, deputy sheriffs, constables and police officers to aid such societies in the enforcement of all laws relating to the protection of children, and they are given the power to arrest without a warrant for any violation. The county attorneys are to prosecute the cases arising under the act. When complaints have been brought by a society for the protection of children, the attorney may, with the consent of the court or magistrate, conduct the prosecution; the society's attorney being granted all the powers conferred by law upon county attorneys. Violations to the act constitute a misdemeanor and upon conviction the punishment may be a fine or imprisonment or both. The fine may not be more than two hundred and fifty dollars, and the imprisonment for a term not exceeding one year.13

Law of 1903

In 1903 Governor Bailey in his message to the legislature urged

13. Ibid., sec. 1, p. 138.
prohibition of child labor under the age of fourteen years in factories and workshops. 14 His suggestion was not carried out, however, the law of 1903 extended the law of 1889. The law of 1903 provides that any person who induces or permits a child under eighteen years of age to practice or give public, open exhibitions, seances or shows of hypnotism, mesmerism, animal magnetism or so-called psychical forces is guilty of a misdemeanor. Upon conviction of such an act the person may be fined, imprisoned, or both. The fine ranges from ten dollars to one hundred and the imprisonment from ten days to three months. 15

Law of 1905

Governor Hoch in 1905 in his message to the legislature took a favorable attitude toward labor legislation but did not make any specific reference to child labor. 16 A step forward was taken, however, when a comprehensive child-labor law was enacted. The law of 1905 provided that employment of children under fourteen years of age in factories, packing-houses and mines was prohibited. Children under sixteen years of age were not to be employed at any place dangerous or injurious to life, limb, health or morals. Anyone employing children was first required to obtain a certificate of the age of such children.

The form of the certificate was as follows:

STATE OF KANSAS, COUNTY OF ____________, CITY OR

15. Laws, 1903, ch. 219, sec. 1, p. 373.
DISTRIBUT. This certifies that _____, according to the records of this school and from all the knowledge that I can obtain, was born at _____, in ___ county, and ___ city, of the state of ___, and is now under ____ years of age. (Signed) _________.

When it was impossible to secure the certificate from the records of the school, the employer had to secure a statement of the age from the parent or legal guardian which had to be verified under oath before an authorized officer. The certificates were sufficient protection to the employer, except when he had actual knowledge of the falsity of the certificate. The certificates were kept on file and open to the inspection of proper officials. The state inspectors examined the children employed as to their age and filed complaints to enforce the provisions. The county attorneys were to prosecute all complaints filed. Violations could be punished by a fine ranging from twenty-five dollars to one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days.

The labor department estimated that 5,000 children were placed in school in the state due to the operation of the law of 1905 and the compulsory education laws.

Law of 1909

In 1909 Governor Stubbs recommended an extension of the laws restricting child labor in his message to the legislature. Accordingly,


18. Ibid., sec. 4, p. 433.


the law of 1905 was repealed and a similar, more comprehensive law was enacted in that year. The act provided that children under fourteen years of age could not be employed in any factory or workshop not owned or operated by the child's parent, and never in any theater or packing-house, or operating elevators, or in or about any mine. Children could not be employed in any business or service whatever during school hours. Furthermore, the act provided that children under sixteen years of age, who were employed in the vocations mentioned above, or in distributing or transmitting of merchandise or messages, could not be employed before seven o'clock in the morning or after six o'clock in the evening, or more than eight hours a day, or more than forty-eight hours a week. Minors under sixteen years of age were not to be employed at any occupation dangerous or injurious to life, limb, health or morals. Conviction of a violation under this act entailed the same punishment as stated in the law of 1905.

A more elaborate certificate was required:

____________________, __________________, Kan., ________________
city       county       date
This certifies that __________________ according to records of the
full name
school census and from all knowledge that I can obtain, was
born __________, __________, __________ at __________, in __________
county, state of __________, and is now __________ years and
__________ months of age. His (or her) height is __________
tall-__________, weight __________, complexion
short-medium heavy-light-medium
__________, hair __________, eyes __________ and he resides at
fair or dark color color
No. __________, __________________ street.
(Signed) ____________________________

Law of 1917

The next few years produced nothing along the line of child-labor legislation. In 1917 Governor Capper in his message to the legislature recommended that the child-labor legislation be amended to restrict further the age limit and hours of labor of children, especially in hazardous occupations. 23

The legislature enacted the child-labor law of 1917 24 in order to bring the state law up to existing federal standards. This law provides that no child under fourteen years of age be allowed at any time to be employed in factories, workshops, theaters, mills, canneries, packing houses, or operating elevators; thus repealing provisions of the 1909 law allowing children to be employed in factories and workshops owned or operated by their parents or guardians. The employment age for children working in mines was raised from twelve to sixteen, and this extends to quarries also. Furthermore, children under sixteen may not work in any occupation dangerous or injurious to life, limb, health or morals. Provisions for night work as provided by the law of 1909 were extended to include hotels, restaurants and mercantile establishments.

The issuance of work permits was made stricter. Employers of

children under sixteen years of age are required to obtain and keep on file the work permit as provided by law. The work-permit system as provided by the law of 1917 is discussed in the following chapter. Provisions for enforcement and penalties were not changed from the law of 1909. 25

There was a conflict between the school and the child-labor law after the passage of the law of 1917. 26 The school law required attendance until the fifteenth year; the labor law stated that children under sixteen years of age could not be granted a work permit while school was in session, unless the elementary school course has been passed. The 1919 legislature raised the compulsory school attendance from fifteen years of age to sixteen. 27

**Law of 1927**

The law of 1927 provides for the regulation of dance halls in the counties of the state having a population of more than 110,000 and less than 130,000 and prohibits the employment of children. The prohibition is stated as follows: "That no person under eighteen (18) years of age shall be employed in, about, or around a public dance hall." A violation of any part of the act which is tolerated by the management


of a dance hall may upon conviction be fined not more than $500 or by imprisonment in the county jail not less than thirty days or more than sixty days for each offense. 28

Law of 1943

The law of 1943 was an amendment to the law of 1917. 29 The amendment was an emergency measure and applicable for the duration of the recent war and six months afterwards. The law amended section 2 (38-602) of the law of 1917 which stated:

That no child under sixteen years of age shall be at any time employed, permitted, or suffered to work in or about any mine or quarry; or at any occupation at any place dangerous or injurious to life, limb, health or morals. 30

The amendment is as follows:

Due to the shortage of farm labor by reason of the existing state of war between the United States and foreign nations, the legislature hereby declares that an emergency exists and that the provisions of section 1 (38-602) of this act and the provisions of the act of which this act is amendatory and supplemental shall not apply to those engaged in agricultural, horticultural, livestock and dairying pursuits and employments incident thereto: Provided, The provisions of this section shall expire six months after the date of cessation of hostilities between the government of the United States and all foreign powers. 31

Thus, section 2 (38-602) was amended to read, "... or at any occupation at any place dangerous or injurious to life, limb, health or morals except as provided in section 2 (38-602A) of this act." 32

Kansas Supreme Court Cases*

Casteel v. Brick Co., 83 K. 533 (December 10, 1910)

The provision providing that "no person under sixteen years of age shall be employed at any occupation nor at any place dangerous or injurious to life, limb, health or morals" was given a liberal interpretation by the Kansas Supreme Court. A dangerous occupation was defined as one in which there is reason to anticipate injury; the risk may arise from the inherent character of the work even though the danger may be eliminated by exercise of due care and skill on the part of the child. The child was given the right of action for damages although the statute did not in terms give him the right. The violation of the statute was the proximate cause of his injury.

Kronvall v. Garvey, 148 K. 802 (December 10, 1938)

The Court stated that the mere fact that the labor of a child being performed on a farm does not take the employment from under the operation of the provision prohibiting the employment of a child under sixteen years of age at any place in any occupation which is

*For other Supreme Court cases see Appendix A, pp. 101-104.

32. Ibid., sec. 1, p. 331.
dangerous to its life, limb, health or morals. The petition was an action to recover damages and the facts were deemed sufficient to constitute a cause of action. This action definitely placed agriculture under one provision of the present child-labor law.

Lee V. Kansas City Public Service Co., 137 K. 759 (June 10, 1933)

The employer of a child is liable in damage action when the child is an invitee. The plaintiff was an invitee of the milk company who owed the duty of reasonable care and a breach of that duty would render the milk company liable to him in damages. The defendant, under peculiar circumstances, was not guilty of contributory negligence in the action.

Related Legislation

School Law of 1874

The school-attendance laws are closely related to child-labor. The first compulsory school-attendance law dates back to 1874. According to the act children between the ages of eight and fourteen years were required to attend school for a period of at least twelve weeks in each year, six of these to be consecutive. Exemption was provided when the parent or guardian was too poor to clothe the child properly and when the child's physical or mental condition prevented

attendance. A child could be taught at home, however the child was subject to the same examination as other pupils of the district where the child resided.

Any parent or guardian who violated the provisions of this act was upon conviction, guilty of a misdemeanor, and fined not less than five nor more than ten dollars for the first offense and not less than ten nor more than twenty dollars for the second and every subsequent offense. Any school authority who failed to prosecute or neglected his duty was guilty of a misdemeanor and subject to a fine ranging from twenty to fifty dollars.

School Law of 1903

The school law of 1874 was amended in 1903. The amendment provided that children between the ages of eight and fifteen were required to attend school when it was in session. Children of fourteen years of age or more who were able to read and write the English language, and who were actively and regularly employed for their own support or for the support of those dependent upon them, were required to attend only eight consecutive weeks in any one year. Children having received a certificate of graduation from the common schools, or who were physically or mentally incapacitated were exempt from the provisions of the act.

Any parent or guardian who violated the provisions of the act was,

34. Laws, 1903, ch. 423, sec. 1, pp. 650-651.
35. Loc. cit.
upon conviction, guilty of a misdemeanor and fined from five to twenty-five dollars. This law was an improvement over the previous law in the required attendance.

**School Law of 1907**

The law of 1907 repealed Chapter 123 of the Session Laws of 1874 and amended Chapter 423 of the Session Laws of 1903. The amendment made it unlawful to employ any child between the ages of eight and fifteen without the consent of the board of education unless such child was exempt by law. Children between the ages of eight and fourteen could be granted temporary absences by the board of education "in extreme cases of emergency or domestic necessity." Violations of the act were punishable by a fine not less than five dollars nor more than twenty-five dollars, and commitment to the county jail until the fine was paid.

**School Law of 1919**

This law raised the compulsory school attendance age from fifteen to sixteen. The clause providing for the employment of children at fourteen if regularly employed for their own or their dependent's support was retained from the law of 1903.

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School Law of 1923

The clause of the law of 1903 providing for children of fourteen years of age to work for their own support or support of their dependents, and the clause of the law of 1907 authorizing temporary absences from school in cases of emergency or domestic necessity were repealed by the law of 1923. In addition, compulsory school attendance is to include children between the ages of seven and sixteen when the school is in session. The act does not apply to those completing the eighth grade or those physically and mentally incapacitated. To employ children between seven and sixteen years of age during school hours of the school session is unlawful unless such child is exempt from attendance.

Violators of the law, both parents and employers, are subject to the same penalties as provided by the law of 1907.

Mothers' Pensions

One reason frequently given for the employment of children is that the parents are poor and need the money earned by their children. The mothers' pension law is not a child-labor law but is mentioned as it undoubtedly affects the number of children employed.

The first act for the relief of the poor was enacted in 1862. This act was not a mothers' pension law but it did provide that poor people could receive assistance. The law was more nearly a labor law

40. Laws, 1862, ch. 163, pp. 745-753.
for children as provision was made to bind them as apprentices when they were committed to the county asylums for the poor. 41

In 1868 the board of county commissioners were authorized to pay parents of idiots or other helpless children who were unable to provide the necessary care a sum not exceeding the cost of their care in an institution. 42

In 1915 a mothers'-pension law was enacted. 43 The act amended the law of 1868. The law provided, as did the law of 1868, that the county commissioners might contribute to the poor parents of helpless and imbecile children. The law, in addition, provided that pensions might be allowed widows with dependent children under sixteen years of age, and the pension was limited to twenty-five dollars a month. A widow was required to make application for the pension showing that she was a woman of good character. The mother might also receive the pension if divorced, or by reason of the husband being physically or mentally unable to earn a living for his family.

In 1917 the law of 1915 was amended. More restrictions were put in the path of mothers applying for pensions and additional administrative policies were enumerated. 44

In 1921 the law of 1917 was amended and the law states that the board of county commissioners may at their discretion pay poor mothers

41. Ibid., sec. 28, p. 751.
42. Laws, 1868, ch. 79, sec. 8, pp. 622-623.
to care for their children.\textsuperscript{45} The mother must be a widow, divorced, or her husband physically or mentally unable to earn a living for his family. Such children must be under the age of fourteen. The mother must be an actual bona fide resident of the state for two years and of the county one year next preceding her application. The mother must have good moral character and be financially unable to support her child or children. The total sum for any one mother must not exceed the sum of fifty dollars per month. A committee of three women must investigate and reinvestigate the applicants at least every six months and report in writing to the county commissioners. The board may increase the payment of money temporarily in case of sickness or unusual conditions, and decrease it in like manner, or terminate payments, when deemed necessary.

The payments are made from the general fund of the county. A weakness of the various mothers' pension laws is the fact that county commissioners were not compelled to aid mothers to care for their children. As a result few counties gave such aid. The law described above is in force at the present time, however it is inoperative.

\textbf{Aid to Dependent Children}

The mothers' pension law is inoperative due to the enactment of social security legislation. In 1935 Congress passed the Social Security Act which provided benefits for old-age assistance, aid to the blind and aid to dependent children.\textsuperscript{46} To secure such assistance a state had to

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{45} Laws, 1921, ch. 153, sec. 1, pp. 243-245.\n\item \textsuperscript{46} United States Statutes at Large (Washington: U. S. Printing Office, 1917), Vol. 49, p. 620.\n\end{itemize}
\end{footnotesize}
establish or designate a single state agency to administer the assistance plans which had to be approved by the federal Social Security Board. As a result of the act Kansas passed the Social Welfare Act of 1937. The act provided for a State Board of Social Welfare.

The aid to dependent children prevents the removing of children from home surroundings because of inadequate income. A recipient of such aid must have resided in Kansas one year immediately preceding application for assistance, or if the child is less than a year old, the mother must have resided in Kansas one year immediately preceding birth of the child. The act provided assistance to dependent children under sixteen years of age, however since 1940 children under eighteen years of age who regularly attend school may receive such assistance. Thus since 1937 aid to dependent children in Kansas has been financed by the federal, state and local governments; under the mothers' pension act the county assumed the cost.

**Industrial Welfare Law of 1915**

Another significant step forward was the passing of the industrial-welfare act in 1915. The act was amended slightly in 1921. The legislation made it unlawful to employ "... minors in any industry or occupation with the state of Kansas under conditions of labor detrimental

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to their health and welfare. . . ." The word minor was defined in the law as a male or female under eighteen years of age and the word occupation was defined as "any and every vocation and pursuit and trade and industry." A commission was created with broad powers to establish standards of wages, hours, and conditions of labor for minors and others.

In 1921 the jurisdiction conferred on the Industrial Welfare Commission was conferred on the Court of Industrial Relations. At present the commission is under the jurisdiction of the State Labor Department. The Welfare Commission has approved Industrial Welfare Orders concerning women and children in the following industries: laundry, manufacturing, mercantile, public housekeeping, and telephone.

Attempts to Improve the Laws

Children's Code Commissions

In 1918 a movement to modernize the laws concerning children began with the establishment of the Kansas Children's Code Commission. Lieutenant-Governor Hoffman, at the request of Dr. Lydia Allen DeWilbiss, chief of the Division of Child Hygiene of the State Board of Health,

54. See Appendix, p. 112.
appointed the committee. The committee drafted six bills and presented them to the 1919 legislature. Three of them, none dealing with child labor, were passed. Nothing more was done by this committee.

A second code commission committee was appointed by Governor Allen in 1919.56 This action was taken at the request of Dr. Florence Brown Sherborn, successor to Dr. DeVilbiss. The commission made a child-welfare survey which revealed "a very general disregard of the provisions of the Kansas Child-Labor Law."57 On the basis of the survey, a report was made recommending child-labor legislation. The commission presented the legislation to the legislature of 1921, however little success was secured.

The commission was reorganized in 1922.58 The commission formulated a code based on the International Conference on Child Welfare which met in Washington in 1919. However, the Children's Code Commission met with little success on proposed child-labor legislation.

**Juvenile Code Commission of 1947**

The recent session of the legislature created a temporary Juvenile Code Commission.59 This commission is to make a survey of

56. Loc. cit.
57. Ibid., p. 17.
the laws of Kansas relating to children and to make a complete report of its findings and recommendations to the Governor and the members of the legislature not later than January 15, 1949.

The members of the legislature have recognized the fact that the laws of the state relating to children have not kept pace with modern developments. The laws relating to children are scattered through the statute books and contain many conflicting provisions which should be clarified and corrected by legislative enactments. A thorough modernization of the present laws is deemed necessary. The commission is to report its recommendations relating to proposed legislation in drafted bill form.

It is hoped that the commission will recommend changes in the laws relating to the employment of children. Laws passed nearly sixty years ago affecting child labor are still in force at the present time.

Administrative Agencies

Administration of the Child-Labor Laws

The first step forward in the administration of Kansas child-labor laws was taken when the commissioner of labor, under the Society of Labor and Industry, was given the duty of enforcing all child-labor laws in 1898. 60 In 1913 the State Society of Labor and Industry was abolished and a Department of Labor and Industry was created. 61 The new department inherited all the duties of the former State Society of Labor

60. Laws, 1898, ch. 34, p. 100.
and Industry. Then in 1921 the Department of Labor and Industry was abolished and its duties were given to the Industrial Court. Furthermore, the Industrial Welfare Commission was made part of the Industrial Court. Thus, the administration of the child-labor laws was vested in the Industrial Court. The child-labor work was under the direction of the woman factory inspector. In October, 1921, the industrial welfare and child-labor work were united to form a woman's division. The new division assumed the name, Division of Women and Children, although there was no statute designating the Division.

In 1925 the Industrial Court was abolished and its duties transferred to the Public Service Commission. The child-labor laws were administered by this commission until 1929 when the Commission of Labor and Industry was created and charged with this duty.

The Commission of Labor and Industry administered the child-labor laws until 1939 when the present State Labor Department was created. This latest department administering child-labor laws and regulations provides for a Women's and Children's Division.

64. Court of Industrial Relations, Second Annual Report, 1921, p. 88.
65. Laws, 1925, ch. 258, pp. 335-337.
Present Child-Labor Personnel

The State Labor Department was created by the law of 1939 and the labor commissioner has charge of the supervision of labor laws pertaining to children in industry. The present labor commissioner is P. G. Baird. The salary of the labor commissioner at the present time is $4,500 per year. The commissioner was authorized by the law of 1939 to organize a Women's and Children's Division of the labor department.

The head of the Women's and Children's Division is called the director-inspector. Mrs. Nellie G. Kennedy holds that position at the present time. She has been employed in the labor offices of Kansas since 1934. The director-inspector is under the Kansas Civil Service Law and the salary range for this position is from $165.00 to $220.00 per month. Furthermore, the director-inspector receives compensation for actual expenses while absent from the city of Topeka on official business as do the other officials of the labor department.

At one time the director-inspector had a deputy inspector but at present there is none. Before the Kansas Civil Service Law was in effect the girl who did office work was known as the secretary to the

68. Loc. cit.
Women's and Children's Division. Since the division is under the civil service law this girl is under the classification of clerk-stenographer I and also does work for the Factory Inspection Division. The salary range for this position ranges from $118.00 to $157.00 per month. 71

A statement of the expenses of the Children's Division is impossible as the division is combined with the Women's Division. However, Mrs. Kennedy has estimated the salaries and expenses for a year would be between $3,600 and $4,000. 72

Summary

Child-labor legislation was enacted early in the history of the state. The enactment of legislation to keep up with modern developments has been lacking. Furthermore, the various child-labor laws affect only those children employed in industry. The related types of legislation affecting children have been beneficial in lessening the numbers of children employed. Attempts have been made to improve the laws relating to child employment, however a comprehensive reorganization of the laws is needed in the state. The administration of the child-labor laws is placed by statute within the Kansas Labor Department. The work-permit system provided by the law of 1917 regulates the employment of children in industry at the present time.

71. Loc. cit.

72. Nellie Kennedy, personal letter, Director-Inspector of the Women's and Children's Division, Kansas State Labor Department, October 27, 1947.
CHAPTER III

ANALYSIS OF THE WORK-PERMIT SYSTEM

The work-permit system is provided for the regulation of child labor and for the protection of the employer. The aim of the permit system is to prohibit and regulate child labor in specified occupations. The system in Kansas was provided by the law of 1905. This law was repealed by the act of 1909 which provided for a more elaborate permit certificate. Then in 1917 the work-permit system was revised and the issuance of permits made more rigid. This law is in force at the present time. The weakness of the various permit systems lies in the fact that they do not include all child employment, only in specified occupations.

Permit Requirements

The present child-labor law provides for the issuance of work permits to children between fourteen and sixteen years of age.¹ Employment of children under fourteen years of age is prohibited in any factory, workshop, theater, mill, cannery, packing house, or operating elevators. Children under sixteen years of age are not permitted to be employed in or about any mine or quarry, or at any occupation dangerous or injurious to life, limb, health or morals. The Kansas Supreme Court has interpreted occupations dangerous in various instances.² Furthermore,


children under sixteen years of age employed in the vocations mentioned in the law, or in the transmission of merchandise or messages, or any hotel, restaurant or mercantile establishment, can not work before seven o'clock in the morning, or after six o'clock in the evening, nor more than eight hours a day, nor more then forty-eight hours a week. According to the law employers must post in a conspicuous place near the principal entrance a form furnished by the labor department showing the work schedule of each child employed. The work-schedule form legally in effect has been abolished by the labor department.\(^3\) As a substitute for the work schedule a portion of the child-labor law was printed in poster form. The present forms were made during the year of 1944. The law also states that all persons, firms, or corporations employing children under sixteen years of age in any of the vocations mentioned above are required first to obtain and keep on file and accessible to authorized inspectors, the work permits as provided by the law.\(^4\)

Although the child-labor law seems to be specific in most respects there are passages that demand interpretation. The writer requested an interpretation from the Women's and Children's Division to the following question: Are children fourteen to sixteen years of age allowed to work in the occupations prohibited by the child-labor law if they work for their parents or guardians? The answer is as follows:

\(^3\) Nellie Kennedy, personal letter, October 27, 1947.

\(^4\) Forms pertaining to the permit system are in the Appendix, pp. 106-115.
The interpretation of the division is strictly with section 38-602 of the child-labor law in regard to mines or quarries; and other occupations that are dangerous or injurious to life, limb, health or morals. Mrs. Kennedy stated that if after proper investigation, a child under sixteen years of age is found to be employed in a hazardous occupation by their parent or guardian they would be prohibited from employment by section 38-602. The same would apply if a parent or guardian of a child under sixteen years of age should have the child employed in a place of business determined to be detrimental to his morals. Thus, one would conclude that children between fourteen and sixteen may work in their parents' or guardian's place of business in the specified occupations, except in mines or quarries and occupations that are detrimental to life, limb, health or morals.

The law provides that before a work permit is issued to a child the prospective employer must sign an Offer of Employment stating the occupation at which he intends to employ the child, the number of days per week, the number of hours per day and the hours of commencing and stopping work. Thereby the issuing officer may check the legality of the employment. Second, the elementary school record of the child must be secured or an examination must be given to prove that the child has educational qualifications equivalent to the completion of the state course of study. Provision is made, however, for children under sixteen years of age who have not completed the elementary course of study, that

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is, they may secure the School Vacation Work Permits. This work permit is valid only when school is not in session. The permit is intended for the child who desires to work after school hours, on Saturdays, and during vacation periods.

In addition to the Offer of Employment and school record or certificate of examination, the child must provide sufficient evidence to prove that he is fourteen years of age. The labor commissioner may change and amend the rules and regulations as is necessary to secure satisfactory evidence of age.

The permits are sufficient protection to the employer of children as to their age, except when employers have actual knowledge of the falsity of the permits. Upon the termination of the employment of a child whose work permit is on file, the permit must be returned by the employer within two days to the official who issued it, and the issuing officer sends the permit or a copy of it to the labor department. This department may revoke any permit that has been improperly or illegally issued or that the physical or moral welfare of the child will best be served.

The state factory inspector, state inspector of mines, director-inspector of the Children's Division and their deputies must inspect the permits and other forms and examine the children employed as to their age and education. Another duty of the inspectors is to file complaints in any court of competent jurisdiction to enforce the provisions of the law, and it is the duty of the county attorney to appear and prosecute all complaints filed.
Age Certificates

As the law provides only for the issuing of work permits to children between fourteen and sixteen years of age it would therefore be contrary to the law to issue a work permit to a child who is sixteen years of age or over. However, it frequently occurs that a child sixteen years of age or over must present to the employer some proof of his age in applying for employment. The present law does not cover this age group, but to avoid misrepresentation and for the protection of the employer who is subject to various federal regulations the State Labor Department has provided an Age Certificate for children sixteen years of age and over. The department urges that all children whose physical development indicates any doubt of their being sixteen years of age be required to file this age certificate with their employers.

The permit system in Kansas is composed of the regular work permit, the school vacation work permit, and the age certificate. These permits are made out in duplicate, one being sent to the labor commissioner and one kept by the employer. Employers having age certificates may keep these certificates as evidence of age under the Fair Labor Standards Act of 1938. The other types of permits are returned and sent to the labor department. The department adopted the rule concerning the age certificates at the end of employment

at the suggestion of the United States Wage and Hour Division as it is the employers only proof of the minor's age when the Wage and Hour inspectors make inspections of industrial plants. The loss of the certificates and work permits does not inconvenience the children as they are required to secure new permits for each job as the permits state the firm's name, the industry and the specific occupation. The Children's Division of the labor department cooperates with the United States Children's Bureau at Washington, D. C. by reporting forms E-2 and E-3 monthly to the Bureau. 7

Analysis of the Permits and Certificates

Unfortunately the child-labor records of the State Labor Department since the adoption of the permit system are not complete. At the present time these permits are stored at 801 Harrison in Topeka, Kansas. The Children's Division has endeavored to keep the records intact, but due to the moving of the records frequently to new storage space, changes of personnel, and so forth, some of the permits have been lost. In addition, the Director-Inspector of the Children's Division commented that during inspections she has found permits whose duplicates had not been sent to her office. 8 Nevertheless, most of the records are on file and the writer has attempted a comprehensive analysis of the permits for the period from 1941 through 1946. The sixth table portrays the regular work-permit system, however, since 1918. In cases where

7. See Appendix, pp. 116-118.
inaccuracies were found in the number of permits and official records of the State Labor Department, the United States Children's Bureau records as well as various reports of the two departments were used.

Table VI shows the regular work permits issued from 1918 through 1946. One important conclusion to be drawn from the table is that the number of children employed in occupations requiring work permits had decreased considerably during the period from 1918 to 1942. In 1918 the total regular permits issued was 502; in 1935 there were none issued, and in 1942 there were 164 permits issued. These figures reflect a decrease in the number of children employed in industry. This decrease is attributed to less business activity due to depression and to the better enforcement of the laws. The increase of permits to 685 in 1943 and 1,141 in 1944 was due to greater business activity as a result of World War II. There was a noticeable drop in 1945 to 824 and in 1946 to 417 permits. This decrease of employment of children in industry will probably continue downward as normal peace relations are restored. Another conclusion to be drawn is that more boys were issued work permits at all times during the period covered than were issued to girls. Some comments should also be made concerning the type of work performed by the children. The three principal types of work may be classified as manufacturing, mercantile and messenger. Of these three, mercantile establishments have a slight majority in the number employed over manufacturing establishments for the period covered. The messenger occupation employed moderate numbers of children. Those classified as all others are nearly equal in number with those employed in manufacturing or mercantile. The statistics are not reliable figures of child employment in industries as children
### TABLE VI. REGULAR WORK PERMITS ISSUED TO CHILDREN 14 AND 15 YEARS OF AGE IN KANSAS FROM 1918-1946

<table>
<thead>
<tr>
<th>Year*</th>
<th>Manufacturing</th>
<th>Mercantile</th>
<th>Messenger</th>
<th>All Others</th>
<th>Male</th>
<th>Females</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1918a</td>
<td>158</td>
<td>160</td>
<td>69</td>
<td>114</td>
<td>260</td>
<td>140</td>
<td>502</td>
</tr>
<tr>
<td>1919</td>
<td>85</td>
<td>132</td>
<td>67</td>
<td>94</td>
<td>265</td>
<td>113</td>
<td>378</td>
</tr>
<tr>
<td>1920</td>
<td>178</td>
<td>110</td>
<td>31</td>
<td>55</td>
<td>191</td>
<td>183</td>
<td>378</td>
</tr>
<tr>
<td>1921</td>
<td>76</td>
<td>60</td>
<td>49</td>
<td>28</td>
<td>117</td>
<td>76</td>
<td>193</td>
</tr>
<tr>
<td>1922</td>
<td>75</td>
<td>60</td>
<td>22</td>
<td>34</td>
<td>110</td>
<td>81</td>
<td>191</td>
</tr>
<tr>
<td>1923</td>
<td>81</td>
<td>21</td>
<td>28</td>
<td>39</td>
<td>106</td>
<td>63</td>
<td>169</td>
</tr>
<tr>
<td>1924</td>
<td>20</td>
<td>11</td>
<td>26</td>
<td>37</td>
<td>64</td>
<td>30</td>
<td>94</td>
</tr>
<tr>
<td>1925</td>
<td>28</td>
<td>6</td>
<td>14</td>
<td>22</td>
<td>57</td>
<td>13</td>
<td>70</td>
</tr>
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<td>42</td>
<td>10</td>
<td>83</td>
<td>38</td>
<td>121</td>
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<td>16</td>
<td>76</td>
<td>2</td>
<td>107</td>
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<td>124</td>
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<tr>
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<td>19</td>
<td>60</td>
<td>12</td>
<td>101</td>
<td>27</td>
<td>128</td>
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<td>27</td>
<td>63</td>
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<td>79</td>
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<td>93</td>
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<td>1931b</td>
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<td>33</td>
<td>12</td>
<td>45</td>
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<td>13</td>
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<td></td>
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</tr>
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<td>1937</td>
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<td>7</td>
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<td>7</td>
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<td>7</td>
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<td>1938</td>
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<td></td>
<td></td>
<td></td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>1940</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>7</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>1941</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>10</td>
<td>14</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td>1942</td>
<td>20</td>
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<td>55</td>
<td>70</td>
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<td>34</td>
<td>164</td>
</tr>
<tr>
<td>1943</td>
<td>126</td>
<td>204</td>
<td>69</td>
<td>286</td>
<td>451</td>
<td>234</td>
<td>685</td>
</tr>
<tr>
<td>1944</td>
<td>296</td>
<td>477</td>
<td>36</td>
<td>332</td>
<td>755</td>
<td>386</td>
<td>1141</td>
</tr>
<tr>
<td>1945</td>
<td>187</td>
<td>295</td>
<td>46</td>
<td>296</td>
<td>585</td>
<td>239</td>
<td>824</td>
</tr>
<tr>
<td>1946</td>
<td>30</td>
<td>109</td>
<td>43</td>
<td>234</td>
<td>239</td>
<td>178</td>
<td>417</td>
</tr>
</tbody>
</table>

* September 1 to September 1 for 1918 to 1923 inclusive and calendar year for 1924 to 1946.


b. Statistics compiled from various Kansas labor reports, child-labor records and permits in Children's Division, and Federal reports. (1931 to 1946 inclusive).
are found during inspections that do not have work permits. A thorough check-up of the industries in Kansas City, Kansas, in which children were employed is given as the reason for the increase of permits issued in 1926.9

TABLE VII. LAST GRADE COMPLETED BY MINORS 14 AND 15 YEARS OF AGE RECEIVING REGULAR WORK PERMITS, 1941-1946.

<table>
<thead>
<tr>
<th>Year</th>
<th>Grade 6</th>
<th>Grade 7</th>
<th>Grade 8</th>
<th>Grades 9,10,11</th>
<th>Grade 12 or higher</th>
<th>Grade not specified</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1941</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>1942</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>1943</td>
<td>6</td>
<td>15</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>1944</td>
<td>6</td>
<td>15</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>1945</td>
<td>6</td>
<td>15</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>1946</td>
<td>6</td>
<td>15</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
</tbody>
</table>

The next table, Table VII, shows the last grade complete by the minors during the period from 1941 through 1946. Six minors were issued regular work permits at the completion of the sixth grade. It will also be noted that a few minors were issued regular work permits with the completion of the seventh grade. The child-labor law states that the elementary school record of a child must be secured to prove that the child has finished the elementary course or an examination must be given to prove that the child has equivalent educational qualifications. The explanation by the Children's Division of this discrepancy was that in all probability this was an error of the issuing officer in issuing a regular work permit in the place of a school-vacation permit.10 This had been found true by the Department a number of times in making checks on

permits that had been issued. Then, of course, there is the possibility that examinations may have been given to some of the children. Furthermore, some children are excused from further schooling when the superintendent of schools finds that they have reached their capacity to learn. As such children are a detriment to the school, regular work permits are sometimes issued even though they have gotten no further than the sixth or seventh grade.

Minors who complete the twelfth grade before they are fifteen years of age are very few and that accounts for the small number receiving permits in that age group. The majority receiving work permits have completed grades 9, 10 or 11. The above statistics portray moderate numbers of children in the state who are working instead of furthering their education.

**TABLE VIII. TYPE OF EVIDENCE OF AGE ACCEPTED FOR REGULAR WORK PERMITS 14 AND 15 YEARS OF AGE, 1941-1946.**

<table>
<thead>
<tr>
<th>Year</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1941</td>
<td>15</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>1942</td>
<td>96</td>
<td>8</td>
<td>13</td>
<td>47</td>
<td></td>
<td></td>
<td>164</td>
</tr>
<tr>
<td>1943</td>
<td>506</td>
<td>14</td>
<td>87</td>
<td>63</td>
<td>4</td>
<td>11</td>
<td>685</td>
</tr>
<tr>
<td>1944</td>
<td>799</td>
<td>27</td>
<td>163</td>
<td>108</td>
<td>2</td>
<td>42</td>
<td>1141</td>
</tr>
<tr>
<td>1945</td>
<td>561</td>
<td>12</td>
<td>134</td>
<td>99</td>
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<td>29</td>
<td>98</td>
<td>2</td>
<td></td>
<td>417</td>
</tr>
</tbody>
</table>

a. The letters stand for the following:
A. Birth certificate.
B. Baptismal certificate
C. Bible record, passport, insurance policy, immigration or naturalization record.
D. Physician's certificate of age accompanied by both school record of age, if obtainable, and parent's affidavit of age.
E. Other evidence of age.
F. Evidence of age not specified.

The statistics as set forth in Table VIII show the type of evidence of age accepted by the issuing officers. The number of children using birth certificates were greater than all other types of evidence combined. The baptismal certificate was used in a few cases. The Bible record, passport, insurance policy, immigration or naturalization records were used about as often as the physician's certificate.

Table IX shows the number of school-vacation permits and it is readily seen that more permits were issued to boys than girls. The largest number issued during the period covered by the table is 232 for the year 1945; in 1941 there were none issued; and, in 1946 there were 54 school-vacation permits issued.

Fewer school-vacation permits have been issued in recent years than were issued immediately following the First World War. In 1918 there were 790 school-vacation permits issued. The postwar peak was reached in 1920 when 617 such permits were issued. In 1924 the number

### Table IX. School-Vacation Permits Issued From 1941 Through 1946a

<table>
<thead>
<tr>
<th>Year</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1941</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1942</td>
<td>73</td>
<td>11</td>
<td>84</td>
</tr>
<tr>
<td>1943</td>
<td>113</td>
<td>58</td>
<td>171</td>
</tr>
<tr>
<td>1944</td>
<td>160</td>
<td>43</td>
<td>203</td>
</tr>
<tr>
<td>1945</td>
<td>171</td>
<td>61</td>
<td>232</td>
</tr>
<tr>
<td>1946</td>
<td>39</td>
<td>15</td>
<td>54</td>
</tr>
</tbody>
</table>

had fallen to 67 and the number gradually fell off to nothing in 1933. Whereas the decrease in the number of children employed in industry reflects a decrease in the number of children employed in industry, the same conclusion is not valid in the decrease of the number of school-vacation permits. The decrease in school-vacation permits was due "... almost wholly to a change in the interpretation of the law, which allowed children to work without permits in occupations not listed in the law." 12 In the occupations not listed in the law there was an increase in the number of children employed. 13 The decrease in 1924 was probably due to the change of the calendar year; the method of keeping records of work certificates was changed to correspond to the calendar year instead of the school term. The Court of Industrial Relations gave some credit to the improvements in the school law for the decrease of school-vacation permits issued. 14

**TABLE X. AGE CERTIFICATES ISSUED TO CHILDREN 16 AND 17 YEARS OF AGE IN KANSAS AND TYPE OF WORK PERFORMED, 1941-1946**

<table>
<thead>
<tr>
<th>Year</th>
<th>Manufacturing</th>
<th>Mercantile</th>
<th>Messenger</th>
<th>All</th>
<th>Males</th>
<th>Females</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1941</td>
<td>72</td>
<td>11</td>
<td>69</td>
<td>7</td>
<td>99</td>
<td>60</td>
<td>159</td>
</tr>
<tr>
<td>1942</td>
<td>541</td>
<td>13</td>
<td>146</td>
<td>109</td>
<td>574</td>
<td>235</td>
<td>809</td>
</tr>
<tr>
<td>1943</td>
<td>6477</td>
<td>21</td>
<td>174</td>
<td>555</td>
<td>5359</td>
<td>1868</td>
<td>7227</td>
</tr>
<tr>
<td>1944</td>
<td>8366</td>
<td>135</td>
<td>486</td>
<td>1144</td>
<td>7694</td>
<td>2437</td>
<td>10131</td>
</tr>
<tr>
<td>1945</td>
<td>4729</td>
<td>59</td>
<td>522</td>
<td>630</td>
<td>4593</td>
<td>1347</td>
<td>5940</td>
</tr>
<tr>
<td>1946</td>
<td>480</td>
<td>18</td>
<td>57</td>
<td>593</td>
<td>666</td>
<td>482</td>
<td>1148</td>
</tr>
</tbody>
</table>

a. Statistics from Age Certificates, State Department Records and Federal Records.


The statistics in Table X show the breakdown of the age certificates, and it is noted that more children were employed in manufacturing than in all the other occupations combined. The number in manufacturing in 1941 was 72; the number being 8,366 in 1944; and the 1946 total was 480. These figures show that industry absorbed a great many children in manufacturing during the war years. The least number of certificates were issued to the mercantile occupation. A moderate number of age certificates were issued to the messenger occupation. Males were issued about three times as many certificates as were issued to females in the period covered. In 1941 there were 159 age certificates issued to children sixteen and seventeen years of age; the largest number was 10,131 in 1944; and the total in 1946 was 1,148. These statistics reveal that a great number of children were employed during the war years in this age group. Children sixteen and seventeen are not required by law to secure age certificates, however it is protection for the employer to require the certificate, especially those employers producing goods for interstate commerce. The principal reason for the large number of certificates issued is that employers are Fair Labor conscious, that is, they are playing safe in complying with the child-labor provisions of the Federal Fair Labor Standards Act of 1938. This act is discussed in the following chapter.

The type of evidence accepted for age certificates is portrayed in Table XI. As in the fourteen and fifteen year age group the majority used the birth certificate as the type of evidence. The baptismal certificate was used in very few cases. Some of the other types of
TABLE XI. TYPE OF EVIDENCE OF AGE ACCEPTED FOR AGE CERTIFICATES, 16 AND 17 YEARS OF AGE, 1941-1946

<table>
<thead>
<tr>
<th>Year</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1941</td>
<td>74</td>
<td>7</td>
<td>13</td>
<td>65</td>
<td>2</td>
<td>0</td>
<td>159</td>
</tr>
<tr>
<td>1942</td>
<td>589</td>
<td>31</td>
<td>44</td>
<td>143</td>
<td>2</td>
<td>0</td>
<td>809</td>
</tr>
<tr>
<td>1943</td>
<td>6188</td>
<td>110</td>
<td>545</td>
<td>276</td>
<td>20</td>
<td>88</td>
<td>7227</td>
</tr>
<tr>
<td>1944</td>
<td>7881</td>
<td>49</td>
<td>1232</td>
<td>536</td>
<td>29</td>
<td>404</td>
<td>10131</td>
</tr>
<tr>
<td>1945</td>
<td>4279</td>
<td>10</td>
<td>1076</td>
<td>330</td>
<td>42</td>
<td>203</td>
<td>5940</td>
</tr>
<tr>
<td>1946</td>
<td>835</td>
<td>7</td>
<td>92</td>
<td>204</td>
<td>10</td>
<td>0</td>
<td>1148</td>
</tr>
</tbody>
</table>

a. Sources same as for Table V.
b. The letters are identical with those in Table III.

of evidence used were naval discharge papers, driver's licenses, ration books, adoption papers, and the census record.

There were 110 age certificates issued to those included in the eighteen and nineteen year age group in 1941; in 1942 the number issued was 167; 221 in 1943; 177 in 1945; and 180 in 1946.

Summary

The permit system in the state is beneficial in regulating child labor in specified occupations. The system should be extended to include all children regardless of the type of employment. Child employment in industry decreased during the depression years; increased during the recent world conflict; and the trend is downward at the present time. Children must be protected by law as some employers do not heed the advice of authorities that children be kept in school. In general, the present permit system is partial protection for the health, morals and welfare of children.
Numerous attempts were made during the early part of the present century to secure the passage by Congress of a federal child-labor law. The first bill was introduced by the late Senator Albert J. Beveridge in 1906, but it was not until 1916 that Congress enacted a child-labor law. Federal legislation concerning child labor affects only those products produced for interstate and foreign commerce. An amendment to the Constitution is necessary before Congress can regulate child labor in intrastate commerce.

Federal Law of 1916

On September 1, 1916, Congress passed the so-called Owen-Keating Bill which prohibited child labor to some extent. The act prohibited the shipment in interstate and foreign commerce of goods produced in mines and quarries, in factories of manufacturing establishments, mills, canneries and work-shops in which children were employed in violation of stated standards. These standards included the employment of children under sixteen years of age in mines and quarries, of children under fourteen years of age in manufacturing establishments and of children between fourteen and sixteen years of age for more than eight hours a day, six days a week, and after seven o'clock in the

evening or before six o'clock in the morning. Thus, night work for children under sixteen was prohibited in producing goods for interstate commerce. The law went into effect September 1, 1917, one year after its passage, the delay being provided so that employees in the included industries might have abundant time for readjustment. The law provided that Congress had the authority to regulate commerce among the states and to prevent the transportation of goods within thirty days in establishments where child labor had been used in violation of the above standards. The Secretary of Labor was charged with the administration of the law and was given power to enter and inspect all establishments employing children where goods were produced for interstate commerce. Furthermore, the Attorney-General, the Secretary of Commerce, and the Secretary of Labor constituted a board to make uniform rules and regulations for carrying out the provisions of the act. The bona fide boys' and girls' canning clubs recognized by the agricultural departments of the several states and of the United States were not affected by the provisions of the act.

Violators of the act were prosecuted in the courts of the United States. The first conviction could be punished by a fine of not more than one thousand dollars, nor less than one hundred dollars, or by imprisonment for not more than three months, or by both fine and imprisonment.

The total number of establishments inspected in Kansas during the time the act was in force was three. There were no violations in
the state under the law that instituted court action.  

This first federal child-labor law enacted in 1916 differed from the Kansas child-labor law. According to the Biennial Report of the Kansas Labor Department for 1915-1916 the Kansas law differed in the following respects:

(1) The fourteen-year limit does not apply to establishments owned or operated by the child's parents.

(2) There is no sixteen-year limit for mines and quarries, although the state law prohibiting the employment of children "in occupations dangerous to health or morals" has been construed to cover employment in mines.

The changes which took place in the Kansas law after the federal child-labor law was enacted have been discussed in Chapter II under the law of 1917.

On June 3, 1918, the Owen-Keating Act was declared unconstitutional in *Hammer v. Dagenhart*. The child-labor law had been in operation 275 days. The Supreme Court of the United States declared the law unconstitutional on the ground that Congress had exceeded its constitutional power to regulate interstate commerce. The act was repugnant to the Constitution in a two-fold sense. "It not only transcends the authority delegated to Congress over commerce, but also exerts a power as to a purely local matter to which the Federal authority does not extend." Four of the nine judges dissented from the majority opinion.

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4. Ibid., p. 276.
Twenty-two years later the decision rendered in *Hammer v. Dagenhart* was overruled by the Court in *United States v. Darby*. Thus, in 1941 the Court upheld the power of Congress to exclude the products of child labor from interstate commerce. The Darby case also upheld the Fair Labor Standards Act of 1938 which is the recent law regulating child labor in interstate commerce.

**Federal Law of 1919**

On February 24, 1919, Congress enacted as a part of the revenue act a provision for the levying of a tax of ten per cent on the annual net profits of stated industries employing children in violation of law. These industries included mills, canneries, workshops, factories, manufacturing establishments, and mines and quarries. The law prohibited the employment of children in violation of the age and hour standards established by the first federal child-labor law of 1916.

In computing net profits the following were deducted from the gross amount accrued for the taxable year from the sale or disposition of such products manufactured: the cost of raw materials entering into the production; running expenses; interest paid on debts; taxes of all kinds; and losses actually sustained.

Employers could protect themselves from the liability of the tax by securing a certificate permitting the child to work. The certificates were to be prescribed by a board consisting of the Secretary

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of the Treasury, the Commissioner of Internal Revenue and the Secretary of Labor, showing the child to be of such age as not to subject the employer to the tax. Any person who knowingly made a false statement in relation to such certificate could be fined not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than three months or by both such fine and imprisonment. Provision was made that any state issuing age certificates under the laws of that state, and not inconsistent with the provisions of the present act, would have the same force and effect as provided by this act.

Upon the passage of the law, the standards of the Kansas work-certificate system was accepted by the Office of Internal Revenue, and Kansas was placed upon the list of states whose certificates were accredited. However, the state was removed from the list when the probate judge of Wyandotte county was careless in issuing certificates contrary to the provisions of the federal law. 7

Each person subject to the provisions of this act was required to make a true and accurate return under oath setting forth specifically the gross amount of income received or accrued from sales under the included industries in which children had been employed subjecting him to the tax. From the gross amount the person was to deduct the allowances authorized by the act. The return was to be forwarded to the commissioner who assessed the tax, and the violator was required to pay the assessment within thirty days from the date of the notice.

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This second federal child-labor law became operative on April 25, 1919, and was administered by the Office of Internal Revenue until May 15, 1922, when it was declared unconstitutional in Bailey v. Drexel Furniture Company. The law was declared unconstitutional by an eight to one decision on the ground that Congress, under the guise of a tax which on the face of the act is a penalty, may not regulate a matter within the reserved rights of the state.

The Federal Child-Labor Amendment

The next attempt, in view of the decisions handed down by the United States Supreme Court, was to secure an amendment to the United States Constitution. The proposed amendment does not set up federal standards but would merely enable Congress to legislate with regard to child labor.

The following joint resolution was adopted at the first session of the Sixty-eighth Congress in 1924 by a vote of 297 to 69 in the House of Representatives (April 26, 1924) and 61 to 23 in the Senate (June 2, 1924). 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the constitution:


"Article ___.

"Section 1. The Congress shall have power to limit, regulate, prohibit the labor of persons under 18 years of age.

"Sec. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."\(^{10}\)

The amendment is still before the states for ratification. Twenty-eight of the required thirty-six states have ratified the amendment. \(^{11}\) In 1925 Kansas rejected the amendment and it was before the state legislature six times before it was adopted.

Various views were expressed by the members of the legislature and the general public concerning the amendment. The amendment was described as being communistic in origin and purposes, the instrument by which Congress would control the youth of the nation and the avenue to a fuller, richer life for children. \(^{12}\)

The 1935 Kansas legislature failed to approve the amendment due to the efforts of the American Bar Association. \(^{13}\) The fight was lead by Edward Boddington of Kansas City, Kansas, who was the lobbyist for the Civic Tax League which represented a group of Kansas corporations. The lobbying tricks of scaring the farmer members of the legislature were used.

Many of the women's organizations in the state favored the

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10. Loc. Cit.


12. Loc. cit.

amendment. The critics argued that the girl who washes dishes for her mother, or the boy who milks his father's cows would come under the power of Congress. Those favoring the amendment argued that child labor was used to exploit price concessions and that children should be kept in school.

The resolution was passed by the Kansas legislature on February 25, 1937. The house adopted the resolution by a vote of sixty-four to fifty-two; two weeks earlier the senate had adopted the resolution by a vote of twenty-one to twenty with Lieutenant-Governor W. M. Lindsay breaking the tie vote.

The validity of the ratification of the amendment was contested in the Kansas Supreme Court on three grounds: That the Lieutenant-Governor as a presiding officer of the senate was not entitled to vote on the ratification resolution; that the legislature having rejected the proposed amendment in 1925 had exhausted its power with reference to the amendment; and, that the action of the legislature in ratifying the proposed amendment was not valid or binding because the amendment had lost its potency, having been before the state since 1924. The Supreme Court of Kansas upheld the action of the legislature and the case was referred to the United States Supreme Court. This Court, for the


most part, affirmed the action of the State Supreme Court, however the Court did not express an opinion on the question of the Lieutenant-Governor breaking the tie vote.

The National Industrial Recovery Act of 1933

The National Industrial Recovery Act, passed by Congress on June 16, 1933, provided for the establishment of Codes of Fair Competition. These codes were made by agreement between industries, the National Recovery Administration, and the President. The codes, in addition to providing minimum-wage standards and hours of labor for all workers, provided minimum-age standards for children employed. Nearly all of the 576 codes established under the system contained a sixteen year minimum age for all employment and about three-fourths of the codes set a minimum age for all hazardous occupations and occupations detrimental to health.

The codes were national in character and they affected Kansas wherever applicable. The following section from the Code of Fair Competition for the Restaurant Industry (Code No. 282) is typical of the child-labor provisions:

Section 2. On and after the effective date of this Code, no person under the age of sixteen (16) years shall be

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employed in the Restaurant Industry. This provision shall not relieve any employer from complying with any state or federal law which imposes more stringent requirements as to the age of employees than are prescribed by this section.

The National Industrial Recovery Act was an act of Congress authorizing the President to approve or formulate codes of fair competition for business and industry and enforce the codes to promote national economic recovery. The President created an independent national agency, the National Recovery Administration, by presidential order to secure and enforce the codes in accordance with the provisions of the National Industrial Recovery Act. "Under the N.R.A., children between fourteen and sixteen years of age may work three hours per day, six days per week or eight hours one day in the week between the hours of 7 a.m. and 7 p.m." The Kansas child-labor law states that children between fourteen and sixteen years of age may work between the hours of seven o'clock in the morning and six o'clock in the evening.

Section 3 of the National Industrial Recovery Act which authorized the codes was declared unconstitutional on May 27, 1935, in Schecter Poultry Corporation v. United States on the ground that it was an unconstitutional delegation of legislative power. The National Recovery Administration agency was abolished on April 1, 1936.

Many local complaints were made concerning the provisions prohibiting child labor. However, only one child-labor complaint

was made to the Office of National Administration from Kansas. 23

The Jones-Costigan Act of 1934

The Jones-Costigan Act made sugar beets and sugar cane basic commodities under the Agricultural Adjustment Act, and gave the Secretary of Agriculture power to prescribe child-labor conditions. Furthermore, the Secretary was given the authority to establish minimum-wage standards for workers as a prerequisite to the payment of benefits to the producers of these crops. 24 The child-labor provisions of the act merely established requirements with respect to eligibility for payments offered to sugar producers. Consequently, the sugar programs formulated under the act did not provide for prosecutions in the case of the employment of illegal child labor, but provided for disqualification with respect to all such payments. No records are available regarding the number of producers who were denied payments under the act for Kansas. 25

The contracts entered into by the government with sugar beet growers for the 1935 season provided that no child between fourteen and sixteen years of age should be permitted to work longer than eight hours a day, however, growers' children on their parents' farms were exempted from these provisions. These provisions were substantially in


in agreement with the Kansas laws.

The Agricultural Adjustment Administration was declared unconstitutional in 1935 in United States v. Butler and the contracts were included. No further federal action in this field was taken until the enactment of the Sugar Act of 1937.

The Walsh-Healey Act of 1935

The Walsh-Healey Act is popularly known as the Public Contracts Act. The act was intended to salvage the benefits of the National Recovery Act. The child-labor standards provided by the law which must be incorporated in every contract entered into with the government in excess of $10,000 are: no child labor under sixteen years of age for boys and under eighteen years of age for girls. The act fixes a maximum eight-hour day and a forty-hour week, and provides that the work shall not be done under conditions that are unsanitary or dangerous. The minimum age for the employment of girls was reduced from eighteen to sixteen by a ruling of the Secretary of Labor under authority given her by the act.

Table XII shows the violations of the child-labor provisions of the public contracts in Kansas. The data for the earlier years are


28. Ibid., p. 2037.

TABLE XII. VIOLATIONS OF THE CHILD-LABOR PROVISIONS OF THE PUBLIC CONTRACTS ACT, KANSAS, FISCAL YEARS 1944, THROUGH 1946, AND FIRST NINE MONTHS OF FISCAL YEAR 1947*

<table>
<thead>
<tr>
<th>Period</th>
<th>No. of establishments inspected under Act</th>
<th>No. of establishments</th>
<th>No. of minors involved</th>
<th>Liquidated damages assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Under 16</td>
<td>Girls 16-17</td>
</tr>
<tr>
<td>July 1, 1946-March 31, 1947</td>
<td>8</td>
<td>1</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td>Fiscal year 1946</td>
<td>33</td>
<td>3</td>
<td>3</td>
<td>172</td>
</tr>
<tr>
<td>Fiscal year 1945</td>
<td>a/</td>
<td>6</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>Fiscal year 1944</td>
<td>a/</td>
<td>10</td>
<td>a/</td>
<td>a/</td>
</tr>
</tbody>
</table>

a/ Not available

not available by states. The statistics show that there have been few violating establishments under the act in the state. The number of minors involved under sixteen years of age was 9 in 1945; 8 in 1946; and, 49 the first nine months of 1947. The number of girls 16 and 17 years of age involved were 18 in 1945; 172 in 1946; and, 49 the first nine months of 1947. The number of establishments in which damages were assessed were six in each of the fiscal years, 1944, 1945, and 1946. There were 8 minors involved in the establishments in 1944 whose employers were assessed $2,530; 27 in 1945 with an assessment of $4,170; and, 11 in 1946 with an assessment of $2,550. Thus, the assessment of damages has not been great during the period covered. Another weakness of the act is that it applies only to contracts of $10,000 or more. Many public contracts are for amounts less than the stipulated minimum.

The Sugar Act of 1937

The Sugar Act of 1937 established sugar quotas, levied a tax on the manufacture of sugar, and authorized conditional payments to producers of sugar cane and sugar beets. Various labor standards are included among the provisions. These include prohibition of the employment of children under fourteen years of age and a maximum eight-hour day for children between fourteen and sixteen years of age. Children of the immediate family of the legal owner of at least forty per cent of the crop are exempt from the child-labor provisions. Authority is given to the Secretary of Agriculture to fix minimum-wage rates for all employees

working in the production of sugar beets or sugar cane.

As in the Jones-Costigan Act, there are no provisions for prosecutions in the case of illegal child labor being employed. The programs formulated provided for disqualification with respect to all or part of such payments. Under the programs carried out prior to 1940, this disqualification related to entire payments, but 1940 and subsequent payments were made subject to a deduction of ten dollars for each child for each day, or a portion of a day during which such child was employed or permitted to work contrary to the provisions of the act. No records regarding the number of producers who were denied payment under the act are available before 1940. The records since 1940 show that no deductions have been made for the employment of child labor.31

The Fair Labor Standards Act of 1938

The child-labor provisions of the Fair Labor Standards Act prohibit the shipment in interstate commerce or to any foreign country of goods produced in the United States in which oppressive child labor has been employed within thirty days prior to the removal of the goods.32 Oppressive child labor is defined as the employment of minors under sixteen years of age in any occupation covered by the act and the employment of minors between sixteen and eighteen years of age in occupations declared hazardous by the United States Children's Bureau.


The act applies to those producers, manufacturers, and dealers who ship or deliver goods for shipment in interstate or foreign commerce. Children between fourteen and sixteen years of age may work in non-manufacturing and non-mining occupations under regulations issued by the Children's Bureau. This employment must not interfere with their schooling, health or well-being. Children employed in agriculture and various other occupations are exempt from the act when not legally required to attend school. Children working for their parents in any occupation other than manufacturing or mining are exempt.

The child-labor violations under the act in Kansas from 1943 through 1946 are shown in Table XIII. The data from the earlier years are not available by states.

Since the passage of the act there have been three Kansas cases in which violations were of such flagrance that criminal action was thought justified. In one case the employer was fined $100 and was put on probation for a year; one of the others was dismissed at the request of the United States attorney; and in the other the judge refused permission to file the information.33 No civil suits were brought. In the other violating establishments it was the first inspection and a warning was sent to the employer but no legal action was taken.

TABLE XIII. CHILD-LABOR VIOLATIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938 IN KANSAS, 1943-1946

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Violating Establishments</th>
<th>Number of Minors of Oppressive Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1943</td>
<td>35</td>
<td>56</td>
</tr>
<tr>
<td>1944</td>
<td>64</td>
<td>119</td>
</tr>
<tr>
<td>1945</td>
<td>60</td>
<td>160</td>
</tr>
<tr>
<td>1946</td>
<td>44</td>
<td>90</td>
</tr>
</tbody>
</table>


In 1941, in the case of United States v. Darby, the Court held the act well within the field of Congressional control under the commerce clause, and specifically overruled the case of Hammer v. Dagenhart which had declared the first federal child-labor law unconstitutional. 34

Summary

Congress has seen the need for the regulation of child labor. The earlier attempts of federal child-labor legislation were thwarted by the decisions of the United States Supreme Court and as a result of these adverse decisions Congress has proposed the child-labor amendment. Eight additional ratifications are required to make the amendment a part of the Constitution. The most recent federal legislation affecting child labor is the Fair Labor Standards Act of 1938. The United

34. United States Reports, vol. 312, p. 100.
States Supreme Court has upheld the act, however it pertains only to children employed in specified occupations producing goods for inter-state and foreign commerce. The child-labor amendment must be ratified by three-fourths of the states before Congress can protect children employed in producing goods for intrastate commerce. In Kansas the violations under the various federal child-labor acts have varied with the particular act; few establishments have been inspected under any of the acts.
CHAPTER V

CHILD-LABOR CONDITIONS IN KANSAS

Child-labor conditions in the state are difficult to assess as only one state-wide survey of these conditions has been made. However various local surveys have been made from time to time and the data gathered do indicate the conditions under which child employment has persisted. In addition to the surveys there are the findings of the state factory inspectors. The inspectors are required by law to check the work permits of the children and to issue orders requiring illegally employed children to secure valid certificates. Furthermore, there are the viewpoints of various individuals that portray the conditions under which children have worked at various times, and finally the prosecutions and convictions under the child-labor laws.

Early Conditions

Boys were employed in coal mines as early as 1886. Their wages ranged from two dollars to seven dollars fifty cents per week with a large number of the boys receiving six dollars. The boys worked from forty-eight to sixty hours per week, the majority working sixty hours per week.¹

Table XIV shows the kinds of labor engaged in by children, their wages and hours of work as found in the manufacturing industries in the state in 1887.

¹ Kansas Bureau of Labor, Second Annual Report, 1886, pp. 113-114.
The injustice done to children employed in 1887 is portrayed in Table XIV. The injustice is more clearly seen when children's wages are compared with those of adults. The wages of men in the same type of work at this time ranged from one dollar to two dollars twenty-five cents, the average being about one dollar seventy-five cents for the same number of hours. Few women were employed, however their wages were higher than those paid to children.²

In 1889 the labor department was concerned with the rapidly


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**Table XIV. KINDS OF LABOR ENGAGED IN BY CHILDREN, THEIR WAGES AND HOURS OF WORK, 1887**

<table>
<thead>
<tr>
<th>Industry</th>
<th>Daily Wages</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canning, fruits and vegetables</td>
<td>$0.50</td>
<td>10</td>
</tr>
<tr>
<td>Harness shops</td>
<td>.65</td>
<td>10</td>
</tr>
<tr>
<td>Foundry and machinery</td>
<td>1.25</td>
<td>10</td>
</tr>
<tr>
<td>Woolen-hosiery factory</td>
<td>.40</td>
<td>10</td>
</tr>
<tr>
<td>Brickyard</td>
<td>.75</td>
<td>10</td>
</tr>
<tr>
<td>Crusher</td>
<td>1.25</td>
<td>9</td>
</tr>
<tr>
<td>Hosiery factory</td>
<td>.25</td>
<td>10</td>
</tr>
<tr>
<td>Printing shops</td>
<td>.66</td>
<td>10</td>
</tr>
<tr>
<td>Zinc factory</td>
<td>.60</td>
<td>10-12</td>
</tr>
<tr>
<td>Beer factory</td>
<td>.75</td>
<td>10</td>
</tr>
<tr>
<td>Canned-fruit factory</td>
<td>.50</td>
<td>10</td>
</tr>
<tr>
<td>Cigar factory</td>
<td>.65</td>
<td>10</td>
</tr>
<tr>
<td>Washing-machine factory</td>
<td>.25</td>
<td>10</td>
</tr>
<tr>
<td>Bridge works</td>
<td>.75</td>
<td>10</td>
</tr>
<tr>
<td>Cooperage</td>
<td>.33</td>
<td>10</td>
</tr>
<tr>
<td>Packing house</td>
<td>.75</td>
<td>10</td>
</tr>
<tr>
<td>Preserving works</td>
<td>.50</td>
<td>10</td>
</tr>
</tbody>
</table>

growing foreign population. Many of the parents had to work as children in the old country and they were accepting this same destiny for their children. The department pointed out that a visit to some of the factories and coal mines would verify this condition. The labor department urged that child-labor laws be provided to prevent unfortunate developments in the future.³

The following year, 1890, the commissioner of labor statistics, at the request of the federal labor commissioner, made an investigation of child-labor conditions in the state.⁴ This investigation is the only comprehensive state-wide survey found by the writer. The survey concerns only the employment of children in industry. The commissioner reported that conditions of labor in mines, workshops, and factories were not satisfactory. Many of the children began early in the morning and others worked part or all of the night as shown in Table XV.

The injustice done to the children is reflected in the hours they were required to work. The typical working day was ten hours beginning at seven o'clock in the morning and ending at six o'clock in the evening with an hour off for lunch. The average wage was about five dollars fifty cents per week ranging from two dollars three cents to four dollars two cents. The yearly wage ranged from $90.85 to $189.52, the average being nearly $150.00. The number of weeks worked per year

⁴. Ibid., Sixth Annual Report, 1890, pp. 8-66.
TABLE XV.  HOURS WORKED BY CHILDREN IN 1890 IN KANSAS

<table>
<thead>
<tr>
<th>Commenced Work</th>
<th>Number</th>
<th>Quit Work</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. M.</td>
<td></td>
<td>P. M.</td>
<td></td>
</tr>
<tr>
<td>4:30</td>
<td>1</td>
<td>4:00</td>
<td>12</td>
</tr>
<tr>
<td>5:00</td>
<td>1</td>
<td>5:00</td>
<td>27</td>
</tr>
<tr>
<td>5:30</td>
<td>5</td>
<td>5:30</td>
<td>30</td>
</tr>
<tr>
<td>6:00</td>
<td>10</td>
<td>6:00</td>
<td>52</td>
</tr>
<tr>
<td>6:30</td>
<td>6</td>
<td>6:30</td>
<td>2</td>
</tr>
<tr>
<td>7:00</td>
<td>99</td>
<td>7:00</td>
<td>11</td>
</tr>
<tr>
<td>7:30</td>
<td>13</td>
<td>7:30</td>
<td>13</td>
</tr>
<tr>
<td>7:45</td>
<td>1</td>
<td>8:00</td>
<td>24</td>
</tr>
<tr>
<td>8:00</td>
<td>20</td>
<td>9:00</td>
<td>2</td>
</tr>
<tr>
<td>9:00</td>
<td>11</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>10:00</td>
<td>1</td>
<td>11:00</td>
<td>1</td>
</tr>
<tr>
<td>P. M.</td>
<td></td>
<td>A. M.</td>
<td></td>
</tr>
<tr>
<td>4:00</td>
<td>3</td>
<td>4:00</td>
<td>1</td>
</tr>
<tr>
<td>4:30</td>
<td>6</td>
<td>7:00</td>
<td>2</td>
</tr>
<tr>
<td>5:30</td>
<td>1</td>
<td>7:30</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>178</strong></td>
<td></td>
<td><strong>178</strong></td>
</tr>
</tbody>
</table>


... ranged from thirty to fifty-two, the average being forty-three. More boys were employed than girls, although in some types of employment girls were used as well as boys.

The commissioner reported that conditions of child labor while not alarming were becoming worse. He stated,

... a visit to our coal mines, and to our large manufacturing establishments, reveals the fact that as a whole the volume of child labor is increasing, and the time is approaching when legislative interference will become necessary to regulate and protect it.

5. Ibid., p. 60.

6. Ibid., p. 37.

7. Ibid., p. 8.
The following year, 1891, the commissioner emphasized the need for child-labor legislation by referring to the conditions found in the state-wide survey the previous year.  

Conditions in Later Years

Manufacturing has increased rapidly in Kansas since the beginning of the twentieth century. Thus the opportunity for the employment of children has increased. The reports of the factory inspectors reveal various child-labor conditions. The annual reports of the Kansas Labor Department for several years show the results of inspections. The inspections reveal the following: the total number of wage earners, the number of children having defective certificates. Those not having certificates and those having defective certificates were required to secure valid permits. The labor department has carried out a policy of education and diplomacy in the matter of enforcement, however flagrant violations resulted in prosecution and conviction.

Table XVI shows the results of inspections and the percentage of children employed in manufacturing and mercantile establishments as portrayed in the annual reports. The labor department has been inconsistent in publishing the reports of inspections concerning the employment of children. The first inspection of any significance was in the 1897 report. At this time children were not protected by industrial laws and regulations and the reports show that children under fourteen years of age were employed during the period 1897

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Inspections</th>
<th>Total Wage Earners</th>
<th>Number of Children Employed</th>
<th>Number of Children Under 14</th>
<th>Number of Children Employed Between 14 and 16</th>
<th>Number of Children Ordered to produce certificates</th>
<th>Percentage of children under 16</th>
</tr>
</thead>
<tbody>
<tr>
<td>1897</td>
<td>103</td>
<td>12346</td>
<td>444</td>
<td>(b)</td>
<td>(b)</td>
<td>19</td>
<td>1.66</td>
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<tr>
<td>1898</td>
<td>84</td>
<td>13144</td>
<td>115</td>
<td>5c</td>
<td>112</td>
<td>691</td>
<td>1.48</td>
</tr>
<tr>
<td>1899</td>
<td>172</td>
<td>10711</td>
<td>5c</td>
<td>112</td>
<td>172</td>
<td>41</td>
<td>0.32</td>
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<tr>
<td>1900</td>
<td>224</td>
<td>21129</td>
<td>19c</td>
<td>691</td>
<td>224</td>
<td>900</td>
<td>0.19</td>
</tr>
<tr>
<td>1901a</td>
<td>218</td>
<td>18373</td>
<td>23c</td>
<td>775</td>
<td>218</td>
<td>900</td>
<td>0.19</td>
</tr>
<tr>
<td>1902</td>
<td>205</td>
<td>23814</td>
<td>41c</td>
<td>900</td>
<td>205</td>
<td>900</td>
<td>0.19</td>
</tr>
<tr>
<td>1903</td>
<td>1904</td>
<td></td>
<td>900</td>
<td>205</td>
<td>205</td>
<td>205</td>
<td>0.19</td>
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<tr>
<td>1905</td>
<td>1906</td>
<td></td>
<td>900</td>
<td>205</td>
<td>205</td>
<td>205</td>
<td>0.19</td>
</tr>
<tr>
<td>1907d</td>
<td>833</td>
<td>37719</td>
<td>625</td>
<td>74</td>
<td>1.66</td>
<td>1.66</td>
<td></td>
</tr>
<tr>
<td>1908e</td>
<td>687</td>
<td>40303</td>
<td>595</td>
<td>3</td>
<td>1.48</td>
<td>1.48</td>
<td></td>
</tr>
<tr>
<td>1909</td>
<td>1742</td>
<td>47256</td>
<td>507</td>
<td>65</td>
<td>1.07</td>
<td>1.07</td>
<td></td>
</tr>
<tr>
<td>1910</td>
<td>3225</td>
<td>55224</td>
<td>139</td>
<td>28</td>
<td>0.25</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>1911</td>
<td>2162</td>
<td>43074</td>
<td>48</td>
<td>31</td>
<td>0.11</td>
<td>0.11</td>
<td></td>
</tr>
<tr>
<td>1912</td>
<td>1449</td>
<td>21322</td>
<td>67</td>
<td>8</td>
<td>0.31</td>
<td>0.31</td>
<td></td>
</tr>
<tr>
<td>1913</td>
<td>2080</td>
<td>42104</td>
<td>135</td>
<td>17</td>
<td>0.32</td>
<td>0.32</td>
<td></td>
</tr>
<tr>
<td>1914</td>
<td>2139</td>
<td>40658</td>
<td>114</td>
<td>11</td>
<td>0.28</td>
<td>0.28</td>
<td></td>
</tr>
<tr>
<td>1915</td>
<td>1427</td>
<td>37405</td>
<td>71</td>
<td>21</td>
<td>0.19</td>
<td>0.19</td>
<td></td>
</tr>
<tr>
<td>1916</td>
<td></td>
<td></td>
<td>211</td>
<td>0.37</td>
<td>0.37</td>
<td>0.37</td>
<td></td>
</tr>
<tr>
<td>1917f</td>
<td>1979</td>
<td>57484</td>
<td>45</td>
<td>0.07</td>
<td>0.07</td>
<td>0.07</td>
<td></td>
</tr>
<tr>
<td>1919</td>
<td>1375</td>
<td>59941</td>
<td>45</td>
<td>0.07</td>
<td>0.07</td>
<td>0.07</td>
<td></td>
</tr>
</tbody>
</table>

---

a. The official reports of the labor department are not consistent in portraying the results of inspections. The reports before 1897 and after 1920 do not discuss the inspections in regard to child labor. Furthermore, statistics are not available for the years 1901, 1903, 1905, 1906, 1916 and 1919.

b. Data not available

c. Number of establishments employing children under fourteen.

d. Seven months, July 1, 1907 to February 1, 1908.

e. Nine months, February 1, 1908 to November 1, 1908.

f. Eighteen months, January 1, 1917 to July 1, 1918.
through 1904. In 1905 the work-permit system was instigated and children were protected by law in specified occupations, including manufacturing and mercantile establishments. Therefore there have been no children legally employed under fourteen years of age after 1905 in the specified occupations. The statistics for the first several years covered by Table XVI are incomplete and a comparable percentage of children under sixteen years of age can not be made before 1907. In 1904 there were 205 inspections made covering 23,814 wage earners. Of this number 900 were between fourteen and sixteen years of age and 41 establishments employed children under fourteen years of age. A high percentage, as compared with other years, of child employment is shown for this particular year.

The figures are comprehensive enough in so far as the total number of workers covered is concerned, but one can readily see that the data gathered by factory inspectors are not satisfactory. However the available figures do indicate to some extent the effectiveness of the administration of the child-labor law. The inspections are not consistent as they have been made at different seasons of the year and only during the years 1909 through 1915 were there reinspections of some of the establishments during the year. In 1909 there were 298 reinspections; 1,426 in 1910; 780 in 1911; 162 in 1912; 75 in 1913; 288 in 1914; and, 28 in 1915. The establishments inspected at different times have varied considerably in the number of children employed. The above discussion leads to the conclusion that the available data are
unsatisfactory. The data seem to indicate that the number of children employed under sixteen years of age from 1907 through 1920 has declined considerably. The children included are between fourteen and sixteen years of age as children under fourteen years of age are prohibited in manufacturing and mercantile establishments. In 1907 the percentage of children employed among 37,719 wage earners was 1.66. By 1920 the percentage had fallen to 0.07 among 59,941 wage earners. The number of inspections has varied considerably during the years although the trend has been toward more extensive coverage of the establishments. The number of children ordered to secure certificates has been large in comparison with the number of children inspected in the establishments. These children have been employed contrary to state law and prosecution and conviction has been the result in some cases. The reports since 1920 do not give satisfactory data concerning children in inspected establishments. The factory division inspection does not reveal the extent or conditions of child labor in the annual reports. The inspections of the Women's and Children's Division show the number of establishments inspected, number of complaints adjusted, prosecutions and convictions, and so on in the published reports. Satisfactory data are not forthcoming from the available reports.

It is interesting to note some of these inspections more in detail. In 1900, 224 inspections of sufficient importance to warrant tabulation were made in the state. In answer to the question, "Are children employed under 14 years of age?" nineteen employers reported yes, and 152 reported no. The total number of children employed
under the age of sixteen years was 691 for thirty-nine establishments reporting. One hundred sixty-five establishments reported the average number of hours required per day was ten. In answer to the question, "Are females under 21 or males under 18 allowed to clean machinery while in motion?" seven employers reported yes, and 109 reported no. 9

There was a decrease of 8.4 per cent in the number of children employed in the manufacturing industries from 1900 to 1905. There was an increase, however, of 44.3 per cent in the total wages paid to children. The number of children under sixteen years of age employed in industries inspected in 1900 was 796, their wages totaled $120,792. In 1905 the number employed in inspected establishments was 729, their wages totaled $174,359. 10

In 1906 it was estimated that the truancy law, the compulsory-education law, and the operation of the child-labor law of 1905 placed 5,000 children in school that otherwise would not have attended. 11 Furthermore, a recommendation was made by Governor Hoch to the legislature for a deputy factory inspector and the request was granted. On July 1, 1907, C. E. Bramlette was appointed to this position. 12

The labor department has continually urged the adoption of various improvements in the child-labor law. The department felt that

10. Ibid., Twenty-first Annual Report, 1905, p. 11.
12. Ibid., Twenty-third Annual Report, 1907, p. 125.
the greatest causes for child labor included the desire for cheap labor and indifference on the part of the parents to the advantages of education. 13 The administration realized that many people did not see large numbers of children in any one plant. Many people carelessly observed, "There is no child labor in the state of Kansas," when in fact there was considerable child labor. The difficulties encountered in enforcing the law were greater in 1917 and 1918 as the shortage of labor during the war became more acute and children were employed in war industry.

In 1922 the Women's and Children's Division made an investigation of child-labor conditions in the Kansas beet fields. At that time the school laws authorized the school board to sanction temporary absences to any child between the ages of eight and sixteen in any extreme case of emergency or domestic necessity. Through this loophole child labor was used in the beet fields. Inspection showed that by far the greater number leaving school for the beet season were those in the primary grades. Examination of the children showed the evil effect of yearly retardation due to these temporary absences from school. The children were not healthy and their home conditions were poor. In one home where the father had been arrested for keeping his children out of school the mother said that she wanted the children in school. She commented, "At first there was no money to buy clothes, and now its


the beet topping. Work in the beet fields is too heavy for little children. They must get up about 4 o'clock and get out into the fields by 6 and work until sundown — just stop for a bite of lunch."

The following year, 1923, the labor department noted a decrease in child-labor employment in occupations prohibited by state law, but there was an increase in irregular forms of child labor, such as street trading and other forms of peddling. The administration urged the adoption of a street-trades bill to correct these conditions.

The administration in 1924 pointed out that the strengthening of the compulsory attendance law, the eight month's minimum school term and improved school facilities have apparently resulted in more children completing the eighth grade. These conditions were reflected in the child-labor conditions of the state.

The legislature of 1925 abolished the Court of Industrial Relations and all the powers pertaining to the court were conferred upon the newly created Public Service Commission. The Commission's Annual Reports of 1925, 1926, 1927, and 1928 do not mention the administering of laws pertaining to children. In 1929 the Commission of Labor and Industry superceded the Public Service Commission and the Annual Report of that year discusses the problem of child labor. The administration was concerned with the improvement of conditions which were not


healthful or safe for employees. Compliance with orders was insisted upon and all complaints were adjusted by letter, however a personal call was needed in various instances.  

Recent Conditions

During the depression years few children were employed. The labor department attributed this to the scarcity of work for adults as they were filling the places formerly occupied by children and also to the general education of the public in regard to exploiting children.

By 1938, however, the Women's and Children's Division noted an increase in the employment of children under sixteen years of age in occupations requiring their working late at night. These cases included drugstores and grocery stores, soda fountains, and curb and delivery service on bicycles. The salaries of these boys and girls ranged from three to five dollars per week. In most instances the children were from families of moderate means who were able to send them to school. However, the employers desired the public to believe that they were hired merely to secure money to purchase clothes and books to keep them in school. These cases were investigated as such firms employing children are required to secure work permits for children under sixteen years of age.  

In recent years the division has been concerned with the industrial home work that is a harassing and serious social problem in many states. The system was inaugurated by employers to evade the factory wage rate and various legal restrictions. Children are used by the family to increase the output and thereby increase the total wage. Kansas has not been invaded to any great extent but the division is pressing the need of legislation to prevent the converting of homes into sweatshops. 20

During the recent world conflict the scarcity of adult labor created openings for children. The wages paid to these children were sometimes comparable to wages received by adults. Many children quit school to work. The pressing need for workers and production caused some employers to overlook the welfare of the children. 21

In 1943 Mrs. Agnes E. Meyer traveled through the country and visited the busy war plant cities. She was shocked by the child-labor conditions. She stated, "From Buffalo to Wichita it is the children who are suffering most from mass migration, easy money, unaccustomed hours of work, and the fact that mama has become a welder on the graveyard shift." 22

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In Wichita the principal of a large school took a poll among the younger children for Mrs. Meyer. The principal found that one-third of the children under fourteen years of age in this intermediate school containing only the seventh, eighth and ninth grades had regular jobs. Boys of twelve years of age got up at four-thirty in the morning to deliver newspapers before going to school. Others set up pins in bowling alleys until two or three o'clock in the morning. Many of them worked in the grocery stores, the five and ten cent stores, in restaurants as waitresses, as bellhops, and messenger boys. Mrs. Meyer reported that many of these children did not need to work. She stated that sheer greed on the part of the parents was responsible for much child labor. She was concerned with the increasing delinquency rate, parental behavior, and the overworking of children.

Now that peace has returned the number of children receiving work permits has decreased considerably. However from general observation of children working today one readily notes that many children are employed in the state.

The Women's and Children's Division continually carries on an educational program in regard to child labor through bulletins to employers over the state. Copies of the child-labor laws are constantly being mailed to all who are in any way connected with the administration of child-labor laws. Copies of these laws are sent upon request.

23. Ibid., p. 62.
TABLE XVII. ProSECUTIONS AND CONVICTIONS FOR VIOLATION OF CHILD-LABOR LAWS IN KANSAS, 1906-1946.

<table>
<thead>
<tr>
<th>Year</th>
<th>Prosecutions</th>
<th>Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1906</td>
<td>21</td>
<td>15</td>
</tr>
<tr>
<td>1907</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1908</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1909</td>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>1910</td>
<td>21</td>
<td>15</td>
</tr>
<tr>
<td>1911</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1912</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1913</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>1914</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>1915-16</td>
<td>14</td>
<td>12</td>
</tr>
<tr>
<td>1917-18</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>1920</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>1921-32</td>
<td>0</td>
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</tr>
<tr>
<td>1933-44</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1945</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1946</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

b. Prosecutions and convictions for violations of all labor laws.
c. Dr. Gagliardo states that there were apparently no prosecutions and convictions from 1920 to 1932, p. 397.
d. Mrs. Nellie Kennedy reported there were no child labor court cases from 1933-44 and 1946. (interview).
e. Wichita case.
Prosecutions and Convictions

Prosecutions and convictions for the violation of child-labor laws have not been numerous in the state. The labor department has endeavored to correct the violations without resorting to court action. However after repeated warnings and in flagrant cases court action is instigated.

Table XVII shows the results of prosecutions and convictions since 1906. There were 21 prosecutions and 15 convictions in 1906. It is noted that in 1909 there were no prosecutions and 15 convictions. Mrs. Kennedy on the Women’s and Children’s Division gave the following possible explanation: The fifteen violators probably appeared before the labor commissioner and plead guilty and upon payment of the fine were not prosecuted in the courts. The same probable conclusion is drawn for 1917-18. Since 1920 there has been only one prosecution and conviction under the child-labor law in the state. Briefly the case is as follows: On April 20, 1945, the City Court of Wichita tried A. C. Mikes on two counts of violation of the child-labor laws. The first count was for working minors after six o’clock in the evening and the second count was for working minors without a work permit. Mr. Mikes plead guilty to both counts and was fined in accordance with the statute and paid all court coats.24

Summary

Child-labor conditions in the state are difficult to appraise because of the lack of surveys. However, the available data indicate that employers have always exploited child labor. The conditions at the present time appear unfavorable. Prosecutions of violators have been almost nil in recent years. It seems that the time for the education of employers is past and the conditions of child labor should be improved by resorting to the enforcement of the laws. This enforcement would necessitate a larger enforcing agency and up-to-date child-labor laws.
CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

The purpose of this thesis was to present the facts regarding child labor in Kansas and to trace the development of the child-labor legislation. The aim of this chapter is to summarize the significant features of the study and to make a few suggestions which appear to be important.

CONCLUSIONS

It was seen that the total number of children employed in Kansas has never been great when compared with the total number of children in the state. The statistics for those children ten to fifteen years of age show that between 1880 and 1930 the percentage of children employed ranged from 11.1 in 1900 to 1.9 in 1930. The number of children has been increasing through the years and the number employed has been decreasing since 1900. In 1880 there were 138,317 children and 14,447 of these were working; whereas in 1930 there were 214,785 children and 4,102 were employed. Of the employed children boys have always outnumbered girls. During the period, 1880 to 1930, there were nine times as many boys employed as girls. Employment of children under fourteen years of age has become relatively small, and the United States Census Bureau in 1940 felt that the burden of enumeration and tabulation was no longer justified for
the small number of workers ten to thirteen years of age.

In the past agriculture has absorbed the greatest number of children employed, however the census of 1930 shows that industrial employment was in the lead. There were approximately three times as many children employed in agriculture from 1880 to 1930 as in all other occupations. In 1930 the statistics show that one and one-sixth times as many children were employed in industrial pursuits as in agriculture. The recent census, 1940, shows that there were nearly two times as many children employed in industry as in agriculture, however, this includes children fourteen to nineteen years of age. The trend is toward fewer children working and the majority of those working are engaged in industrial pursuits.

There are few children working while attending school when compared with the total number attending school. A greater percentage of those not attending school are employed. In 1940, 4.3 percent of those children attending school were employed; 40.4 percent of those not attending school were employed.

It was observed that child-labor legislation in Kansas had its beginning before the state was admitted to the Union. The various child-labor laws affected for the most part those children employed in industry. Furthermore, the legislation has failed to keep up with modern developments. The related types of legislation affecting children have been beneficial to some extent in lessening the number of children working, improving their working conditions, and providing greater opportunities for children in securing educational privileges.
It was pointed out that attempts have been made to modernize the laws pertaining to children. A comprehensive reorganization of the laws pertaining to child employment is needed in the state and it is hoped that the Juvenile Code Commission of 1947 will suggest legislation to remedy this situation.

In the analysis of the work-permit system it was learned that the existing law is beneficial in regulating child labor in specified occupations. The work-permit system should be extended to include all children regardless of the type of employment. The existing permit system is sufficient protection for the employer of children as to their age, however during inspections children are still found who have defective or no certificates. The administration of the law should be aimed at the strict compliance of the laws on the statute books. The certificate system has been beneficial to employers in complying with the various federal regulations.

It was pointed out that the child-labor records of the state are incomplete. When comparing the reports sent to the United States Children's Bureau and the various reports of the two bureaus, inconsistencies appear. However analysis of the records reveal valuable information. The trend of child employment in industry according to the regular work permit records from 1918 to 1946 has been toward a decrease in the number employed, however there have been short periods of increases. Child employment decreased in industry during the depression years; increased during the recent world conflict; and the trend is downward at the present time. This may be seen from the following statistics: No permits were
issued in 1935, 1,141 were issued in 1944, and in 1946 there were 417 permits issued. Mercantile establishments employed more children during the period surveyed than either the manufacturing establishments or messenger occupation. The majority of children fourteen and fifteen years of age have completed grades nine, ten, or eleven during the period surveyed, 1941-1946. Birth certificates were procured by the majority of these children as evidence of their age. The number of school-vacation permits issued reached a peak during the war years however the trend is downward at the present time. No school-vacation permits were issued in the state in 1940 whereas 232 were issued in 1945 and 54 the following year.

It was noted that age certificates are protection for the employers who produce goods for interstate commerce. Many children received these age certificates during the war years as employers insisted on this procedure. However the number of certificates issued has decreased considerably since the war ended which is an indication that fewer children are employed who are sixteen years of age and over in occupations covered by the laws regulating child labor in interstate commerce. This is shown by the fact that 10,131 age certificates were issued in 1944 and only 1,148 in 1946. As in the fourteen and fifteen year age group, the majority receiving age certificates used their birth certificates as evidence of age.

It was noted that in 1887 child labor was cheap labor. The same is probably true today, that is, most children receive less money on the same job than that received by adults. Employers continue to
exploit children regardless of the pleading of authorities that children be kept in school. The statistics show that moderate numbers of children in the state are working instead of furthering their education.

It will be recalled that numerous attempts have been made by Congress to regulate child labor. The early attempts were frustrated by the adverse decisions of the United States Supreme Court, and in view of these decisions Congress proposed the child-labor amendment. Kansas was the twenty-eighth state to ratify the amendment, but ratification by eight additional states is required to make the amendment a part of the Constitution. The amendment must secure the necessary three-fourths ratification by the states if Congress is to regulate child labor in intrastate commerce.

In recent years the Court has reversed its stand on federal child-labor legislation regulating interstate commerce. The court has overruled the decision that the first federal child-labor law of 1916 was unconstitutional. The Fair Labor Standards Act of 1938 is the recent federal law regulating child labor and it has been upheld by the Court.

The administration of the various federal child-labor laws in Kansas has been lax. Very few establishments were inspected under any of the acts and prosecutions and convictions have been few in number. The federal child-labor legislation has affected only a small percentage of employed children in the state; even these attempts at regulation have not been effectively administered or enforced. In view of the past it seems that the next logical step forward is the adoption of the
child-labor amendment. The amendment would give Congress power and authority to regulate child labor in all jurisdictions under its control. It would be the duty of Congress to enact sufficient legislation to enforce the laws.

It was seen that child-labor conditions in the state have never been satisfactory. Exploiting of children has persisted since early times, and the injustice done to children is noted in nearly every report concerning the employment of children. Children have been required to work long hours, in dangerous occupations, and for pay that is mere pittance.

The inspections published in the labor reports before 1920, in general, show a decrease in the percentage of children employed as compared with the total number of workers covered by the inspections. This is noted by comparing the years 1907 and 1920; of the 37,719 wage earners in 1907, 1.66 per cent were children whereas 0.07 per cent of the 59,941 wage earners were children in 1920. Children are continually found during inspections who have defective certificates or no certificates. The results of inspections published since 1920 have been few in number. The Women's and Children's Division in the State should publish the results of inspections in regard to children as it is their duty to enforce the laws pertaining to employed children and the public should be informed of the results of the inspections.

The labor department has continually urged the adoption of improvements in regard to this type of labor, and the department has been progressive in the urging of legislation for children not covered by the laws.
Child-labor conditions have been unsatisfactory and are still unsatisfactory as shown by the survey of Mrs. Meyer in Wichita in 1943. From general observations of children working today one readily notes that many children are legally and illegally employed in the state. The educational program of the labor department is a desirable departmental program, however from the limited number of prosecutions and convictions in the state and the apparent number of illegally employed children as portrayed by the reports and findings of individuals, it is properly concluded that the time for education is past and the conditions of child labor should be improved by resorting to the strict enforcement of the laws. This enforcement would necessitate a larger appropriation to the Children's Division, a sufficient number of inspectors to inspect and reinspect all establishments employing children under the law, and the goal set by the Division should be to improve the conditions by resorting to enforcement in the courts. Not only should the existing laws be strictly enforced, but the laws regarding the employment of children should be extended to include all types of employment.

A comparison of the child-labor problem in Kansas with the situation in Connecticut and Nebraska reveals that the percentage of children employed in this state is less, however further study is needed to portray a strict comparison.

The census compilations, the labor department records and the various surveys are not conclusive evidence concerning the
number of children legally and illegally employed in the state. The above forms of information are valuable, however a survey of the number of children legally and illegally employed in the state is a basis for further study.

The most important conclusion of the present study is that the existing laws protecting employed children are inadequate. Those interested in the welfare of the children in the state are hopeful that the Juvenile Code Commission of 1947 will recommend changes to modernize the existing laws. Furthermore there is the possibility that the child-labor amendment will become a part of the Constitution and then Congress can legislate on child labor within the states.
Numerous organizations have drawn up minimum standards for the employment of children. The following minimum standards have been sanctioned at various times by the United States Children's Bureau. The writer states those minimum standards deemed desirable and attempts to point out the weak points in the existing Kansas child-labor law as a comparison.

<table>
<thead>
<tr>
<th>Minimum Standards</th>
<th>Kansas Law</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Age Minimum</strong></td>
<td></td>
</tr>
<tr>
<td>16-year minimum for all employment during school hours;</td>
<td>16-year minimum in any occupation during school hours unless completed elementary school;</td>
</tr>
<tr>
<td>16-year minimum in all occupations, except --</td>
<td>14-year minimum for specified occupations;</td>
</tr>
<tr>
<td>14-year minimum in nonfactory employment outside school hours.</td>
<td>No age limit for the other occupations.</td>
</tr>
<tr>
<td><strong>Hazardous Employments</strong></td>
<td></td>
</tr>
<tr>
<td>18-year minimum for employment in hazardous or injurious occupations;</td>
<td>16-year minimum for mines or quarries, or in any occupation dangerous to life, limb, health, or morals;</td>
</tr>
<tr>
<td>State administrative agency to determine occupations hazardous for minors under 18.</td>
<td>Under the minimum-wage law the State Labor Commissioner has power to determine conditions of labor for minors under 18 and all females.</td>
</tr>
</tbody>
</table>
Minimum Standards

Educational Minimum

7 to 16 years: Required to attend school for at least nine months per year;

Exceptions
None; special educational facilities for children physically and mentally incapacitated.

7 to 16 years: Required to attend school during period school is in session in district;
Conflicting provisions:

Exceptions
14 to 16 years: Completion of eighth grade;
Those physically and mentally incapacitated are exempted.

Physical Minimum

Physical examination upon employment;
Annual physical examination of all employed children.

No provision.

No provision.

Hours of Employment

8-hour day for minors under 18 in any occupation;
40-hour week for minors under 18 in any occupation;
Provision for lunch period, one hour required;
Prohibition of night work between 6 p.m. and 7 a.m. in all occupations.

8-hour day for minors under 16 in specified occupations;
48-hour week for minors under 16 in specified occupations;
Lunch period provided in the Industrial Welfare Orders for specified occupations;
Night work prohibited between 6 p.m. and 7 a.m. under 16 in specified occupations.

Minimum Wage

Minimum-wage standards set on cost of living.

Industrial Welfare Commission authorized to state minimum wages.
Minimum Standards  

**Placement and Supervision**  

Central state agency to deal with all child employment problems.  

No provision.  

**Administration—Employment Certificates**  

Employment certificates issued to all minors under 18;  

Certificates issued to minors between 14 and 16 and age certificates to minors 16 and over, but only for specified occupations;  

Same;  

Same;  

Evidence that child completed eighth grade;  

Evidence that child completed eighth grade, school-vacation permits to those outside school hours who have not completed the eighth grade;  

Same;  

Duplicates sent to inspection Department;  

Same;  

No provision.  

**Compulsory School Attendance**  

Compulsory until 16 years of age;  

Compulsory until 16 years of age unless finished elementary school;  

Full-time attendance officers;  

Few full-time officers in the state;  

State supervision of enforcement.  

Supervision local,
Factory Inspection

Adequate number of inspectors;
Adequate number of physicians to examine employed minors annually;
Adequate inspection reports by state agency.

Inadequate number of inspectors;
No provision;
Inadequate reports of inspections by state agency.
APPENDIX A

KANSAS SUPREME COURT CASES RELATING TO CHILD LABOR

Wheeler v. St. Joseph and Western Rld. Co. 31K. 640 (1884)

Father may, by emancipation, relinquish right to earnings of son. Such earnings belong to child absolutely.

Sanborn v. Atchison, Topeka and Santa Fe Railroad Co. 35K. 292 (1886)

Persons seventeen years of age are presumed to have sufficient capacity to be sensible of danger.

Missouri Pacific Railway Co. v. Pergey. 36K. 424 (1887)

Patterson v. Cole. 67K. 441 (1903)

Master is liable for failure to give warning to known danger to youthful employee.

Mining Company v. Grant. 68K. 732 (1904)

Minor may make valid contract for personal services. Payment to minor for personal services is full satisfaction; parents and guardian cannot recover.

Lupher v. Railway Co. 81K. 585 (1910)

Minor employed by misrepresenting age has right to same care as other employees.

Poneh v. Railroad Company. 83K. 226 (1910)

Master is not liable for failure to warn minor servant of very rare danger.

Casteel v. Brick Co. 83K. 533 (1910)

Employment in violation of the Child-Labor Law is considered a proximate cause of injury.

Smith v. Bottle Co. 84K. 551 (1911)

Consent of a parent to the employment of a son of thirteen years is no bar to recovery for his negligent death.
Gibson v. Packing Box Co.  85K. 346 (1911)
Howell v. Cement Co.  86K. 450 (1912)
Henry v. Railway Co.  98K. 567 (1916)

Father of injured minor cannot recover under Factory Act.

Howell v. Cement Co.  86K. 450 (1912)

Parent may recover for loss of services of son before majority under the Factory Act.

Olson v. Mercantile Co.  91K. 563 (1914)

Boy of fifteen with the knowledge team had run away does not necessarily assume risk of unsafe team.

Rank v. Packing Box Co.  92K. 917 (1914)

Youthful servant without knowledge does not assume risk until he is instructed as to dangers under the Factory Act.

Taylor v. Sulzberger and Sons Co.  98K. 169 (1916)

Minor eighteen years old living separate from mother and earning own wage not within meaning of the Workmen's Compensation Act in mother's family.

Henry v. Railway Co.  98K. 567 (1916)

Father of injured minor may recover under Mining Act.

Minturn v. Manufacturing Co.  102K. 885 (1918)

Compensation for injury to minor not barred where no claim filed if no guardian appointed under the Workmen's Compensation Act.

Brown v. Railway Co.  104K. 505 (1919)

Boy employed by foreman to remove driftwood held to establish relations of master and servant.

Minor employed by foreman without notice of rule of the company against the employment of minors entitled to protection of other servants.

In re Erickson.  104K. 521 (1919)

A child is not liable for support of his indigent parent.
Foley v. Crawford. 125K. 252 (1928)

A youthful servant does not assume risk which he does not appreciate.

Wheeler v. Boyer. 136K. 648 (1933)

Employer had no duty to warn experienced boy eighteen years old of danger in pouring gasoline and kerosene on smouldering torch.

McClure Motor Co. v. Irwin. 137K. 528 (1933)

Minor's engaging in business as adult no bar to disaffirmance of contract where other party in fact knows of minority.

Lee v. Kansas City Public Service Co. 137K. 759 (1933)

Thirteen year old boy working for driver of milk wagon with knowledge and consent of milk company was an invitee.

Suttle v. Marble Produce Co. 140K. 13 (1934)

Only minors of such tender years as to be as matter of law incompetent are exempt from making written claim under the Workmen's Compensation Act.

Kronvall v. Garvey. 148K. 802 (1938)

Child-labor act prohibits employment of child under sixteen at any place in any occupation dangerous to life, limb, health or morals. The fact labor is being performed on a farm does not take it from under operation of Child-Labor Act.

Moss v. Branson. 151K 386 (1940)

Under facts contract necessary to support claim for daughter's service to parent not sustained by evidence.

Williams v. Cities Service Gas Co. 151K. 497 (1940)

G. S. 1935, 44-509 does not exempt minors, but only the mentally incompetent from filing a claim for compensation within the regular time specified in the Workmen's Compensation Act.
Spurgin v. Spurgin. 152K. 212 (1940)

In a claim for workman's compensation by a mother on account of the accidental death of a minor son, the record is examined, and it is held that where deceased made regular contribution to his mother and lived at home with the rest of the family and the cost of his board and room equalled the amount of his contributions to his mother, his mother was not dependent on him so as to entitle her to compensation.
APPENDIX B

U.S. Department of Labor
Division of Labor Standards
Child Labor and Youth Employment Branch

September 1, 1947

MINIMUM AGE FOR WORK IN MANUFACTURING ESTABLISHMENTS UNDER CHILD-LABOR LAWS

16 years .................................................. 15 States and Puerto Rico

Alabama ........................ Montana .............. Puerto Rico
Connecticut ........................ New Jersey .......... Rhode Island
Florida ................................ New York .......... South Carolina
Georgia ........................ North Carolina ...... Utah
Massachusetts ...................... Pennsylvania .... West Virginia

15 years .......................................................... 2 states

Maine .......................................................... Texas

14 years .......................................................... 30 States and District of Columbia

Arizona .......................................................... Michigan
Arkansas .......................................................... Minnesota
California (15 during school hours except 14 if 8th grade completed and work necessary for support) 2
Colorado .......................................................... Michigan
Delaware .......................................................... Minnesota
District of Columbia ......................... Mississippi 5
Idaho .......................................................... Missouri 1 3
Illinois (16 during school hours, 14 outside school hours except in "dangerous or hazardous factory work" where the minimum age will be 16) 2
Indiana .......................................................... Mississippi 5
Iowa .......................................................... Missouri 1 3
Kansas .......................................................... Nebraska
Kentucky .......................... New Mexico 4
Maryland .......................................................... New Hampshire

14 years (16 when legally required to attend school) ........................ Hawaii
Hawaii 1

No Minimum age for boys, 16 years for girls ................................ Alaska
No Minimum age

State
Wyoming (but children required to attend school may not be employed during school hours.)

Total


1. Work for parent exempted: Arkansas (in vacation); Georgia; Iowa; Missouri; in Hawaii any child under 12 years may be employed when not legally required to attend school.

2. High school graduates exempted from the 16-year minimum age: New York; Ohio. See also Wisconsin.

3. Lower minimum age permitted for work outside school hours or in vacations; Arizona (boys only); California; Colorado; Delaware (boys only); Idaho; Missouri (certain small establishments); Oregon.

4. No minimum age either for work outside school hours or in vacations; Kentucky; Nevada; New Mexico.

5. Lower minimum age or no minimum age in canneries: Mississippi; Tennessee (outside school hours and during vacation); Vermont (2 months a year); Virginia (if public schools are not in session).

6. Poverty exemption: Delaware; South Dakota; Washington.
# Minimum Age for Employment in Agriculture Under State Child-Labor Laws

**September 1, 1947**

## State | During School Hours | Outside School Hours and During School Vacations
---|---|---
**Agriculture covered** | | 10 States, District of Columbia, Hawaii, and Puerto Rico

<table>
<thead>
<tr>
<th>State</th>
<th>During School Hours</th>
<th>Outside School Hours and During School Vacations</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>15 (14 if 8th grade completed)</td>
<td>14 on school days, 12 in vacation and on weekly school holidays. 14 school holidays.</td>
</tr>
<tr>
<td>Connecticut</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>14</td>
<td>No minimum age</td>
</tr>
<tr>
<td>Florida</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Hawaii</td>
<td>16 (When required to attend school. 14 when not required to attend school)</td>
<td>14</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>14</td>
<td>No minimum age</td>
</tr>
<tr>
<td>New Jersey</td>
<td>16 (14 during the war period under certain conditions).</td>
<td>12</td>
</tr>
<tr>
<td>New York</td>
<td>16 (14 until July 1, 1947 under certain conditions).</td>
<td>14 (12 for parent)</td>
</tr>
<tr>
<td>North Carolina</td>
<td>16 (Except under &quot;direction or authority&quot; of parent)</td>
<td>14 (Except under &quot;direction or authority&quot; of parent)</td>
</tr>
<tr>
<td>Ohio</td>
<td>16</td>
<td>No minimum age</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>15 (14 under certain conditions)</td>
<td>No minimum age</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>16</td>
<td>14</td>
</tr>
<tr>
<td>Utah</td>
<td>16</td>
<td>14</td>
</tr>
</tbody>
</table>

General minimum age standard might be interpreted to cover agriculture. 17 States

<table>
<thead>
<tr>
<th>State</th>
<th>During School Hours</th>
<th>Outside School Hours and During School Vacations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>16</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Arizona</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>State</td>
<td>During School Hours</td>
<td>Outside School Hours and During School Vacations</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Arkansas</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Idaho</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Indiana</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Kansas</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Kentucky</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Maine</td>
<td>15</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Minnesota</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Montana</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Nebraska</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Nevada</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>New Mexico</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>North Dakota</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Oregon</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Tennessee</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
<tr>
<td>Vermont</td>
<td>14</td>
<td>No minimum age.</td>
</tr>
</tbody>
</table>

No minimum age in agriculture either during or outside school hours.

21 States and Alaska

Alaska            Louisiana Oklahoma Washington
Colorado          Maryland Rhode Island West Virginia
Delaware          Michigan South Carolina Wisconsin
Georgia           Mississippi South Dakota Wyoming
Illinois          Missouri Texas
Iowa              New Hampshire Virginia

1. Coverage indicated by express language in law (California, Massachusetts, New Jersey, Pennsylvania, Utah, Puerto Rico) or is implied from the fact that certain limited agricultural employment is specifically exempted or a lower minimum age is set for such agricultural work (District of Columbia, Florida, New York, North Carolina), or is shown by the history of the act (Hawaii, Ohio).

2. Parental exemption: The minimum age standard shown does not apply in California to farm work for or under control of parent and in or in connection with premises owned, operated or controlled by him; in District of Columbia, Florida, New York, and Utah to farm work is connection with own home and directly for parent; in Arkansas "during school vacation" to occupations owned or controlled by parent, and in Hawaii to work "other than in a hazardous occupation if performed directly for parent or guardian when child is legally required to attend school."

3. Child under 14 may not be employed or permitted to work in the culture or harvesting of sugar beets during school hours unless he has completed 8th grade and no child under 14 may be employed or permitted to work for more than 8 hours a day or 48 hours in any one week or between 7 p.m. and 7 a.m. (Order issued in 1926 by the Industrial
Commission under its power to make regulations relative to employment of children under 16 in culture of sugar beets and cranberries, cherry orchards, market gardening, and gardening conducted or controlled by canning companies.)
U. S. Department of Labor  
Division of Labor Standards  
Child Labor and Youth Employment Branch

September 1, 1947

MINIMUM AGE FOR EMPLOYMENT DURING SCHOOL HOURS UNDER STATE CHILD-LABOR LAWS

16-year minimum age during school hours in any gainful occupation or in any gainful occupation except agriculture and domestic service.

Any gainful occupation

New Jersey  New York  Ohio  Utah  Puerto Rico

Any gainful occupation except agriculture and domestic service

Alabama  Georgia  Louisiana  North Carolina  Pennsylvania
Rhode Island  South Carolina  Illinois (only agriculture exempted)  West Virginia

16-year minimum age during school hours in specified establishments or industries.

Connecticut  Massachusetts (except 14 when superintendent of school determines for child's welfare)
Flor ida  Montana

16-year minimum age when legally required to attend school, 14 when not legally required to attend school.

Any gainful occupation except domestic service.

15-year minimum age during school hours.

Any gainful occupation

California  Maine
Specified establishments only

Texas

14-year minimum age during school hours.

Any gainful occupation

Arkansas  Kansas  Nevada  Vermont

14 States and District of Columbia

Wisconsin (only agriculture exempted)

26 States and District of Columbia
District of Columbia | Kentucky | New Mexico
---|---|---
Idaho | Michigan | North Dakota
Indiana | Minnesota | Oregon
Nebraska | | Tennessee

Any gainful occupation except agriculture and domestic service ............................................. 4 States
Colorado (only) | Missouri
Agriculture exempted | Virginia (Only agriculture exempted)
Delaware

Specified establishments only ............................................. 8 States
Arizona | Maryland | New Hampshire | South Dakota
Iowa | Mississippi | Oklahoma | Washington

No minimum age for boys, 16-year minimum for girls ............................................. Alaska
Any mercantile or industrial business ............................................. Alaska

No minimum age ............................................. 1 State
Wyoming (but children required to attend school are prohibited from employment during school hours).

Total ............................................. 48 States
Alaska
District of Columbia, Hawaii, and Puerto Rico

1. High-school graduates exempted. (See also footnote 2 for other high-school graduates exempted.)
2. High-school graduates and children employed by parents exempted in addition to those employed in agriculture and domestic service.
3. The 16-year minimum does not apply to work in agriculture or domestic service or in a limited number of other occupations.
4. 14-year minimum if 8th grade completed and work necessary for support.
5. Except on special permit when necessary for support.
6. Except when necessary for support.
7. 12-year minimum when necessary for support.
Industrial Welfare Orders
Governing the Employment
of
WOMEN AND MINORS

STATE OF KANSAS

LABOR DEPARTMENT
800 Kansas Ave., Topeka
P. G. BAIRD, Commissioner

1. Laundry
2. Manufacturing
3. Mercantile
4. Public Housekeeping
5. Telephone

WOMEN'S AND CHILDREN'S DIVISION
NELLIE KENNEDY, Director-Inspector

MINORS 14 AND 15 YEARS OF AGE

FIRST Regular Certificates
[Item 1 must agree with
Item A-1, column (1)]

ALL Vacation and Outside-School-Hours Certificates
[Item 1 must agree with
Item A-3, column (1)]

---

d. Physician's certificate of age accompanied by both school record of age, if obtainable, and parent's affidavit of age

e. Other evidence of age (specify)

f. Evidence of age not specified

---

(Kansas)

Date ................................................... 19.

(Industry)

(A. M. and ending) F

(Business address)

Minors 14 and 15 years of age

(Signature of employer or authorized agent)

(Adress of minor)

Filled in by the employer and returned to the issuing officer.)
The undersigned intends to employ:

(Name of minor) in the capacity of (Specific occupation) for days per week; hours per day beginning A. M. and ending P.

(Name of employer) (Business address)

The undersigned intends to employ the above-named minor immediately upon receipt of a Work Permit or Age Certificate issued in compliance with the laws of Kansas. (G. S. 1935, 38-601 to 38-612, inc.)

(Signature of employer or authorized agent)

(Before a Work Permit or Age Certificate can be issued this form must be filled in by the employer and returned to the issuing officer.)

b. Grade 7
c. Grade 8
d. Grade 9, 10, or 11
e. Grade 12 or higher
f. Grade not specified

MINORS 14 AND 15 YEARS OF AGE

C. TYPES OF EVIDENCE OF AGE ACCEPTED

Evidence of age: TOTAL (sum of a to f, inclusive)
a. Birth certificate
b. Baptismal certificate
c. Bible record, passport, insurance policy, immigration or naturalization record
d. Physician's certificate of age accompanied by both school record of age, if obtainable, and parent's affidavit of age
e. Other evidence of age (specify)
f. Evidence of age not specified

FIRST Regular Certificates

[Item 1 must agree with item A-3, column (1)]

ALL Vacation and Outside-School-Hours Certificates

[Item 1 must agree with item A-8, column (2)]
AGE CERTIFICATE

OF CHILD OVER SIXTEEN YEARS OF AGE

For Protection of Employers against Misrepresentation of Age by Children Seeking Employment

Yrs.  Mos.

Issued for ...........................................

(Name of minor)  2  3  4  (Sex)  (Color)  (Age)

This is to certify that the following evidence of age or a transcript thereof has been filed in this office for the above-named minor:

7. Date of birth: (Month) (Day) (Year)

8. Place of birth: (Town) (County) (State)

9. Parent or guardian: ..................................................

(Name)  (Address)

The above-named minor is to be employed by:

(Firm's name)  (Business address)  (Industry)  (Specific Occupation)  (Title)

(Signature of issuing officer)  12  (Address of issuing officer)

(IMPORTANT—SEE OTHER SIDE)

b. Grade 7
c. Grade 8
d. Grade 9, 10, or 11
e. Grade 12 or higher
f. Grade not specified

C. TYPES OF EVIDENCE OF AGE ACCEPTED

Evidence of age: TOTAL (sum of a to f, inclusive)

a. Birth certificate
b. Baptismal certificate
c. Bible record, passport, insurance policy, immigration or naturalization record
d. Physician's certificate of age accompanied by both school record of age, if obtainable, and parent's affidavit of age
e. Other evidence of age (specify)
f. Evidence of age not specified

MINORS 14 AND 15 YEARS OF AGE

<table>
<thead>
<tr>
<th>FIRST Regular Certificates</th>
<th>ALL Vacation and Outside-School-Hours Certificates</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Item 1 must agree with Item A-1, column (1)]</td>
<td>[Item 1 must agree with Item A-3, column (1)]</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
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</tbody>
</table>

20-6984-a
**WORK PERMIT**

Issued under G.S. 1935, 38-601 to 38-612, to Children Under Sixteen Years of Age Who Have Finished the Elementary School Course.

<table>
<thead>
<tr>
<th>(Full Name of Child)</th>
<th>(Address)</th>
<th>(Parent's Name)</th>
<th>(Address)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

**PROOF OF AGE—Specify (x)**

- Birth certificate or transcript thereof
- Other documentary evidence, such as baptismal certificate, Bible record, passport, insurance policy (specify)
- Physician’s certificate of age accompanied by school record of age, if obtainable, and parent’s affidavit of age.

I, the undersigned officer duly authorized by law to issue work permits to children, hereby certify that I have received, examined and filed the above-named employer’s promise to employ, the school record or certificate of examination and the proofs of age, each as required by law, and that the child named herein has personally appeared before me and been examined and has signed this permit in my presence, and that all the requirements of the child labor law for issuing a work permit have been fulfilled, and that the employment of said child by the employer named herein is hereby authorized, subject to the provisions of G.S. 1935, 38-601 to 38-612, relating to child labor.

SIGNED

Superintendent of Schools, Probate Judge, or Authorized Representative

(IMPORTANT—SEE OTHER SIDE)

**C. TYPES OF EVIDENCE OF AGE ACCEPTED**

Evidence of age: TOTAL (sum of a to f, inclusive)

<table>
<thead>
<tr>
<th>Grade</th>
<th>(7)</th>
<th>(8)</th>
<th>(9, 10, 11)</th>
<th>(12) or higher</th>
<th>not specified</th>
</tr>
</thead>
</table>

**MINORS 14 AND 15 YEARS OF AGE**

<table>
<thead>
<tr>
<th>FIRST Regular Certificate</th>
<th>ALL Vacation and Outside-School-Hours Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Item 1 must agree with Item A-1, column (1)]</td>
<td>[Item 1 must agree with Item A-2, column (1)]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(City)</th>
<th>(County)</th>
<th>(State)</th>
<th>(Sex)</th>
<th>(Age)</th>
<th>(City)</th>
<th>(County)</th>
<th>(State)</th>
<th>(Sex)</th>
<th>(Age)</th>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Years</th>
<th>Months</th>
<th>Hair</th>
<th>Eyes</th>
<th>Feet</th>
<th>In.</th>
<th>Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
SCHOOL VACATION WORK PERMIT
Issued under G.S. 1935, 38-601 to 38-612, to Children Under Sixteen Years of Age Who Have Not Finished the Elementary School Course

PROOF OF AGE—Specify (X)

[Date of Birth] [City] [County] [State]

Present Age | Color of Hair | Height | Weight | Sex
---|---|---|---|---
| Feet | In. | Pounds |

Color of Eyes

| [School Record] |
| Signature of Minor |

I, the undersigned officer duly authorized by law to issue work permits to children, hereby certify that I have received, examined, approved and filed the above-named employer's promise to employ, the school record or certificate of examination and the proofs of age, each as required by law, and that the child named herein has personally appeared before me and been examined and has signed this permit in my presence, and that all the requirements of the child labor law for issuing a work permit have been fulfilled, and that the employment of said child by the employer named herein is hereby authorized, subject to the provisions of G.S. 1935, 38-601 to 38-612, relating to child labor.

SIGNED

Superintendent of Schools, Probate Judge, or Authorized Representative

(IMPORTANT—SEE OTHER SIDE)

C. TYPES OF EVIDENCE OF AGE ACCEPTED

Evidence of age: TOTAL (sum of a to f, inclusive)

a. Birth certificate
b. Baptismal certificate
c. Bible record, passport, insurance policy, immigration or naturalization record
d. Physician's certificate of age accompanied by both school record of age, if obtainable, and parent's affidavit of age
e. Other evidence of age (specify)
f. Evidence of age not specified

MINORS 14 AND 15 YEARS OF AGE

FIRST Regular Certificates
[Item 1 must agree with Item A-1, column (1)]

ALL Vacation and Outside-School-Hours Certificates
[Item 1 must agree with Item A-3, column (2)]
### Report of Employment Certificates Issued for Minors 14 and 15 Years of Age

**Date** __________________________ **City** __________________________ **Month** __________________________ **Year** 19____

**Reported and approved by** __________________________ **Title** __________________________ **Date** __________________________

#### A. TYPES OF CERTIFICATES ISSUED

<table>
<thead>
<tr>
<th>First regular certificates</th>
<th>Reissued regular certificates</th>
<th>All vacation and outside-school-hours certificates, including first and reissued</th>
<th>All other types of certificates, including first and reissued (specify type)</th>
</tr>
</thead>
</table>

#### B. LAST GRADE COMPLETED

**Grade completed:** TOTAL (sum of \(a\) to \(f\), inclusive)

- **a.** Grade 6 or lower (including ungraded classes)
- **b.** Grade 7
- **c.** Grade 8
- **d.** Grade 9, 10, or 11
- **e.** Grade 12 or higher
- **f.** Grade not specified

#### C. TYPES OF EVIDENCE OF AGE ACCEPTED

**Evidence of age:** TOTAL (sum of \(a\) to \(f\), inclusive)

- **a.** Birth certificate
- **b.** Baptismal certificate
- **c.** Bible record, passport, insurance policy, immigration or naturalization record
- **d.** Physician's certificate of age accompanied by both school record of age, if obtainable, and parent's affidavit of age
- **e.** Other evidence of age (specify)

- **f.** Evidence of age not specified
### D. INDUSTRY OF EMPLOYER

1. Industry: TOTAL (sum of a to i, inclusive)
   - a. Agriculture, forestry, and fishery
   - b. Mining (including quarrying)
   - c. Construction
   - d. Manufacturing
   - e. Wholesale and retail trade
   - f. Transportation, communication, and other public utilities
   - g. Personal, business, and recreational services
   - h. Other industry
   - i. Industry not specified

### E. OCCUPATION OF MINOR

1. Occupation: TOTAL (sum of a to j, inclusive)
   - a. Telegraph messengers
   - b. Other clerical and kindred workers
   - c. Newsboys
   - d. Delivery boys (outside)
   - e. Domestic-service workers, own home
   - f. Domestic-service workers, other home
   - g. Caddies
   - h. Other attendants in recreation and amusement
   - i. Other occupation
   - j. Occupation not specified
Report of Employment and Age Certificates Issued for Minors 16 and 17 Years of Age and of Certificates of Age Issued for Minors 18 and 19 Years of Age

<table>
<thead>
<tr>
<th>Date</th>
<th>City</th>
<th>Month</th>
<th>Year</th>
<th>Reported and approved by</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
</table>

### A. TYPES OF CERTIFICATES ISSUED

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Boys</th>
<th>Girls</th>
</tr>
</thead>
<tbody>
<tr>
<td>First regular certificates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reissued regular certificates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All vacation and outside-school-hours certificates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other types of certificates for minors 16 and 17</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### B. LAST GRADE COMPLETED

<table>
<thead>
<tr>
<th>Grade completed: TOTAL (sum of a to f, inclusive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Grade 6 or lower (including ungraded classes)</td>
</tr>
<tr>
<td>b. Grade 7</td>
</tr>
<tr>
<td>c. Grade 8</td>
</tr>
<tr>
<td>d. Grade 9, 10, or 11</td>
</tr>
<tr>
<td>e. Grade 12 or higher</td>
</tr>
<tr>
<td>f. Grade not specified</td>
</tr>
</tbody>
</table>

### C. TYPES OF EVIDENCE OF AGE ACCEPTED

<table>
<thead>
<tr>
<th>Evidence of age: TOTAL (sum of a to f, inclusive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Birth certificate</td>
</tr>
<tr>
<td>b. Baptismal certificate</td>
</tr>
<tr>
<td>c. Bible record, passport, insurance policy, immigration or naturalization record</td>
</tr>
<tr>
<td>d. Physician's certificate of age accompanied by both school record of age, if obtainable, and parent's affidavit of age</td>
</tr>
<tr>
<td>e. Other evidence of age (specify)</td>
</tr>
<tr>
<td>f. Evidence of age not specified</td>
</tr>
</tbody>
</table>
### D. INDUSTRY OF EMPLOYER

<table>
<thead>
<tr>
<th>Industry</th>
<th>FIRST Regular Certificates</th>
<th>REISSUED Regular Certificates</th>
<th>ALL Vac and Outs Certificates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total (1)</td>
<td>Boys (2)</td>
<td>Girls (3)</td>
</tr>
<tr>
<td>1. Industry: TOTAL (sum of a to i, inclusive)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Agriculture, forestry, and fishery</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Mining (including quarrying)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Construction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Manufacturing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Wholesale and retail trade</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Transportation, communication, and other</td>
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<tr>
<td>public utilities</td>
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<td></td>
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<tr>
<td>g. Personal, business, and recreational</td>
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<td></td>
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<tr>
<td>services</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>h. Other industry</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Industry not specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### E. OCCUPATION OF MINOR

<table>
<thead>
<tr>
<th>Occupation: TOTAL (sum of a to j, inclusive)</th>
<th>xxxxxxxxx</th>
<th>xxxxxxxxx</th>
<th>xxxxxxxxx</th>
<th>xxxxxxxxx</th>
<th>xxxxxxxxx</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Telegraph messengers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Other clerical and kindred workers</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>c. Newsboys</td>
<td></td>
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<tr>
<td>d. Delivery boys (outside)</td>
<td></td>
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<tr>
<td>e. Domestic-service workers, own home</td>
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<tr>
<td>f. Domestic-service workers, other home</td>
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<tr>
<td>g. Caddies</td>
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<tr>
<td>h. Other attendants in recreation and amuse-</td>
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<td>ment</td>
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</tr>
<tr>
<td>i. Other occupation</td>
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<td></td>
</tr>
<tr>
<td>j. Occupation not specified</td>
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</tbody>
</table>

### F. TYPES OF EVIDENCE OF AGE ACCEPTED FOR CERTIFICATES OF AGE ISSUED FOR MINORS 18 AND 19 YEARS OF AGE

<table>
<thead>
<tr>
<th>Evidence of age: TOTAL (sum of a to f, inclusive)</th>
<th>xxxxxxxxx</th>
<th>xxxxxxxxx</th>
<th>xxxxxxxxx</th>
<th>xxxxxxxxx</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Birth certificate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Baptismal certificate</td>
<td></td>
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<tr>
<td>c. Bible record, passport, insurance policy,</td>
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<td></td>
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<tr>
<td>immigration or naturalization record</td>
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<tr>
<td>d. Physician's certificate of age accompanied by</td>
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<tr>
<td>both school record of age, if obtainable, and</td>
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<tr>
<td>parent's affidavit of age</td>
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<tr>
<td>e. Other evidence of age (specify)</td>
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<td></td>
</tr>
<tr>
<td>f. Evidence of age not specified</td>
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</tr>
</tbody>
</table>
LAWS AFFECTING
KANSAS CHILDREN

STATE OF KANSAS

Labor Department
800 Kansas Ave., Topeka

P. G. BAIRD, Commissioner

Child Labor
Compulsory School Attendance Law

WOMEN'S AND CHILDREN'S DIVISION
NELLIE KENNEDY, Director-Inspector

INTER nal ASSOCIATION OF
AT E CHILD-LABOR LEGISLATION
ATE CHILD-LABOR LAWS MEET

Extent to which State child-
labor laws meet I.A.G.L.O.
standards

18 States and Puerto Rico
approximate this standard
in whole or in part (Ala.,
Conn., Fla., Ga., Ill.,
La., Mass., Mont., N. J.,
N.Y. N.C. Ohio., Pa.,
R.I., S.C., Utah, W. Va.,
Wis.)

Few, if any, States ex-
tend full protection in
this respect to minors
up to 18 years of age,
through many State laws
prohibit employment under
18 in a varying number of
specified hazardous
occupations.

20 States, D. C., Hawaii, and
Puerto Rico have a State
administrative agency with such
authority (Ariz., Colo., Conn.,
Fla., Kans., La., Maine, Mass.,
Mich., N.J., N.Y., N.C., N. Dak.,
Ohio, Oreg., Pa., Utah, Wash., W.
Va., Wis.)

12 States, D. C., and Puerto Rico
have an 8-hour day for minors of
both sexes under 18 in most occupa-
tions (Calif., La., Mont., N.J.,
N.Y., N. Dak., Ohio, Oreg., Pa.,
Utah, Wash., Wis.) 7 other States
have this standard for girls up to
18 (Ariz., Colo., Ill., Ind.,
Nev., N.Mex., Wyo.)
D. INDUSTRY OF EMPLOYER

1. Industry: TOTAL (sum of a to i, inclusive)
   a. Agriculture, forestry, and fishery
   b. Mining (including quarrying)
   c. Construction
   d. Manufacturing
   e. Wholesale and retail trade
   f. Transportation, communication, and other public utilities
   g. Personal, business, and recreational services
   h. Other industry
   i. Industry not specified

E. OCCUPATION OF MINOR

1. Occupation: TOTAL (sum of a to j, inclusive)
   a. Telegraph messengers
   b. Other clerical and kindred workers
   c. Newsboys
   d. Delivery boys (outside)
   e. Domestic-service workers, own home
   f. Domestic-service workers, other home
   g. Caddies
   h. Other attendants in recreation and amusement
   i. Other occupation
   j. Occupation not specified

F. TYPES OF EVIDENCE OF AGE ACCEPTED FOR MINORS 18 AND 19 YEARS OLD

1. Evidence of age: TOTAL (sum of a to f, inclusive)
   a. Birth certificate
   b. Baptismal certificate
   c. Bible record, passport, insurance policy, immigration or naturalization record
   d. Physician's certificate of age accompanied by both school record of age, if obtainable, and parent's affidavit of age
   e. Other evidence of age (specify)
   f. Evidence of age not specified

charge or control of any child who shall refuse to take such oath or affirmation shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one or more than ten dollars ($10). The superintendents of schools in cities of the first and second class and county superintendents of schools shall within ten days after the receipt of said enumeration of defective children send a certified copy of the same to the office of the state board of administration. (G. S. 1935, 72-4806.)

BRIEF OF STATE LAWS AND REGULATIONS AFFECTING THE EMPLOYMENT OF MINORS IN KANSAS

MINIMUM AGE

No minor under 14—
May be employed in connection with or in any Factory, Workshop, Theater, Mill, Cannery, Packing House, operating any Elevator, or in any business or service during the hours in which the public school is in session in the district where the child resides.

No minor under 16—
May be employed in or about any mine or quarry, or at any occupation dangerous to life, limb, health, or morals.

Certificates for Employment

Work Permit: Required for all children 14 to 16 in any vocation mentioned in the child-labor act: Factory, Mill, Workshop, Hotel, Restaurant, Cannery, Packing House, Theater, Mercantile Establishment, operating any Elevator, Transmission of Merchandise or Messages, any Business or Service during School Hours.

Issued by: School Superintendent or Juvenile Court Judge.
Certificate of Age: For minors 16 years of age or over. Employer is not required to obtain this certificate, but it protects him from misrepresentation of age by the minor. This is not a "permit to employ."

MAXIMUM HOURS OF LABOR AND NIGHT WORK

Under 16 years: 8-hr. day, 48-hr. week, and night work prohibited between 6 p.m. and 7 a.m. in
- Factory
- Workshop
- Packing house
- Mill
- Cannery
- Hotel

Industrial Welfare Orders Affecting Women and Minors

Manufacturing establishments: 9-hr. day, 49½-hr. week, 6-day week, and night work prohibited 9 p.m. to 6 a.m. in "manufacturing occupations" (with exemptions).

Laundries: 9-hr. day, 49½-hr. week, and night work prohibited 9 p.m. to 6 a.m. in laundries, dyeing, dry cleaning, and pressing establishments (with exemptions).

Public housekeeping occupations: 8-hr. day, 48-hr. week, and night work prohibited 12 midnight to 5 a.m.

Industrial establishments: 9-hr. day (10 on one day per week), 54-hr. week; 6-day week; night work prohibited after 9 p.m. (after 10 p.m. June 1 to September 15 in agricultural community by permit).

Telephone exchange or office: Basic 8-hr. day and basic 6-day week for telephone operators; 8-hr. day and 48-hr. week for all other employees.
## APPENDIX I

**MAJOR STANDARDS RECOMMENDED BY THE INTERNATIONAL ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS FOR STATE CHILD-LABOR LEGISLATION AND THE EXTENT TO WHICH EXISTING STATE CHILD-LABOR LAWS MEET THESE STANDARDS**

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum age</strong></td>
<td>16 years, in any employment in a factory; 14, in any employment during school hours.</td>
</tr>
<tr>
<td></td>
<td>16 States and Puerto Rico approximate this standard in whole or in part (Ala., Conn., Fla., Ga., Ill., La., Mass., Mont., N. J., N.Y. N.C. Ohio., Pa., R.I., S.C., Utah, W. Va., Wis.)</td>
</tr>
<tr>
<td><strong>Hazardous occupations</strong></td>
<td>Minimum age 18 for employment in a considerable number of hazardous occupations.</td>
</tr>
<tr>
<td></td>
<td>Few, if any, States extend full protection in this respect to minors up to 18 years of age, through many State laws prohibit employment under 18 in a varying number of specified hazardous occupations.</td>
</tr>
<tr>
<td><strong>State administrative agency to determine occupations hazardous for minors under 18</strong></td>
<td>20 States, D.C., Hawaii, and Puerto Rico have a State administrative agency with such authority (Ariz., Colo., Conn., Fla., Kans., La., Maine, Mass., Mich., N.J., N.Y., N.C., N. Dak., Ohio, Oreg., Pa., Utah, Wash., W. Va., Wis.)</td>
</tr>
<tr>
<td><strong>Maximum Daily Hours</strong></td>
<td>8-hour day for minors under 18 in any gainful occupation.</td>
</tr>
<tr>
<td></td>
<td>12 States, D.C., and Puerto Rico have an 8-hour day for minors of both sexes under 18 in most occupations (Calif., La., Mont., N.J., N.Y., N. Dak., Ohio, Oreg., Pa., Utah, Wash., Wis.) 7 other States have this standard for girls up to 18 (Ariz., Colo., Ill., Ind., Nev., N.Mex., Wyo.)</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Maximum Weekly Hours</strong></td>
<td>40-hour week for minors under 18 in any gainful occupation.</td>
</tr>
<tr>
<td><strong>Work during specified night</strong></td>
<td>13 hours of night work prohibited for minors of both sexes under 16 in any gainful occupation.</td>
</tr>
<tr>
<td><strong>Employment Certificates</strong></td>
<td>Required for minors under 18 in any gainful occupation.</td>
</tr>
<tr>
<td>2 States (N.J. and Wis.) and Puerto Rico have a 40-hour week for minors under 18 in most occupations; 4 States (La., Oreg., Pa., Utah) a 44-hour week for such minors. 1 of these States (Wis.) has a 24-hour week for minors under 16; 6 other States (Ala., Fla., Ga., N.C., R.I., W. Va.) and Hawaii have a 40-hour week, and 4 others (Miss., N.Mex., N.Y., Va.) a 44-hour week for such minors.</td>
<td></td>
</tr>
<tr>
<td>12 States, Hawaii, and Puerto Rico meet or exceed this standard, at least for most occupations (Iowa, Kans., Ky., N.J., N.Y., N.C., Ohio, Okla., Oreg., Utah, Va., Wis.).</td>
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<tr>
<td>21 States, D.C., Hawaii, and Puerto Rico require employment or age certificates for minors under 18 in most occupations (Calif., Conn., Fla., Ga., Ind., La., Mass., Mich., Mont., Nev., N.J., N.Y., N.C., Ohio, Oreg., Pa., Tenn., Utah, Wash., Wis., and, where continuation schools are established, Okla.) One other State (Ala.) requires such certificates for minors under 17. (A few of these States require certificates for minors 18 years of age or over, at least in certain occupations.)</td>
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U.S. Department of Labor, Division of Labor Standards
Washington, September, 1947.
Protection Against Child Labor

The Conference endorses the following requirements, now widely accepted as minimum for protective legislation:

1. A minimum age of 16 for all employment during school hours and for employment at any time in manufacturing or mining occupations or in connection with power-driven machinery.

2. A minimum age of 16 for employment at any time in other occupations, except as a minimum age of 14 may be permitted for limited periods of work after school hours and during vacation periods in agriculture, light non-manufacturing work, domestic service, and street trades. Determination of desirable standards for legislation governing child actors requires further study.

3. A minimum age of 18 or higher for employment in hazardous or injurious occupations.

4. Hours-of-work restrictions for persons up to 18 years of age, including maximum hours, provision for lunch period, and prohibition of night work, the hours permitted not to exceed 8 a day, 40 a week, and 6 days a week.

5. Requirements of employment certificates for all minors under 18, issued only after the minor has been certified as physically fit for the proposed employment by a physician under public-health or public-school authority.

6. At least double compensation under workmen's compensation laws in cases of injury to illegally employed minors.

7. Minimum-wage standards for all employed minors.

8. Abolition of industrial home work as the only means of eliminating child labor in such work.

9. Adequate provision for administration of all laws relating to the employment of children and youth.

The Conference also makes the following recommendation:

10. Ratification of the child-labor amendment to the Constitution of the United States should be completed immediately.

With reference to provision of school facilities as they relate to child labor, the Conference recommends the following:

11. Compulsory-school-attendance laws should be adjusted to child-
labor laws, since school-leaving and child labor are closely related. Schooling during at least 9 months of the year should be both compulsory for and available to every child up to the age of 16.

12. It is the obligations of the community to provide a suitable educational program for all youths over 16 who are not employed or provided with work opportunities.

13. Financial aid from public sources should be given whenever necessary to young persons to enable them to continue their education even beyond the compulsory-attendance age if they wish to do so and can benefit thereby.

A concise résumé of child labor control under the National Recovery Administration.


Salaries of personnel in the Women's and Children's Division of the State Labor Department.


An excellent though short history of child labor in Kansas.


This thesis stresses certain phases of woman and child labor.


Child-labor violations under the Fair Labor Standards Act of 1938 that instituted court action in Kansas.
Newspaper clippings on the child-labor problem in Kansas.

Topeka: State Printer, 1921. 16 pp.
Recommendations of the Commission concerning child-labor legislation.

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Recommendations of the Commission concerning child-labor legislation.

Topeka: State Printer, 1903-1937.
Proceedings of the House of Representatives.

Topeka: State Printer, 1868-1935.
Texts of various laws pertaining to children.

Kansas. Laws, Statutes, etc. Laws of the Territory of Kansas, 1855.
Texts of various territorial laws pertaining to children.

Printer, 1862-1947.
Texts of various laws pertaining to children.

Information on labor in the state of Kansas.

Kansas. State Labor Department. Records of the Children's Division, Topeka, Kansas.

Records of regular work permits, school vacation permits and age certificates.


Reports of cases argued and determined in the Supreme Court of the state of Kansas.

Kennedy, Nellie. *Correspondence and Interviews*. Director-Inspector of the Women's and Children's Division, Kansas State Labor Department. Topeka, 1947.

Many questions answered concerning the problem of child labor in Kansas.


Survey of child-labor conditions throughout the United States.

Code provisions for the restaurant industry under the National Recovery Administration.


Information regarding sugar producers under the Sugar Acts.


This thesis stresses special care for children.


Information regarding the Public Contracts Act in Kansas.


Statistics concerning child labor in Kansas.

A survey of the first attempt of federal child-labor legislation.


A brief history of major federal legislation concerning child labor.


A recent account of wartime employment of children in the United States.


Texts of certain acts.


Cases argued and decided by the United States Supreme Court.