

P. J. McBride to Roy Hennigh

This letter was written in response to Roy Hennigh's earlier letter (dated November 21) to Gov. Arthur Capper, which had been referred to P. J. McBride, the Commissioner of Labor and Industry. In it, McBride responds to Hennigh's complaint that a welfare inspector prevented Hennigh from employing his two daughters in his grocery store. McBride referred him to the child labor law that "prohibited the employment of any child under 14 years of age in mercantile establishments." No one could make any exception to this law because, according to McBride, some of the worst cases of abuse had occurred at the hands of parents. This law did not affect children's work within the home, but it did mandate that children under 14 could not be assigned regular duties for a specific period of time in a place of business. McBride emphasized that "it is not the purpose of this department to split hairs," but that his inspectors were bound to ensure that the law was applied fairly and equally to all.

Creator: Kansas. Governor (1915-1919: Capper)

Date: December 12, 1917

Callnumber: Governor's Office, Governor Arthur Capper, Correspondence Files, Numerical File Box 10 Folder 3 No. 9

KSHS Identifier: DaRT ID: 211803

Item Identifier: 211803

www.kansasmemory.org/item/211803



P. J. McBride to Roy Hennigh

COPY

Dec. 12th, 1917.

Mr. Roy Hennigh,
Sabetha, Kansas.

Dear Sir:

Your letter of recent date to Governor Capper regarding the employment of children in your grocery store has been referred to this office for reply.

The state law prohibits the employment of any child under 14 years of age in mercantile establishments, and no one is given any authority to make any exceptions or exemptions from this provision of the statute. Neither does the law make any distinction between the children employed in establishments operated by their own parents and those employed by persons not related to them. The legislature enacted this provision intentionally, as the old Child Labor Law, which was superceded by the one enacted at the last session, exempted children employed in establishments operated by the parent of such children, and that exemption was purposely excluded from the present law as it has been found that some of the worst abuses of children which have come to the attention of enforcement officers has been by their own parents.

The law does not attempt to regulate the employment of children in the home but where such children are taken into mercantile or industrial establishments they are subject to the same restriction as the children of others. It is not the purpose of this department to split hairs over the technical application of the law where children may run into their parents store and perform little voluntary services at intervals, but where they are assigned regular duties for specific time in which they are required to be on duty the law applies to them the same as other children. You can readily see if you give the matter

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unprejudiced thought it would be impossible to have the law accomplish the purpose for which it was enacted unless its requirements are made to *apply* to all cases.

Your child, who is just 14 years of age, may be granted a School Vacation Work Permit by the Superintendent of Schools in Sabetha, which would allow her to work in your store during the hours in which public school is not in session, providing she is not required or permitted to work more than eight hours in any one day or forty-eight hours in any one week, or before 7 a. m. or after 6 p. m.

Neither the Governor nor any other public official has any authority to make any exceptions or exemptions from this law.

Yours very truly,

P. J. McBride

COMMISSIONER OF LABOR.

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COPY to Governor Capper.