

HOUSE No. 328.

[House, No. 127, as amended and ordered to a third reading.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-eight

AN ACT

In relation to the Employment of Children.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

1 SECTION 1. No child under thirteen years of
2 age shall be employed at any time in any factory,
3 workshop or mercantile establishment, and no
4 such child shall be employed in any indoor work,
5 performed for wages or other compensation, to
6 whomsoever payable, during the hours when the
7 public schools of the city or town in which he re-
8 sides are in session, or shall be employed in any
9 manner during such hours unless during the year
10 next preceding such employment he has attended

11 school for at least twenty weeks as required by
12 law.

1 SECT. 2. No child under fourteen years of age
2 shall be employed in any manner before the hour
3 of six o'clock in the morning or after the hour of
4 seven o'clock in the evening. No such child shall
5 be employed in any factory, workshop or mercan-
6 tile establishment, except during the vacation of
7 the public schools in the city or town where he
8 resides, unless the person or corporation employ-
9 ing him procures and keeps on file a certificate
10 for such child as prescribed by section four of
11 this act, with the employment ticket thereby pre-
12 scribed attached thereto, and no such child shall be
13 employed in any indoor work, performed for wages
14 or other compensation, to whomsoever payable,
15 during the hours when the public schools of such
16 city or town are in session, unless as aforesaid, or
17 shall be employed in any manner during such hours
18 unless during the year next preceding such em-
19 ployment he has attended school for at least
20 twenty weeks as required by law; and such em-
21 ployment shall not continue in any case beyond
22 the time when such certificate expires. The
23 chief of the district police, with the approval of
24 the governor, shall have authority to designate
25 any kind or kinds of employment in factories,
26 workshops or mercantile establishments as injuri-
27 ous to the health of children under fourteen years
28 of age employed therein, and after one week's
29 written notice from such chief of such designa-

30 tion no such child shall be employed in any such
31 kind or kinds of employment in any factory,
32 workshop or mercantile establishment.

1 SECT. 3. No child under sixteen years of age
2 shall be employed in any factory, workshop or
3 mercantile establishment unless the person or
4 corporation employing him procures and keeps
5 on file the certificate required in the case of such
6 child by the following section, and also keeps on
7 file a full and complete list of such children em-
8 ployed therein.

1 SECT. 4. The certificate of a child under four-
2 teen years of age shall not be signed until he pre-
3 sents to the person authorized to sign the same
4 an employment ticket, as hereinafter prescribed,
5 duly filled out and signed. The certificate and
6 the employment ticket shall be separately printed,
7 and shall be in the following forms respectively,
8 and the blanks therein shall be filled out and
9 signed as indicated by the words in brackets: —

EMPLOYMENT TICKET, LAW OF 1888.

10 When [name of child], height [feet and inches],
11 complexion [fair or dark], hair [color], presents
12 a certificate duly signed, I intend to employ [him
13 or her].

14 [Signature of intending employer or agent.]
15 [Town or city and State.]

AGE AND SCHOOLING CERTIFICATE, LAW OF 1888.

16 This certifies that I am the [father, mother or
17 guardian] of [name of child], and that [he or

18 she] was born at [name of town or city], in the
19 county of [name of county, if known], and state
20 [or county] of [name], on the [day and year
21 of birth], and is now [number of years and
22 months] old.

23 [Signature of father, mother or guardian.]

24 [Town or city and date.]

25 Then personally appeared before me the above-
26 named [name of person signing] and made oath
27 that the foregoing certificate by [him or her]
28 signed, is true to the best of [his or her] knowl-
29 edge and belief. I hereby approve the foregoing
30 certificate of [name of child], height [feet and
31 inches], complexion [fair or dark], hair [color],
32 having no sufficient reason to doubt that [he or
33 she] is of the age therein certified.

34 [Signature of person authorized to sign, with
35 official character or authority.]

36 [Town or city and date.]

37 In case the age of the child is under fourteen,
38 the certificate shall continue as follows, after the
39 word "certified":—

40 And I hereby certify that [he or she] can read
41 at sight, and can write legibly, simple sentences
42 in the English language, and that [he or she] has
43 attended the [name] public [or private] day
44 school [if a private school add "duly approved
45 by vote of the school committee within one year
46 of this date"] for [number of weeks, which must
47 be at least twenty] weeks during the year next
48 preceding this date, and that the last twenty
49 weeks of such attendance began [date]. This

50 certificate expires [date, one year later than above
51 date].

52 Signature of the person authorized to sign,
53 with official character or authority.]

54 - [If attendance has been at a private school,
55 also signature of a teacher of such school, fol-
56 lowed by words "certifying to school attend-
57 ance."]

58 [Town or city and date.]

59 In case a child cannot read and write as above
60 stated, the following may be substituted for the
61 clause beginning "and I hereby certify" through the
62 word "language": "and I hereby certify that
63 [he or she] is a regular attendant at the [name]
64 public evening school"; but in such case the
65 certificate shall only continue in force for as long
66 a time as attendance of such child at such evening
67 school is allowed by law in place of any attend-
68 ance at day school, in excess of twenty weeks
69 annually that may be required of such child by
70 law, and provided that it is endorsed weekly dur-
71 ing the session of such evening school, with a
72 statement from a teacher thereof certifying that
73 his attendance continues regular.

74 If attendance has been at a half-time school,
75 forty weeks of such attendance must be certified
76 to instead of twenty.

77 The foregoing certificate must be filled out in
78 duplicate, and one copy thereof shall be kept on
79 file by the school committee. Any explanatory
80 matter may be printed with such certificate in the

81 discretion of the school committee or superin-
82 tendent of schools.

1 SECT. 5. In cities and towns having a super-
2 intendent of schools, said certificate shall be
3 signed only by such superintendent, or by some
4 person authorized by him in writing; in other
5 cities and towns it shall be signed by some mem-
6 ber or members of the school committee, author-
7 ized by vote thereof: *provided, however,* that
8 no member of a school committee, or other
9 person authorized as aforesaid, shall have author-
10 ity to sign such certificate for any child then in,
11 or about to enter, his own employment, or the
12 employment of a firm of which he is a member, or
13 of a corporation of which he is an officer or em-
14 ployee. The person signing the certificate shall
15 have authority to administer the oath provided
16 for therein, but no fee shall be charged therefor;
17 such oath may also be administered by any jus-
18 tice of the peace.

1 SECT. 6. The certificate as to the birthplace
2 and age of a child shall be signed by his father
3 if living and a resident of the same city or town;
4 if not, by his mother; or if his mother is not living
5 and a resident of the same city or town, by his
6 guardian; if a child has no father, mother or
7 guardian living in the same city or town, his own
8 signature to the certificate may be accepted by
9 the person authorized to approve the same.

1 SECT. 7. No child who has been continuously
2 a resident of a city or town since reaching the
3 age of thirteen years shall be entitled to receive
4 a certificate that he has reached the age of four-
5 teen unless or until he has attended school
6 according to law in such city or town for at least
7 twenty weeks since reaching the age of thirteen,
8 unless exempted by law from such attendance.
9 Before signing the approval of the certificate of
10 age of a child, the person authorized to sign the
11 same shall refer to the last school census taken
12 under the provisions of section three of chapter
13 forty-six of the Public Statutes, and if the name of
14 such child is found thereon, and there is a material
15 difference between his age as given therein and
16 as given by his parent or guardian in the certifi-
17 cate, allowing for lapse of time, or if such child
18 plainly appears to be of materially less age than
19 that so given, then such certificate shall not be
20 signed until a copy of the certificate of birth or
21 of baptism of such child, or a copy of the register
22 of its birth with a town or city clerk, has been
23 produced, or other satisfactory evidence furnished
24 that such child is of the age stated in the certifi-
25 cate.

1 SECT. 8. The truant officers may, when so
2 authorized and required by vote of the school
3 committee, visit the factories, workshops and
4 mercantile establishments in their several cities
5 and towns, and ascertain whether any children
6 under the age of fourteen are employed therein

7 contrary to the provisions of this act, and they
8 shall report any cases of such illegal employment
9 to the school committee and to the chief of the
10 district police or the inspector of factories for
11 the district. The inspectors of factories, and the
12 truant officers when authorized as aforesaid, may
13 demand the names of all children under sixteen
14 years of age employed in such factories, work-
15 shops and mercantile establishments, and may
16 require that the certificates and lists of such
17 children provided for in this act shall be pro-
18 duced for their inspection. Such truant offi-
19 cers shall inquire into the employment, other-
20 wise than in such factories, workshops and
21 mercantile establishments, of children under the
22 age of fourteen years, during the hours when the
23 public schools are in session, and may require
24 that the aforesaid certificates of all children un-
25 der sixteen shall be produced for their inspection;
26 and any such officer, or any inspector of factories,
27 may bring a prosecution against a person or cor-
28 poration employing any such child, otherwise than
29 as aforesaid, during the hours when the public
30 schools are in session, contrary to the provisions
31 of this act, if such employment still continues one
32 week after written notice from such officer or
33 inspector that such prosecution will be brought,
34 or if more than one such written notice, whether
35 relating to the same child or to any other child,
36 has been given to such employer by a truant
37 officer or inspector of factories at any time within
38 one year.

1 SECT. 9. Every parent or guardian of a
2 child under fourteen years of age who permits
3 any employment of such child contrary to the
4 provisions of this act, and every owner, superin-
5 tendent or overseer of any factory, workshop or
6 mercantile establishment who employs or permits
7 to be employed therein any child contrary to the
8 provisions of this act, and any other person who
9 employs any child contrary to the provisions of
10 this act, shall for every such offence forfeit not
11 less than twenty nor more than fifty dollars
12 for the use of the public schools of the city
13 or town. Every parent, guardian, or person
14 authorized to sign the certificate prescribed by
15 section four of this act, who certifies to any
16 materially false statement therein, shall be pun-
17 ished by a fine not exceeding fifty dollars, or by
18 imprisonment not exceeding thirty days, or by
19 both such fine and imprisonment. A failure to
20 produce to a truant officer or inspector of facto-
21 ries the certificate required by the provisions of
22 this act shall be *prima facie* evidence of the
23 illegal employment of the child whose certificate
24 is not produced.

1 SECT. 10. The expressions "factory" and
2 "workshop" used in this act shall have the mean-
3 ings defined for them respectively by chapter
4 one hundred and three of the acts of the year
5 one thousand eight hundred and eighty-seven.

1 SECT. 11. Within one month of the passage
2 of this act the chief of the district police shall

3 cause a printed copy thereof to be transmitted
4 to the school committee of every city and town
5 in the Commonwealth.

1 SECT. 12. Sections one to six, inclusive, of
2 chapter forty-eight of the Public Statutes, chap-
3 ter two hundred and twenty-four of the acts of
4 the year eighteen hundred and eighty-three,
5 chapter two hundred and twenty-two of the acts
6 of the year eighteen hundred and eighty-five,
7 and section one of chapter four hundred and
8 thirty-three of the acts of the year eighteen hun-
9 dred and eighty-seven are hereby repealed.

1 SECT. 13. This act shall take effect on the
2 first day of July in the year one thousand eight
3 hundred and eighty-eight.

