

REPORT

OF THE

SPECIAL COMMITTEE ON A UNIFORM CHILD LABOR LAW.

To the Commissioners on Uniform State Laws in Twentieth National Conference:

The Special Committee on a Uniform Child Labor Law respectfully reports as follows:

The committee met in Detroit in August, 1909, and completed its organization by electing Hon. Amasa M. Eaton, of Rhode Island, as Secretary. It was voted to hold meetings in Washington in January, 1910, in connection with the conference arranged for by the National Civic Federation.

In January, 1910, all of the committee except Mr. MacChesney, who was unavoidably detained, met in Washington, and had several meetings and public hearings. These hearings were well attended, several officers of the National Child Labor Committee and of the Southern Child Labor Committee being among those present.

The committee decided to use the so-called Standard Child Labor Law, prepared by the National Child Labor Committee, as its starting point, and voted that the Chairman and Secretary send out a considerable number of printed circulars containing interrogatories, and accompanied by a copy of the so-called Standard Child Labor Law, for the purpose of obtaining suggestions and information.

The following is a copy of the circular aforesaid:

CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.

Special Committee on a Uniform Child Labor Law.

HOLLIS R. BAILEY, of Cambridge, *Chairman.*

AMASA M. EATON, of Providence, R. I., *Secretary.*

FREMONT WOOD, of Idaho.

N. W. MACCHESNEY, of Illinois.

A. T. STOVALL, of Mississippi.

Questions concerning a Uniform Child Labor Law.

The above-named special committee was appointed at the last Conference of Commissioners on Uniform State Laws, and was given the duty of preparing a uniform child labor law, to be submitted for consideration at the next Conference, to be held in August, 1910, at Chattanooga.

The enclosed draft of an act was prepared for the National Child Labor Committee, and we understand is favored by that organization.

The special committee aforesaid has taken said draft as a good basis for it to work upon, and is very desirous of obtaining suggestions as to any additions or changes needed to make said act better or more effective, or nearer what a uniform child labor law should be.

The special committee has framed the following questions, which it hopes may be answered by all to whom they are sent. Answers must be received by June 1, 1910, and should be sent to the undersigned.

AMASA M. EATON, *Secretary*,
Providence, R. I.

Question 1.—What changes are needed in the enclosed act to make it suitable for adoption as a uniform child labor law?

Question 2.—What objections are there to the act in its present form?

Question 3.—What serious omissions, if any, are there in the act as framed?

Question 4.—What further provisions, if any, are needed to make the act more capable of enforcement?

Question 5.—What provisions are there in the act which may be deemed unreasonable?

Question 6.—What provisions, if any, are there in the act which should be made more stringent?

Question 7.—Is it desirable to have a uniform child labor law in the different states, and if so, why?

Question 8.—What objections are there to having a uniform child labor law in the different states?

Please send answers before June 1, 1910, to AMASA M. EATON, Providence, R. I.

Over one thousand copies of this circular were distributed by mail to persons and organizations throughout the country believed to be interested, including a considerable number believed to be hostile to child labor legislation.

The Chairman and Secretary of your committee next made a careful examination and analysis of the Standard Child Labor Law aforesaid, and prepared a tentative draft of a uniform child labor law. This tentative draft was then submitted to the officers of the National Child Labor Committee and to all the members of your committee.

A little later, a considerable number of very valuable suggestions having been received in response to the circular sent out, a new draft of a uniform law was prepared by the Chairman and Secretary of your committee.

This draft of a law your committee now submits for your consideration the same being appended hereto. The members of the committee being widely scattered, it has been impossible for any of them, other than the Chairman and Secretary, since the meeting in Washington to get together for personal conference as to the details of the law. Your committee does not consider that the draft submitted is yet perfect, and each member reserves to himself the right to suggest changes and additions.

The draft appended is accompanied by a preface and notes which it is believed will be of service in considering the act itself.

The whole matter of the employment of child labor is being considered throughout the country in a way and to an extent which we believe is unparalleled.

Besides the National Child Labor Committee, there are numerous state committees and other organizations which are taking an active interest in the matter of the conservation of the children of the country.

During the year efforts were made in Massachusetts and Louisiana to repeal existing laws prohibiting the employment of children in theaters. In each instance the legislatures, after full discussion, refused to alter the existing laws.

New laws in favor of the child have been passed during the year in Rhode Island, Massachusetts, New York, Ohio, Virginia, Maryland and Kentucky.

It is becoming more and more recognized that the welfare of our children is a matter of national importance, to be zealously safeguarded. The manufacturers are beginning to see that it is

important that the laws regulating child labor should be uniform in the different states. In the absence of such uniformity one manufacturer can gain an unfair advantage over another.

HOLLIS R. BAILEY, *Chairman*,
AMASA M. EATON,
FREMONT WOOD,
NATHAN WILLIAM MACCHESNEY,
A. T. STOVALL,

Committee.

August 1, 1910.

PREFACE TO THE UNIFORM CHILD LABOR LAW.

This law is based upon the so-called Standard Child Labor Law, prepared by the National Child Labor Committee. Its provisions for the most part are already in force in a considerable number of states. The theory upon which the law is framed is that it should embody the best features of the laws now in force, and at the same time be fair and reasonable.

In some few instances the law may go beyond what has as yet been enacted, but for the most part the law has already been tested.

The committee has aimed to present a law which any state can adopt without lowering its present standard.

The notes which are interspersed throughout the law will furnish information concerning the history, origin and purpose of some of the sections. These references do not purport to be a complete list.

UNIFORM CHILD LABOR LAW.

Be it enacted, etc., as follows:

CHILDREN UNDER FOURTEEN.

SECTION 1. No child under fourteen years of age shall be employed, permitted or suffered to work in, about or in connection with any—

Mill,
Factory,

Workshop,
 Quarry,
 Mercantile establishment,
 Tenement-house manufactory or workshop,
 Store,
 Business office,
 Telegraph or telephone office,
 Restaurant,
 Bakery,
 Hotel,
 Barber shop,
 Apartment house,
 Bootblack stand or parlor, or in the
 Distribution or transmission of merchandise or messages.

This section, with slight modifications, is in force in the following states:

Delaware, Acts of 1909, Chapter 121, Section 1 (applies to "any gainful occupation").

District of Columbia, Acts of United States Congress, 1907-1908, Chapter 209, Section 1.

Illinois, Revised Statutes, 1905, Chapter 48, Section 20.

Louisiana, 1908, Act 301, Section 1 ("nor in any other occupation not herein enumerated which may be deemed injurious or unhealthful").

New York Laws of 1909, Chapter 36, Section 70.

Oklahoma, Child Labor Law, 1908, Section 1.

Pennsylvania, Acts of 1905, Act 226, Section 2 ("no child under fourteen years shall be employed in any establishment").

In the Supreme Court of the United States, Feb. 28, 1898, in the case of *Holden vs. Hardy*, 169 U. S. 366 (Utah case), the sections of the statute (Laws of 1896, page 219) are upheld, which among other regulations prohibit "the employment of women, and of children under the age of fourteen years, in underground mines."

In the case of *Lenahan vs. Pittston Coal Mining Co.*, 67 Atl. 642, the Supreme Court of Pennsylvania said: "The legislature, under its police power, can fix an age limit below which boys should not be employed, etc."

In the case of *State vs. Shorey*, 86 Pac. 881, the Supreme Court of Oregon, referring to the inability of the state to inter-

fere with contract in the employment of adult males, said: "But laws regulating the right of minors to contract do not come within this principle. They are not *sui juris*, and can only contract to a limited extent. They are wards of the state and subject to its control. As to them the state stands in the position of *parens patriæ*, and may exercise unlimited supervision and control over their contracts, occupation and conduct, and the liberty and right of those who assume to deal with them. This is a power which inheres in the government for its own preservation, and for the life, person, health and morals of its future citizens, etc."

SEC. 2. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in *any business or service whatever* during any part of the term during which the public schools of the district in which the child resides are in session.

This section is copied, slightly altered, from the following statutes:

District of Columbia, Acts of United States Congress, 1907-1908, Chapter 209, Section 1.

Colorado, Laws of 1904, Section 417.

Illinois, Revised Statutes, 1905, Chapter 48, Section 20.

Kansas, Laws of 1909, Chapter 65, Section 1.

Kentucky, Acts of 1908, Chapter 66, Section 1.

Massachusetts, Acts of 1902, Chapter 44, Section 1.

Minnesota, General Law, 1907, Chapter 299, Section 1.

Ohio, Annotated Statutes, 1904, Sections 4022-5.

CHILDREN UNDER SIXTEEN.

SEC. 3. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions:

Sewing machine belts in any workshop or factory, or assisting therein in any capacity whatever;

Adjusting any belt to any machinery;

Oiling, wiping or cleaning machinery or assisting therein;

Operating or assisting in operating—

Circular or band saws;

Wood shapers;

- Wood jointers;
- Planers;
- Sandpaper or wood-polishing machinery;
- Picker machines;
- Machines used in picking wool;
- Machines used in picking cotton;
- Machines used in picking hair;
- Machines used in picking any upholstering material;
- Paper-lacing machines;
- Leather-burnishing machines;
- Burnishing machines in any tannery or leather manufactory;
- Job or cylinder printing presses operated by power other than foot power;
- Emery or polishing wheels used for polishing metal;
- Woodturning or boring machinery;
- Stamping machines used in sheet-metal and tinware manufacturing;
- Stamping machines in washer and nut factories;
- Corrugating rolls, such as are used in roofing and washboard factories;
- Steam boilers;
- Steam machinery; or other
- Steam-generating apparatus;
- Dough brakes; or
- Cracker machinery of any description;
- Wire or iron straightening machinery;
- Rolling mill machinery, punches or shears;
- Washing, grinding or mixing mills;
- Calendar rolls in rubber manufacturing;
- Laundering machinery.

Sections 3 and 4 are substantially in effect in the following states:

- Illinois, Revised Statutes, 1905, Chapter 48, Section 20j.
- Minnesota, General Law, 1907, Chapter 299, Section 11.
- New York, Laws of 1909, Chapter 36, Section 93.
- Oklahoma, Child Labor Law, 1908, Section 2.

SEC. 4. No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity in, about or in connection with the—

Preparing any composition in which dangerous or poisonous acids are used ;

Manufacture of paints, colors or white lead ;

Dipping, drying or packing matches ;

Manufacturing, packing or storing powder, dynamite, nitro-glycerine compounds, fuses or other explosives ;

Manufacture of goods for immoral purposes ;

Nor in, about or in connection with any—

Mine ;

Coal breaker ;

Laundry ;

Tobacco warehouse ;

Cigar factory ; or other

Factory where tobacco is manufactured or prepared ;

Distillery ;

Brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled ;

Hotel ;

Theater ;

Concert hall ;

Drug store ;

Saloon, or place of amusement ;

Nor in operating any automobile, motor car or truck ;

Nor in bowling alleys ;

Nor in any other employment declared by the state board of health to be dangerous to lives or limbs, or injurious to the health or morals of children under the age of sixteen.

Cf. Minnesota, General Law, 1907, Chapter 299, Section 11
Montana, Laws of 1907, Chapter 99, Section 1.

New York, Laws of 1909, Chapter 36, Section 93.

Oklahoma, Child Labor Law, 1908, Sections 2 and 3.

SEC. 5. The state board of health may from time to time determine whether or not any particular trade, process of manufacture or occupation, or any particular method of carrying on

such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of minors under sixteen years of age employed therein to justify their exclusion therefrom, and may prohibit their employment therein.

Cf. Kentucky, 1906, Chapter 52, Section 2 (duty of city and county physician, applied to minors under sixteen years).

Massachusetts, Acts of 1902, Chapter 106, Section 44.

Oklahoma, General Labor Law, 1908, Article V, Section 2.

In the case of *State vs. Shorey*, 86 Pac. 881, the Supreme Court of Oregon defended the constitutionality of the law regulating the hours for employment of children under sixteen, and said: "It is competent for the state to forbid the employment of children in certain callings, merely because it believes such prohibition for their best interest, although the prohibited employment does not involve a direct danger to morals, decency, or of life or limb."

SEC. 6. Females under the age of sixteen years shall not be employed, permitted or suffered to work in any capacity where such employment compels them to remain standing constantly. Every person who shall employ any female under the age of sixteen in any place or establishment mentioned in Section 1 shall provide suitable seats, chairs or benches for the use of the females so employed, which shall be so placed as to be accessible to said employees; and shall permit the use of such seats, chairs or benches by them when they are not necessarily engaged in the active duties for which they are employed, and there shall be provided at least one chair to every three females.

Many states require provision of seats for all female employees, *e. g.*:

California, Code of 1906, Act 1098, Section 5.

Colorado, Annotated Statutes, Section 3604.

Delaware, Revised Code, 1893, Chapter 127, Section 1.

District of Columbia, Acts of United States Congress, 1894-1895, Chapter 192, Section 1.

Georgia, Code, 1895, Section 127.

Indiana, Statutes of 1901, Section 2246.

Iowa, Code, Section 4999.

Kansas, Laws of 1901, Section 3842.

Kentucky, 1906, Chapter 52, Section 6 ("girls or adult women").

Louisiana, 1908, Act 301, Section 13.

Massachusetts, Acts of 1902, Chapter 106, Section 41.

Nebraska, Criminal Code, Section 6942c.

Ohio, Annotated Statutes, Section 4364-4369.

Oklahoma, General Labor Law, 1908, Article V, Section 17.

Oklahoma, Child Labor Law, 1908, Section 3.

Pennsylvania, Digest, 1895, page 902, Section 1.

Florida makes same provision relating to all employees. See General Statute, 1906, Section 3235.

See also Minnesota, General Law, Chapter 299, Section 11.

New York, Laws of 1907, Chapter 36, Sections 93 and 170.

SEC. 7. No child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any place or establishment named in Section 1 unless the person, firm or corporation employing such child procures and keeps on file, and accessible to any truant officer or inspector of factories, mercantile establishments or mines or other authorized inspector, an employment certificate as hereinafter prescribed; and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.

This section substantially is in effect in the following states:

California, Laws of 1906, Chapter 1611, Section 3.

Indiana, Annotated Statutes of 1901, Section 7087b.

Massachusetts, Acts of 1902, Chapter 106, Section 29.

Minnesota, General Law, 1907, Chapter 299, Sections 2 and 8.

Nebraska, Acts of 1907, Chapter 66, Section 2.

New York, Laws of 1909, Chapter 36, Sections 75 and 76.

Oklahoma, General Labor Law, 1908, Article V, Section 3.

Oklahoma, Child Labor Law, 1908, Section 8.

Sections 7 to 15 follow in part Pennsylvania, Acts of 1905, Act 226, Sections 5 and 6.

Note.—Court ruling "The duty of obtaining a certificate devolves absolutely on the employer, and the parents' failure to

inform him of the age of child unlawfully employed is no excuse." 71 N. E. Rep. 922.

In the case of *American Car & Foundry Co. vs. Amentraut*, 73 N. E. 766, the Supreme Court of Illinois held "that the employer must ascertain, at his peril, that his employees are over fourteen years of age, etc."

SEC. 8. Inspectors of factories, mercantile establishments or mines, and other authorized inspectors and truant officers, may require that the employment certificates and lists provided for in this act shall be produced for their inspection.

Cf. California, 1906, Act 1828, Section 5.

Minnesota, General Law, 1907, Chapter 299, Section 10.
New York, Laws of 1909, Chapter 36, Section 76.

SEC. 9. On termination of the employment of a child whose employment certificate is on file, such certificate shall be forthwith surrendered by the employer to the person who issued the same.

Cf. Minnesota, General Law, 1907, Chapter 299, Section 2.
Nebraska, Acts of 1907, Chapter 66, Section 2.

Ohio, Laws of 1910. "The school authority shall not issue age and schooling certificates without the written pledge of the employer to employ the child legally, and also his written agreement to return to the school authority the child's age and schooling certificate within two days from the date of the child's leaving his service, stating the reason for such withdrawal or dismissal."

SEC. 10. An employment certificate shall be issued only by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the School Committee: provided, that no member of a School Committee or other person authorized as aforesaid shall have authority to issue such certificate for any child then in or about to enter such person's own employment or the employment of a firm or corporation of which he is a member, officer or employee.

Sections 10 to 16 are enforced with slight changes in the following states:

California, 1906, Chapter 1611, Section 3.
District of Columbia, Acts of United States Congress, 1907-1908, Chapter 209, Sections 2, 3 and 4.
Louisiana, 1908, Act 301, Section 2.
Minnesota, General Law, 1907, Chapter 299, Section 3.
Nebraska, Acts of 1907, Chapter 66, Sections 3 to 10.

SEC. 11. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers, duly executed:

(1) The school record of such child properly filled out and signed, as provided in this act.

(2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child.

(3) The affidavit of the parent or guardian or custodian of a child (which shall be required, however, only in case no one of the above-mentioned proofs is obtainable), showing the place and date of birth of such child. Said affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath without demanding or receiving any fee therefor.

Cf. Iowa, Laws of 1905, Chapter 145, Section 1.
Massachusetts, Acts of 1902, Chapter 106, Section 30.
Minnesota, General Law, 1907, Chapter 299, Section 4.
Nebraska, Acts of 1907, Chapter 66, Section 3.
New York, Laws of 1909, Chapter 36, Section 71.

SEC. 12. A duly attested transcript of the birth certificate, filed according to law with a registrar of vital statistics or other officer charged with the duty of recording birth, shall be prima facie evidence of the age of such child for the purposes of this act.

Cf. New York, Laws of 1909, Chapter 36, Section 71a.

SEC. 13. No employment certificate shall be issued until the child in question has personally appeared before and been examined by the officer issuing the certificate, nor until such officer, after making such examination, has signed and filed in his office a statement that the child can read and legibly write simple

sentences in the English language, and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sufficiently sound health and physically able to perform the work which it intends to do, which shall be stated.

In all cases such normal development, sound health and physical fitness shall be determined by a medical officer of the board or department of health or by a physician appointed by the School Committee.

Section 13 is substantially in force in many states, *e. g.*:
Massachusetts, Acts of 1902, Chapter 106, Section 28 (2).
Minnesota, General Law, 1907, Chapter 299, Section 4.
New York, Laws of 1909, Chapter 36, Section 73.
Oklahoma, Child Labor Law, 1908, Section 10.

SEC. 14. Every such employment certificate shall state the name, sex, the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding sections have been duly examined, approved and filed, and that the child named in such certificate has appeared before the officer signing the certificate and has been examined.

Every such certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. It shall show the date of its issue.

The provisions of Sections 14 and 15 are substantially in effect in the following states:

Minnesota, General Law, 1907, Chapter 299, Section 5.
New York, Laws of 1909, Chapter 36, Section 72.
Oklahoma, Child Labor Law, 1908, Section 10.

SEC. 15. The school record required by this act shall be signed by the principal or chief executive officer of the school which such child has attended, and shall be furnished on demand to a child entitled thereto.

It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and sixty days

during the year previous to his arriving at the age of fourteen years, or during the year previous to applying for such school record, and is able to read and write simple sentences in the English language, and has received during such period instruction equivalent to five yearly grades in reading, spelling, writing, English grammar and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions.

Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian.

Cf. Minnesota, General Law, 1907, Chapter 299, Section 6.
 New York, Laws of 1909, Chapter 36, Section 73.
 Ohio.
 Illinois.

SEC. 16. The superintendent of schools or other person authorized to issue employment certificates shall transmit between the first and tenth days of each month, to the office of the factory inspector or other authorized inspector, upon blanks to be furnished by him, a list of the names of the children to whom certificates have been issued, and also a list of the names of the children to whom certificates have been refused, together with the ground for refusal. Such lists shall give the name of the prospective employer and the nature of the occupation the child intends to engage in.

Cf. Minnesota, General Law, 1907, Chapter 299, Section 7

CHILDREN APPARENTLY UNDER SIXTEEN.

SEC. 17. The inspector of factories or other authorized inspector or the truant officer shall make demand on any employer in or about whose place or establishment a child apparently under the age of sixteen years is employed, or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall either furnish him within ten days satisfactory evidence that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory. The inspector of factories or other authorized inspector or the truant officer shall require from such

employer the same evidence of age of such child as is required on the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

This section is substantially in force in the following states:

Minnesota, General Law, 1907, Chapter 299, Section 2.

Nebraska, Acts of 1907, Chapter 66, Section 2.

New York, Laws of 1909, Chapter 36, Sections 76 and 167.

Oklahoma, Child Labor Law, 1908, Section 8.

CHILDREN UNDER EIGHTEEN.

SEC. 18. No child under the age of eighteen years shall be employed, permitted or suffered to work in, about or in connection with—

Blast furnaces;

Docks;

Wharves;

In the outside erection and repair of electric wires;

In the running or management of elevators, lifts or hoisting machines;

In oiling hazardous and dangerous machinery in motion;

At switch tending;

Gate tending;

Track repairing;

As brakeman;

Firemen;

Engineers;

Motormen;

Conductors upon railroads;

Pilots;

Firemen; or

Engineers upon boats or vessels engaged in the transportation of passengers or merchandise;

In or about establishments wherein nitroglycerine—

Dynamite,

Dualin,

Guncotton,

Gunpowder, or

Other high or dangerous explosives are manufactured, compounded or stored;

Nor in any other employment declared by the state board of health to be dangerous to the lives or limbs or injurious to the health or morals of children under the age of eighteen.

With a slightly different list of prohibited employments this section is in force in New York, Laws of 1909, Chapter 36, Section 93.

Cf. Massachusetts, Acts of 1902, Chapter 350, Section 1 (elevators).

Michigan, Acts of 1907, Act 169, Section 3 (any dangerous employment).

SEC. 19. The state board of health may from time to time determine whether or not any particular trade, process of manufacture or occupation, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of minors under eighteen years of age employed therein to justify their exclusion therefrom, and may prohibit their employment therein.

The employment of a minor in violation of this statute is negligence, and the employee does not assume the risk of injury. 105 N. W. Rep. 755.

Nor does the fellow-servant doctrine apply to one whose employment the law forbids. 116 N. W. Rep. 1107.

But he may be charged with contributory negligence. 112 N. W. Rep. 691.

Cf. Massachusetts, Acts of 1902, Chapter 106, Section 44.

Michigan, Acts of 1907, Act 169, Section 3.

SEC. 20. No female under the age of eighteen years shall be employed, permitted or suffered to work in or about any mine, quarry or coal breaker.

Note.—All states with mining laws prohibit employment of all females. Minors are here specified, as all reference to regulation of adult labor is avoided in this draft.

HOURS OF LABOR.

SEC. 21. In cities of the first or second class no person under the age of twenty-one years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

See New York, Laws of 1910, Chapter 342, Section 161a.

A law regulating the hours of labor and fixing the maximum of ten hours a day for women in laundries was held constitutional in 1908 by the Supreme Court of the United States in the case of *Muller vs. Oregon*. 208 U. S. 412.

In the case of *Broad vs. Woydt*, 78 Pac. 1004, the Supreme Court of Washington decided that a city ordinance making eight hours a day's work on any work of municipal construction, etc., is not repugnant to the 14th amendment of the Constitution of the United States.

SEC. 22. No boy under the age of sixteen years and no girl under the age of eighteen years shall be employed, permitted or suffered to work at any gainful occupation other than domestic service or work on a farm more than forty-eight hours in any one week, nor more than eight hours in any one day; or before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening. The presence of a child in any establishment during working hours shall be prima facie evidence of its employment therein.

This section, prohibiting night work and limiting to an eight-hour day for children under sixteen, applies with slight variations in the following states:

Colorado, Laws of 1904, Section 1801e2.

District of Columbia, Acts of United States Congress, 1907-1908, Chapter 209, Section 8.

Illinois, Revised Statutes of 1905, Chapter 48, Section 20i.

Kansas, Acts of 1909, Chapter 65, Section 2 (hours, 7 A. M. to 6 P. M.).

Kentucky, 1906, Chapter 52, Section 1 (sixteen years for both sexes; hours forbidden, 7 P. M. to 6 A. M.).

Louisiana, 1908, Act 301, Section 9 "Presence of child prima facie evidence."

Massachusetts, Revised Laws of 1902, Chapter 106, Sections 27, 28 (prohibits night work for children under fourteen in all occupations and for minors under eighteen and all women in textile factories).

Michigan, 1901, Act 113, Section 2 (age, sixteen years; hours, 6 P. M. to 7 A. M.).

New York, Laws of 1909, Chapter 36, Section 77 (1) (age sixteen for both sexes; hours of work limited between 8 A. M. and 5 P. M.).

Ohio, Acts of 1904, page 321, Sections 6986-6988.

The constitutionality of the law regulating hours of employment of women and children has been recognized since its establishment by the Supreme Court of Massachusetts in 1876 (120 Mass. 385). So well established was this principle that although many cases have been tried under a similar law in New York, no case has been carried to the Court of Appeals of New York.

The regulation of hours for the employment of women has been involved in many cases. In 1895 the Supreme Court of Illinois, *Ritchie vs. The People*, 55 Ill. 98, declared the law unconstitutional in its application to women as "a purely arbitrary restriction upon the fundamental rights of citizens to control their own time, and substitute the judgment of the legislature for the judgment of the employer and employee in matters about which they are competent to agree with each other." But this decision did not affect the validity of the law in relation to the employment of minors. The words "competent to agree with each other" are significant.

The case of *Low vs. Printing Co.*, 59 N. W. 362, decided by the Supreme Court of Nebraska in 1894, made clear that the objection to the law was that it aimed to prevent "persons legally competent to enter into contracts, etc." The fact seems clearly recognized that a minor child is not such a person. The Illinois court decision, above referred to, concluded by saying: "We do not wish to be understood by anything herein said as holding that Section 5 would be invalid if it was limited in its terms to females who are minors."

The Supreme Court of California, in holding void an ordinance of the City of Los Angeles which would regulate the hours of labor on all contracts, says: "If the service to be performed were . . . against public policy . . . or such as might be unfit for certain persons, for example, females or infants, the ordinance might be upheld, etc."

Wenham vs. State, 5 Neb. 394.

State vs. Buchanan, 29 Wash. 603.

In the case of *Cantwell et al. vs. State of Mo.*, 179 Mo. 245, the Supreme Court of Missouri held that the Missouri eight-hour law for minors was valid, and its decision was affirmed by the Supreme Court of the United States on authority of 169 U. S. 366; 197 U. S. 11; 3 Pet. 280 and 179 Mo. 245.

Held constitutional. *Commonwealth vs. Hamilton Mfg. Co.*, 120 Mass. 383.

Pennsylvania law limiting hours of labor for adult females is constitutional. *State vs. Beatty*, 15 Superior Court, 5.

SEC. 23. Every employer shall post in a conspicuous place in every room where any boy under the age of sixteen years or any girl under the age of eighteen years is employed, permitted or suffered to work, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the inspector of factories or other authorized inspector, and the employment of any minor for a longer time in any day so stated or at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this act.

Applying to minors under eighteen years, in force in:

California, Laws of 1906, Act 1611, Section 3.

Connecticut, Laws of 1909, Chapter 220, Section 1.

Kentucky, 1906, Chapter 52, Section 1 (applies to minors under sixteen years).

Massachusetts, Acts of 1902, Chapter 106, Section 23 (applies to minors under eighteen years and all women).

Court ruling No. 120 Massachusetts, 383.

STREET TRADES.

SEC. 24. No male child under ten and no girl under sixteen years of age shall, in any city of the first or second class, sell or expose or offer for sale newspapers, magazines, periodicals or other merchandise in any street or public place. No child shall work as a bootblack in any street or public place unless he is over ten years of age.

Sections 24 to 29. The employment of children in street trades has not received the attention it deserves in this country.

Many states are at present without any provision for its regulation. The most advanced steps have been taken in New York, Massachusetts, Oklahoma, Wisconsin, in the District of Columbia and in Cincinnati, Ohio.

District of Columbia, Acts of United States Congress, 1907-1908, Chapter 209, Section 11.

New York, Acts of 1907, Chapter 588, Section 174.

Oklahoma, Child Labor Law, 1908, Section 4.

Wisconsin, Acts of 1909, Section 1728 (*p*), (*q*) and (*r*).

See also Ordinances of City Council, Cincinnati, Ohio, 1909.

SEC. 25. No male child under fourteen years of age shall sell or expose or offer for sale in any street or public place any of the articles mentioned in Section 24, or work as a bootblack therein, unless a permit and badge as hereinafter provided shall have been issued to him by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the School Committee, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian, then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of ten years or upwards, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of the normal development of a child of his age and physically fit for such employment, and that said principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Principals or chief executive officers of schools in which

children under fourteen years of age are pupils shall keep complete lists of all children in their schools to whom a permit and badge as herein provided have been granted.

Cf. District of Columbia, Acts of United States Congress, Chapter 209, Sections 12, 13 and 14 (applies to children under sixteen).

Massachusetts, Acts of 1902, Chapter 65, Section 17.

New York, Acts of 1907, Chapter 588, Section 175.

Wisconsin, Acts of 1909, Section 1728 (*s*) and (*t*).

SEC. 26. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend, as the case may be, and shall describe the color of hair and eyes, the height and weight, and any distinguishing facial mark of such child, and shall further state that the papers required by the preceding section have been duly examined and filed, and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Cf. New York, Acts of 1907, Chapter 588, Section 176.

Wisconsin, Acts of 1909, Section 1728*u*.

SEC. 27. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city of the first or second class as a newsboy or bootblack, or shall sell or expose or offer for sale newspapers, magazines, periodicals or other merchandise in any street or public place without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police or truant officer.

Cf. New York, Acts of 1907, Chapter 588, Section 177.

Wisconsin, Acts of 1909, Section 1728*v*.

SEC. 28. No child to whom a permit and badge are issued as provided for in Sections 24, 25, 26 and 27 of this act shall work as a bootblack, sell or expose or offer for sale any newspapers, magazines, periodicals or other merchandise in any street or public place after eight o'clock in the evening or before six o'clock in the morning.

Cf. New York, Acts of 1907, Chapter 588, Section 178 (prohibited hours, 10 P. M. to 6 A. M.).

Wisconsin, Acts of 1909, Section 1728w (prohibited hours for newsboys, 10 P. M. to 6 A. M.; for bootblacks and other street trades, 7 P. M. to 7 A. M.).

SEC. 29. Any child who shall work in any city of the first or second class in any street or public place as a bootblack or newsboy, or who shall sell or expose or offer for sale newspapers, magazines, periodicals or other merchandise, in violation of the provisions of this act, shall be arrested and brought before the juvenile court or a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution, to be dealt with according to law. The permit and badge of any child who violates the provisions of this article may be revoked by the officer issuing the same, upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any police officer or truant officer, and such child shall surrender the permit and badge so revoked upon the demand of any truant officer or police officer charged with the duty of enforcing the provisions of this article. The refusal of any child to surrender such permit and badge, upon such demand, or the working as a bootblack, or the sale or offering for sale of newspapers, magazines, periodicals or other merchandise in any street or public place by any child after notice of the revocation of such permit and badge, shall be deemed a violation of this article and shall subject the child to the penalties provided for in this act.

Cf. Massachusetts, Acts of 1906, Chapter 151, Section 18.

New York, Acts of 1907, Chapter 588, Sections 179 and 179a.

Ohio, Annotated Statutes, Sections 4022-4025.

GENERAL PROVISIONS.

SEC. 30. Inspectors of factories and other authorized inspectors and truant officers may visit any place of employment mentioned in either Section 1, 3, 4, 18, 20 or 22, and ascertain whether any minors are employed therein contrary to the provisions of this act; and they shall report any cases of such illegal employment to the school authorities; and truant officers shall also report the same to the inspector of factories or other authorized inspector.

It shall be the duty of factory and other duly authorized inspectors to make complaints for offenses under this act and prosecute the same.

This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints.

This section, adapted to the enforcing agencies in various states, is substantially in force in:

District of Columbia, Acts of United States Congress, 1907-1908, Chapter 209, Section 7.

Illinois, Revised Statutes, 1905, Chapter 48, Section 207.

Kansas, Acts of 1905, Chapter 278, Section 3.

Massachusetts, Acts of 1906, Chapter 499, Section 2.

Minnesota, General Law, 1907, Chapter 299, Section 10.

Ohio, Annotated Statutes, Sections 4022-4025.

In the case of *State vs. Vickers*, 84 S. W. 908, the Supreme Court of Missouri held that the law authorizing the appointment of factory inspectors is a valid exercise of the police power of the state.

PENALTIES.

SEC. 31. Whoever employs any child, and whoever having under his control as parent, guardian or otherwise, any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this act, shall for such offense be fined not less than five nor more than two hundred dollars, or be imprisoned for not less than ten days nor more than thirty days, or both, in the discretion of the court.

Sections 31 to 41 are slightly altered from laws in force in the following states:

California, Laws of 1906, Chapter 1611, Sections 3 and 4.

Illinois, Revised Statutes of 1905, Chapter 48, Section 20*m*.

Iowa, Acts of 1906, Chapter 103, Section 6.

Kansas, Acts of 1905, Chapter 278, Section 4.

Louisiana, 1908, Act 301, Section 7.

Massachusetts, Acts of 1906, Chapter 499, Section 1.

Minnesota, General Law of 1907, Chapter 299, Section 9 (provides fines, but not imprisonment).

Ohio, Acts of 1904, page 321, Sections 6986-9.

Sections 31 to 41. Compare New York penal law, Article 120, Laws of 1909, Chapter 88, Section 1275.

It has been the policy of those drafting this uniform law to make the minimum penalty small, with a view to a more rigid enforcement of the various penalty sections. In nearly every state having well-established departments of factory inspection the penalties are heavier, both as to fines and imprisonments. In some instances it has been observed that the heavy minimum penalty tended to thwart the purpose of the law by causing courts or juries to fail to convict.

SEC. 32. Whoever continues to employ any child in violation of any of the provisions of this act, after being notified thereof by a truant officer or an inspector of factories or other authorized inspector, shall for every day thereafter that such employment continues be fined not less than five nor more than twenty dollars.

Cf. Massachusetts, Acts of 1906, Chapter 499, Section 1.

SEC. 33. Any person, firm or corporation retaining an employment certificate in violation of Section 9 of this act shall be fined not less than five dollars nor more than fifty dollars.

Cf. Massachusetts, Acts of 1906, Chapter 499, Section 4.

SEC. 34. Any person authorized to sign any certificate, affidavit or paper called for by this act, who knowingly certifies to any materially false statement therein, shall be fined not less than five dollars nor more than one hundred dollars.

SEC. 35. A failure by an employer to produce to a truant or factory officer or authorized inspector any employment certificate or list required by this act shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not so listed.

Cf. New York, Laws of 1909, Chapter 36, Section 167.
Indiana, Annotated Statutes, 1901, Section 7770 (general penalty clause).
Louisiana, 1908, Act 301, Section 11.
Massachusetts, Acts of 1906, Chapter 499, Section 4.

SEC. 36. In case any employer shall fail to produce and deliver to a factory inspector or other authorized inspector or truant officer, within ten days after demand made pursuant to Section 17 of this act, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.

Cf. New York, Laws of 1909, Chapter 36, Section 177.

SEC. 37. Any child working in or in connection with any of the establishments or places or in any of the occupations mentioned in either Sections 1, 3, 4, 18, 20 or 22, who refuses to give to the factory inspector or other authorized inspector or the truant officer his or her name, age and place of residence, shall be forthwith conducted by the inspector or truant officer before the judge of the juvenile or probate court, or other proper municipal or police authority, for examination and to be dealt with according to law.

SEC. 38. Any employer who fails to post the printed notice required by Section 23 of this act in the manner therein specified shall be fined not less than ten nor more than fifty dollars.

SEC. 39. Any superintendent of schools or other person issuing employment certificates who fails to comply with the provisions of this act shall be fined not less than five dollars nor more than twenty-five dollars.

SEC. 40. Every employer who fails to provide suitable seats, chairs or benches, as provided in Section 6 of this act, shall be fined not less than ten dollars nor more than fifty dollars.

SEC. 41. Every employer who fails to procure and keep or file employment certificates or who fails to keep and post lists, as provided in Section 7 of this act shall be fined not less than ten dollars nor more than fifty dollars.