U. S. DEPARTMENT OF LABOR
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ADMINISTRATION OF CHILD-LABOR LAWS

PART 4

EMPLOYMENT-CERTIFICATE SYSTEM
WISCONSIN

By

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CONTENTS.

LETTER OF TRANSMITTAL

U. S. Department of Labor,
Children's Bureau,
Washington, December 15, 1919.

Sir: I transmit herewith a study of the administration of the child-labor laws of Wisconsin with especial reference to the employment-permit system and its enforcement.

This study is the fourth in the series of inquiries into the administration of child-labor laws which have been carried on under the direction of Mrs. Helen Sumner Woodbury, formerly assistant chief of the bureau. The study was made by Miss Ethel E. Hanks, who made the field inquiries for two of the preceding studies—those in Connecticut and New York. Valuable assistance in the preparation of this report for publication was rendered by Miss Ella A. Merritt, who was one of the two authors of the report on the administration of the child-labor laws of Maryland, and by Mr. Howard C. Jenness, whose unusual abilities as editor and critic have contributed much to each of the preceding reports of this series, and whose last work before his sudden death was upon this study. The foreword was prepared by Mrs. Helen Sumner Woodbury.

Acknowledgment should also be made of the cordial cooperation of the officials of the industrial commission and of the vocational-school system of Wisconsin both in facilitating the field inquiries and in criticizing the report.

Respectfully submitted.

Julia C. Lathrop, *Chief.*

Hon. W. B. Wilson,
Secretary of Labor.

ADMINISTRATION OF THE EMPLOYMENT-CERTIFICATE SYSTEM IN WISCONSIN.

FOREWORD.

The administration of child-labor laws in Wisconsin differs from that in most other States chiefly in eight points:

First. The State industrial commission has control over the issuance of employment certificates as well as over the inspection of industrial establishments. It not only has general supervision over, but has power to appoint and dismiss, all issuing officers.

Second. Children between 14 and 17 years of age, instead of only those between 14 and 16, must have employment certificates and are subject to most of the other legal regulations applying to certificated children.

Third. The maintenance by all important cities and towns in the State of vocational schools—at which part-time attendance of all employed children between 14 and 17 years of age is compulsory—creates both an educational system and a special method of keeping track of children of working ages not found in other States. Furthermore, the industrial commission is represented on the State board of vocational education and thus has a certain degree of control over the school attendance and education of employed children.

Fourth. The apprentice laws constitute an attempt to adapt the apprenticeship system to modern industrial conditions which, though not affecting large numbers of children, involves where used an essential modification of ordinary child-labor conditions and combines with the vocational-school system to place Wisconsin in a unique position in the vocational-training movement.

Fifth. Both the vocational-school and apprentice laws create some degree of control over certain employed minors between 17 and 21 years of age, for all illiterate minors employed in cities which have vocational schools must attend such schools for not less than four hours a week; and the apprentice law, which applies to all children between 16 and 21 who are being taught trades or businesses, requires school attendance for not less than five hours a week at least until 18 years of age, and all indentures made since July 1, 1919, require two years such attendance, regardless of age.

Sixth. The entire machinery of enforcement is greatly strengthened by the fact that civil, instead of only criminal, action may be brought for nearly all violations of child-labor laws. This means not only that the employer may be made to testify as an adverse witness and produce his records but that the State as prosecutor, as well as the employer as defendant, may appeal against an adverse decision.

Seventh. In addition to the usual means of preventing illegal employment, the possibility of a child's working without a permit is reduced to a minimum by an exceptional provision in the workmen's compensation law. If a child of permit age is injured while working without a permit or at a prohibited occupation, his employer is liable to treble compensation, of which the insurance carrier can assume liability for only one-third.

Eighth. Under the minimum-wage law, which applies to all women and minor employees, the industrial commission has adopted a wage order which fixes a minimum rate of 18 cents an hour for children between 14 and 16 and of 20 cents an hour for children between 16 and 17 years of age who have had at least three months' experience in the industry. In part because of this order and in part because of fear of the treble compensation clause of the workmen's compensation act, the industrial commission reports a falling off in the number of child-labor permits granted.

The effects of all these eight points of difference between the administration of the child-labor laws in Wisconsin and in most other States, except the last, are brought out in the following report. Although the minimum-wage law had been upon the statute books since 1913, no wage order was adopted under it until June 29, 1919, nearly 15 months after the field studies for the main body of this report had been completed. Three of the other principal features of the Wisconsin law, moreover, had been in effect for only seven months at the date, April 1, 1918, to which the greater part of the description of methods of administration here given refers. These three were: (1) The centralization of control over the issuance of permits in the industrial commission; (2) the raising of the permit age from 16 to 17; and (3) the treble compensation clause in the workmen's compensation act. So far as these provisions are concerned, therefore, the study was made during a period of transition, and specifically before the full effects of supervision by the industrial commission and of the treble compensation clause were evident.

In order to remedy this defect and to bring the report, in its most essential features, up to date, a brief survey was made of the principal changes effected prior to December, 1920. These changes were mainly in the administration of the laws by the industrial commission. No attempt was made to inquire into the details of procedure in the

various cities which had been visited earlier, or into such purely local matters as methods of enforcement of school attendance. Except for the gradual enlargement and improvement of the vocational schools, there was no reason to believe that any great change had taken place in these local matters.

In only two respects had alterations of great importance been made in the law. First, the requirement that apprentices must attend vocational school at least five hours a week until they are 18 years of age had been changed to a requirement that they must attend during the first two years of their apprenticeship, regardless of their ages when indentured.[1] Second, the fifth-grade requirement for a permit to work had been raised to a sixth, and after July 1, 1920, to a seventh-grade requirement. At the same time, the indefinite first alternative to the grade requirement mentioned on page 64 was abolished; and the standard of seven years' school attendance, the other alternative, was raised to eight years' school attendance.[2] Thus Wisconsin had remedied, in part, the unfavorable situation created by its low educational standard for employment.

Control by the industrial commission over the issuing of permits had been greatly strengthened by December, 1920. In the first place, the 1919 legislature very nearly doubled the total appropriation of the commission, and a considerable part of this increase was devoted to the enforcement of the child-labor laws. The expenditures of the woman and child-labor department in 1919–20 were $24,195.17, as against $10,515.62 in 1917–18. Meanwhile the staff of women deputies, who are primarily responsible for inspections for woman and child labor, had been increased to six, as against two in April, 1918. This has made it possible to have much more frequent inspections. At the same time $12,724.09 was spent for the issuance of child-labor permits in 1919–20, and it was estimated that $17,315 would be spent in 1920–21. In December, 1920, one deputy was devoting her whole time, a large part of it in the field, to supervision over the issuance of permits. Moreover, it was stated that every permit issued by other than paid deputies of the commission was being carefully examined, together with the statement as to the evidence of age upon which it was based, as soon as it was received at the Madison office, and that whenever any irregularity was discovered the matter was being taken up promptly with the issuing officer. It was also stated that the commission was receiving more prompt, regular, and better filled-in reports than formerly.

The principal new features introduced by the commission in its administration of the permit system between April, 1918, and December, 1920, were: (1) The requirement that issuing officers report, upon a blank specially devised and furnished for that purpose, all

[1] Laws of 1919, ch. 221.

[2] Laws of 1919, ch. 432.

reissued permits, instead of only original permits; (2) the prompt transferring of statistical data from the reports received from permit officers to punch cards for the tabulating machine and their periodical tabulation; (3) the requirement that the promise of employment state specifically the kind of work at which the child is to be employed; (4) the circulation, principally in Milwaukee, but to some extent also in other cities, of a small card issued by the commission giving instruction to children as to how to secure permits; (5) the requirement that before any evidence of age other than a birth or baptismal certificate is accepted, the parent must sign a statement, the form for which is furnished by the commission, certifying that he is unable to secure the preferred evidence; (6) the waiving of the requirement that children between 14 and 16 shall apply in person, accompanied by a parent or guardian, in case the child lives outside the home city of any permit officer, and the permission given the permit officer having jurisdiction to issue the permit by mail; (7) the modification of the rules regarding evidence of age so that a baptismal certificate which bears a date at least 10 years prior to the date of application for a labor permit and which shows the date of birth and place of baptism, shall be equally as acceptable as a birth certificate; and (8) the requirement which went into effect on February 6, 1919, that every applicant for a regular child-labor permit in Milwaukee present a physician's report giving detailed information as to the results of a medical examination.

The first six of these new features require no comment. As for the change in the evidence of age, it should be noted both that the public birth records in Wisconsin are often based upon church records of baptism and sometimes upon parents' statements, and that there has been a great increase in the last three years in the demand for birth certificates for child-labor permits. Wisconsin has only recently been admitted into the birth-registration area and, in order to secure admission, the State board of health made every effort to register children who had failed to be recorded at the time of birth. In this work it made much use of church records of baptism. As a result of this practice it was held in a court case that a baptismal certificate was more trustworthy evidence of age than a birth certificate. Moreover, in 1919 the legislature passed a new law specifically authorizing the registration of birth at any time "upon the affidavit of the attending physician, midwife, parent, or other person who has actual knowledge of the time of such birth and of his [sic] parentage."[3] Owing to the pressure exercised by the industrial commission to secure birth or baptismal certificates as evidence of age, most of the births being registered under this law up to December, 1920, were those of children who wished to secure work permits.

[3] Laws of 1919, ch. 111.

It seems safe to say, however, that few such irregularities in the matter of age evidence as were common in 1918 could be found in Wisconsin in December, 1920. One of the methods used by the industrial commission to bring about greater uniformity has been to look up in the records of the State board of health at Madison the births of children for whom other evidence had been accepted and to call the attention of issuing officers to the frequent cases in which these births were found to have been recorded. In its instructions to issuing officers, moreover, the commission places special emphasis upon the fact that the possession of a permit, even though unlawfully issued, is a complete defense to an employer in any suit under the treble compensation clause of the workmen's compensation act,[4] and that, therefore, an issuing officer who accepts inadequate evidence may be doing great injustice to the child in case he is injured. Special emphasis is placed upon the fact that it is not sufficient to make sure that a child is over 14 years of age, because in case a question arises as to whether, when injured, the child was employed in a prohibited occupation, the exact date of birth becomes of prime importance. For example, if the date of birth given on the permit indicates that a child is 16 years old when he is only 15, the employer is authorized and protected in putting that child to work, for example, on a mangle, or operating a steam boiler, both occupations prohibited as dangerous to children under 16 and the latter dangerous also to others. That false evidence is not often actually accepted appears to be indicated by the fact that in no accident case settled prior to December, 1920, had the employer submitted in defense an illegally issued permit. During the year ended July 1, 1919, over 85 per cent of all permits issued outside Milwaukee appear to have been based on birth or baptismal certificates.

The physical examination required of Milwaukee children who are applying for regular permits must be given by a public-health, public-school, or other certified physician. The bureau of school hygiene, however, has been transferred from the education to the health department, so that the school physicians are also public-health physicians. All examinations, therefore, for both public and parochial school children are now given by the same physicians. Recommendations that permits be granted can be accepted from private physicians, but they are practically never offered or insisted upon by the children who readily accept the suggestion of the issuing officer that they go to the office which the public-health department maintains near by in connection with the vocational school. Two physicians and a nurse are assigned to the examination of applicants for permits and of the children in the vocational school. One of the

[4] Statutes, ch. 110a, sec. 2394–2399.

physicians is a man and one a woman who has had considerable industrial experience. One is in the office in the morning and the other in the afternoon.

The records of the examinations which the child may have had while still in school are consulted by the physician who examines him for a permit.

The physician's recommendation as to whether or not a permit should be granted, or whether it should be limited either as to time or as to occupation, is accepted by the industrial commission. Few permits are permanently refused, but many are temporarily withheld pending the correction of minor defects. An even larger number are granted temporarily, their continuance being dependent upon the correction of defects. Thus the children are enabled to earn at least part of the money required for treatment. They are assisted, however, by various dispensaries. When such a "provisional" permit, as it is called, is granted, a form letter is sent to the employer stapled to the permit. This letter states the nature of the child's defect and the time allowed for its correction.[5] Provisional permits are often extended, in special cases more than once, but when a reasonable time has been allowed for the correction of the defect, if it is still uncorrected, the permit is first suspended and later, if this does not bring results, it is revoked.

During the eight months from April 1 to November 30, 1920, 35 children were permanently refused permits, 1,026 were refused temporarily, 24 were limited as to occupations, and 1,382 were granted "provisional" permits and allowed to work for a time on condition that they got defects corrected. Only 1,383 children, about one-third of all who applied, were found to be physically sound in every respect and were recommended for "unreserved" permits. This does not represent, however, the total number of cases acted upon, which was 5,237. In 176 cases children who had been refused temporarily returned with their defects corrected and were given permits, and in 434 cases provisional permits were for the same reason made unlimited. Moreover, 39 provisional refusals were made temporary and 8 provisional or temporary refusals were made permanent. On the other hand, the provisional time was extended in 440 cases and revocation of permits was recommended in 15 cases. In addition, 126 children were reexamined, and 149 were given examinations for vacation permits.

[5] The system of following up these cases, as described by the industrial commission, is as follows: Chronological and alphabetical follow-up files are maintained and at the given date a postal-card notice to return for reexamination is sent, either to the child or to the employer. If the child fails to appear after two such notices his permit is recalled or, if he is unemployed, a note is attached to his index card warning that his permit must not be reissued without reexamination. If the child appears a postal card is sent to his employer stating the disposition of his case.

Mentally defective children are not always refused permits. Occasionally one is committed to an institution, but most of those applying for permits are comparatively high grade and in many cases, upon recommendation of the examining physician and of the Juvenile Protective Association, which cooperates in finding suitable employment for and in supervising such children, they are allowed to work for employers who know the circumstances and are willing to assume the responsibility. Usually it is stipulated that the child must be associated only with his [or her] own sex, that he must not work with, and sometimes not even near, machinery, and that he must be closely supervised.

About one-half of all the permits in Wisconsin are issued in Milwaukee. About one-half of all the children granted regular permits in the State, therefore, are given physical examinations. On November 16, 1920, moreover, the industrial commission issued to all permit officers throughout the State a special bulletin of instructions in which it directed them, whenever the physical or mental condition of a child was in question, to require the child to bring "a certificate of health from a reputable physician in general practice showing that the health of the child is such as to warrant the issuing of the permit."

During the year which ended June 30, 1919, there were issued outside Milwaukee 10,418 permits, of which 2,982 were issued in the seven other cities studied during this inquiry. The accompanying table gives, by the ages of the children, the figures for regular, vacation, and after-school and Saturday permits issued in these cities and in the remainder of the State. (See p. 14.)

Outside Milwaukee the permits were practically all being issued in December, 1920, by officers specially appointed by the industrial commission for that purpose. The former plan of having them issued in Superior by the branch office of the commission had been abandoned. The Madison office of the industrial commission, however, occasionally issued by mail a permit to a child who lived where there was no issuing officer. In addition to the officials of the industrial commission in Milwaukee and Madison, there were 210 issuing officers in 195 different cities and towns. Each of the 71 counties and each incorporated city of over 2,000 population (except South Milwaukee, where children get their permits at the Milwaukee office) had at least one issuing officer. In most of the places where there were two issuing officers, one of them, usually the county judge, issued only to children from outside the city. In a number of cities, however, special officers had been appointed to issue permits to children during the summer vacation when the regular issuing officer was away, and in Manitowoc two officers still had coordinate jurisdiction.

Original permits issued in Wisconsin from July 1, 1918, to June 30, 1919.

Places.	Total permits issued to children.				Regular permits issued to children.		
	All.	12–14 years of age.	14–16 years of age.	16–17 years of age.	All.	14–16 years of age.	16–17 years of age.
Entire State	20,093	.....	.....	.....	10,873	.....	.....
Milwaukee	9,675	.....	.....	.....	5,428	.....	.....
Outside Milwaukee	10,418	202	7,062	3,154	5,445	3,346	2,099
The seven cities studied:							
Madison	390	12	229	149	154	93	61
Kenosha	470	10	372	88	429	343	86
Sheboygan	574	13	490	71	279	230	49
Green Bay	427	9	276	142	394	259	135
Marinette	154	.....	101	53	89	49	40
Oshkosh	434	3	322	109	283	198	85
La Crosse	533	11	351	171	282	168	114
All other places	7,436	144	4,921	2,371	3,535	2,006	1,529

Places.	Vacation permits issued to children.				After-school and Saturday permits issued to children.		
	All.	12–14 years of age.	14–16 years of age.	16–17 years of age.	All.	14–16 years of age.	16–17 years of age.
Entire State	8,077	406	7,671		1,143	.....	.....
Milwaukee	3,709	204	3,505		538	.....	.....
Outside Milwaukee	4,368	202	3,247	919	605	469	136
The seven cities studied:							
Madison	168	12	91	65	68	45	23
Kenosha	14	10	4	.....	27	25	2
Sheboygan	272	13	243	16	23	17	6
Green Bay	32	9	16	7	1	1	.....
Marinette	50	.....	39	11	15	13	2
Oshkosh	125	3	102	20	26	22	4
La Crosse	143	11	100	32	108	83	25
All other places	3,564	144	2,652	768	337	263	74

The tendency to appoint school officials as issuing officers appears to have increased, in spite of complaint that they go away in the summer and temporary officers have to be secured. In December, 1920, about one-half of the issuing officers were school officials of some sort, nearly one-fourth of them being superintendents of schools and the rest principals of high schools, teachers, truant officers, clerks of school boards, or directors of vocational schools. In 18 of the 48 cities and towns which had vocational schools the director of that school was issuing permits. Although the desirability of designating as permit officers the directors of vocational schools has sometimes been questioned on the ground that they are interested in having children secure permits in order to build up their own schools, this policy appears to work well in practice. In all cases, however, the regular school authorities have been given first opportunity to do this work and the directors of vocational schools have been appointed with

their approval. Of the other issuing officers, 33 were county and 11 were municipal judges. In 12 counties the only issuing officer was the county judge. Various other public officials, such as justice of the peace, mayor, village president, city clerk, treasurer, and attorney, were serving as issuing officers. And in some places private individuals, such as bank official, editor, doctor, attorney, real-estate agent, insurance agent, or representative of the Red Cross, were performing this function. It should be remembered, however, that in many of these small places very few children apply for permits. During the year ended June 30, 1919, less than 10 permits were issued in each of 15 counties.

Vocational schools were maintained, as already mentioned, in 48 cities and towns of Wisconsin in December, 1920, as compared with 31 in April, 1918. Only three cities which in 1920 had over 5,000 population had failed by the latter date to establish such schools. On the other hand, six towns of less than 5,000 population had vocational schools. The attendance for the entire State during the year ended June 30, 1920, was approximately 43,000. From 85 to 90 per cent of the children who held permits in Wisconsin in December, 1920, are estimated to have lived in places which had vocational schools, which they were therefore obliged to attend. Outside Milwaukee all children were attending eight hours a week, but in Milwaukee they were still attending only four hours, owing to lack of facilities. However, a well-equipped building occupying nearly half a block of ground had been completed and was in use in Milwaukee for the boys' classes, and a similar building for girls, to occupy the other half of the block, was planned. In December, 1920, there were in all 116 teachers in the Milwaukee vocational school, and the average weekly attendance was about 9,200 in all departments. Since the completion of the new building all permit children, it is said, have been assigned promptly to their classes.

In Milwaukee the industrial commission, as well as the vocational school, has recently made some efforts to assist children in finding work. For a time the director of the women's department of the commission, who is the permit issuing officer in Milwaukee, was in charge of a juvenile division of the United States Employment Service, and juvenile placement was closely associated with the issuance of permits. Although this work had to be discontinued because of lack of appropriations for the United States Employment Service, the commission has continued the effort to secure work out of school hours for children who would otherwise be obliged to leave school. Employers have been canvassed by circular letters and personal calls, and a considerable number of children have been furnished with work out of school hours and on Saturdays. Most of those placed have

been from the high schools, but some have come from the grades. As in the case of all other permits, of course, the principal of the school must recommend that the child be given a permit; and this recommendation is believed to mean that the principal considers the child able to keep up with his studies and still work out of school hours. Permits are not given for work both before and after school hours.

At the time this study was made the treble-compensation clause of the workmen's compensation act had been in effect for too short a period to have shown its full value as a deterrent to the employment of children without permits or in illegal occupations. This clause was adopted as the result of a situation which arose under the old provision of the compensation act, one found in many other such acts, including within its scope only minors "legally permitted to work under the laws of the State." In one case [6] the supreme court had held, not only that a child of permit age who had been injured while employed without a permit was not a minor legally permitted to work under the laws of the State and, consequently, was not included in the scope of the compensation act, but that, even though the child had lied about his age, such employment was gross negligence. By this decision, therefore, employers who employed children without permits were thrown back, in case of injury, upon the hazards of liability actions under the common law, with no defense whatever left to them. On the other hand, in another case [7] the court had held that a child injured while employed in a prohibited occupation, but employed with the authority of a permit, came within the scope of the compensation act, and consequently could recover only the regular compensation. The employers were not satisfied with the first of these decisions and the labor unions were not satisfied with the second. A conference was therefore held during the legislative session of 1917, and this conference recommended the treble-compensation plan which had been suggested by a representative of one of the leading employers' associations.

The essential features of the treble compensation plan are that children of permit age who are injured while employed without permits or in prohibited occupations shall receive in compensation three times the amounts to which they would be entitled if they had been lawfully employed; that the entire increased compensation, two-thirds of the total, shall be paid by the employer who can not insure against this risk, but that the insurance company shall be liable in case the employer is insolvent; and, on the other hand, that if an employer has secured a permit which was illegally issued by a regularly appointed permit officer or which has been altered, pro-

[6] Stetz *v.* Mayer Boot & Shoe Co., 163 Wis., 151 (1916).
[7] Foth *v.* Macomber & Whythe Rope Co., 161 Wis., 549 (1915).

vided the alteration was made without fraud on the employer's part, such a permit shall afford him the same protection as if it had been legally issued.

When this study was made the constitutionality of the treble-compensation clause had not been determined by court decision, and it had not been in effect long enough for any large number of cases under it to have arisen. In three comparatively recent cases,[8] however, the Wisconsin Supreme Court has upheld its constitutionality. Meanwhile, too, the 1919 legislature has amended the law to permit the child, in case the treble compensation amounts to less than the wages he has lost, to recover his full wage loss plus doctors' bills.[9]

Since the enactment of the treble-compensation clause the industrial commission has made a special study of every accident report involving a minor with a view to determining his actual age and the occupation in which he was engaged at the time of the accident. In case its study has disclosed a violation of the child-labor law, it has notified the parties of their rights under the treble-compensation clause, and has then followed up the case until the amount of damages was paid. In case of dispute as to the facts, the commission has conducted a hearing and made an award. Compromise settlements have never been sanctioned.

As a result of this work, from September 1, 1917, when the clause first went into effect, to June 30, 1920, 222 children who had been injured while employed without permits or at prohibited occupations had received treble compensation, drawing altogether $21,903.22 in regular compensation and $43,806.44 in increased compensation, as well as the necessary surgical, hospital, and medical treatment and medicine. The average increased compensation was $197.33, but in 11 cases it amounted to $1,000 or more. For 1 case settled after June 30, 1920, it amounted to $6,000. Although all minors who have been injured while illegally employed have been notified of their rights in the matter, a few of them have made no claim for increased compensation. On the other hand, in a few cases in which the injured minor was not entitled to any compensation because he was not disabled for more than seven days, the commission has induced or compelled the employer to pay the entire wage loss which the minor sustained. On June 30, 1920, 55 cases were pending.

The most important test of this provision for treble compensation to children who are injured while illegally employed is not, however, the adequacy of the amounts paid the children, but the prevention of illegal employment and consequently of accidents. Concerning this no exact statistical statement can be made, but the industrial

[8] Brenner *v.* Heruben, 176 N. W., 228 (February, 1920); Mueller & Sons Co. *v.* Gothard & Faust Lumber Co. *v.* Gaudette, decided on Oct. 18, 1920.

[9] Laws of 1919, ch. 680, sec. 2.

commission states that treble compensation has been the most effective measure for the enforcement of the child-labor law which has ever been used in Wisconsin. Practically all large employers and many small ones have had to pay increased compensation, and one such experience has served as a warning, not only to the employer directly concerned but also to others. In many cases centralized employment departments have been organized to prevent carelessness on the part of subordinates from causing a violation of the child-labor laws, and employers generally have exercised greater care in hiring children.

At the same time the payment of treble compensation is said to rouse less resentment than would a fine, because the compensation is considered a contractual obligation assumed when the employer accepted voluntarily the compensation act. This payment does not, as the industrial commission is careful to remind the employer, exempt him from prosecution for the violation. But, in fact, few employers who have paid treble compensation have actually been prosecuted for violating the child-labor law, for the treble compensation is believed to be a sufficiently severe lesson.

Another result of the treble-compensation clause has been the conversion of the activities of the compensation insurance companies of Wisconsin from channels which hindered to others which help in the enforcement of the child-labor law. Before the adoption of this plan some of these companies made a special point of advertising that their insurance covered minors who were illegally employed and that if such a minor were injured, the employer would not have to pay the damages. These companies, moreover, made this point so important a part of their competition with others that it threatened to become the general policy of all companies. This, of course, made employers feel that they were entirely relieved from the possibility of having to pay the most severe penalty likely to be imposed for a violation of the child-labor law—damages to an injured child. Since the enactment of the treble compensation clause, however, insurance companies have been unable to take this risk, and they have gradually learned that the greatest service they can render their policy holders in the matter is to keep them out of trouble by persuading them to observe strictly the child-labor law. As a result these companies have distributed quantities of literature prepared by the industrial commission calling the attention of employers to the risks they run in violating the child-labor laws, and many of them have carried on similar campaigns of their own among their policy holders.

Another feature which makes this plan especially effective as a means of preventing the illegal employment of children is its certain and uniform application. All cases are followed up; the employer

has to deal with the industrial commission and not merely with the child and his parents; and in no case can there be a settlement for little or nothing. Its very certainty and uniformity in giving fair compensation to the injured child makes it a strong weapon for his protection from illegal employment.

Throughout the following discussion the present tense, it should be remembered, refers to the date of the main body of the report, April 1, 1918. Although it is probable that few important changes had been made up to December, 1920, to which attention has not been called, either in this Foreword or in footnotes, no attempt has been made to insure that minor details were handled at the latter date in precisely the manner here described. This report, like the others of this series, is intended to throw light upon the methods of administration of child-labor laws which, not alone in Wisconsin but in any State, not at a fixed date but at any time, are calculated to produce the best results.

INTRODUCTION.

The employment-certificate or "child-labor permit" law of Wisconsin affects to a greater or less degree practically all regularly and gainfully employed children in the State under 17 years of age except those engaged in domestic service in places where there are no vocational schools or at work in agricultural pursuits. Children from 14 to 17 may secure regular labor permits for all occupations not specifically prohibited; those from 12 to 14 may secure "vacation permits" for a comparatively short list of occupations; and those under 12 are excluded from "any gainful occupation or employment," [10] except agricultural pursuits. No uniform minimum age for the employment of all children at all times and in all occupations, however, exists in Wisconsin.

A child-labor permit is required for the employment, directly or indirectly, of a child between 14 and 17 years of age, except an indentured apprentice, in any of the following occupations and establishments, agricultural pursuits alone being specifically exempt:[11]

Factory.
Workshop.
Store.
Hotel.
Restaurant.
Bakery.
Mercantile establishment.
Laundry.
Telegraph, telephone, or public messenger service.
Delivery of merchandise.
Domestic service in cities where vocational schools are maintained, other than casual employment in such service.
Any gainful occupation or employment.

The phrase "any gainful occupation or employment" has never been interpreted to include domestic service; and, although it was already in the list of employments for which permits were necessary, the legislature in 1917, in order to make the permit law cover certain

[10] Employment in street trades is not included in this report.
[11] Statutes, ch. 83, secs. 1728a.1, 1728e4. For the text of these sections, see pp. 135 and 140.

children in domestic service, added to the statute the words, "or, in cities where a vocational school is maintained, in domestic service."

In many occupations, however, which are considered dangerous, injurious, or morally hazardous to children under certain ages—over 100 such occupations are specified in the law—the employment of a child under the given age (21, 18, and 16 for different occupations) is prohibited absolutely. And to the occupations thus prohibited to a child under 16 the so-called "blanket" provision adds, "any other employment dangerous to life or limb, injurious to the health, or depraving to the morals." Furthermore, the industrial commission has power to determine employments or places of employment that are dangerous or injurious to the life, health, safety, or welfare of any minor and to prohibit the work of a minor of any age at those employments.[12] A resolution adopted by the industrial commission on March 11, 1918, under its authority to refuse to grant a permit if the best interests of the child will be served by such refusal, prohibited the issuance of permits to minors of specified ages in the following occupations: (1) Under 17, in any bowling alley or in any of certain specified places where strong, spirituous, or malt liquors are manufactured, bottled, sold, served, or given away; (2) under 16, in any drug store having a Government license to sell strong, spirituous, or malt liquors; (3) girls under 17, in any hotel, restaurant, or boarding or rooming house; (4) boys under 16, in any hotel.[13]

A child between 12 and 14 years of age may also secure a child-labor permit, but it permits him to work only during school vacation,[14] in the place where he resides, and in one of the following:[15]

Store.[16]
Office.
Mercantile establishment.
Warehouse (except a tobacco warehouse).[17]
Telegraph, telephone, or public messenger service.

Another section of the law requires that the permit be filed by the employer of any child under 17 years of age at work in a certain list of establishments and occupations, a list identical with the first one given except that it adds "office" and omits "delivery of merchan-

[12] Statutes, ch. 83, sec. 1718a.2. For the text of this section, see p. 136.

[13] See p. 159. Since the date of this report, the commission has ruled that no permits shall be granted to (1) children under 16 in lumbering and logging operations; (2) children under 17 in pool rooms or billard halls; (3) any child to work in any place of employment in which an active strike or lockout is in progress; (4) any child for employment upon work given out by factories to be done in homes.

[14] A decision of the attorney general in 1911 limits the application of this provision to the regular Christmas, Easter, and summer vacations of school.

[15] Statutes, ch. 83, sec. 1728a.4. For the text of this section, see p. 136.

[16] A resolution adopted by the industrial commission, March 11, 1918, prohibited the granting of a permit to any child under 14 years of age to work in a drug store. See p. 159.

[17] Statutes, ch. 83, sec. 1728a.2.

dise" and "any gainful occupation or employment." Every such employer must keep a register showing the name, age, date of birth, and place of residence of every child under 17 years of age whom he employs, this register to be open at all times to the inspection of the industrial commission or of any truant officer.[18]

Furthermore, every employer of this latter group, except one employing a child in a bakery, a restaurant, or in domestic service, is required by law to send to the issuing office a statement that the child's permit has been received and filed, together with the fact and date of the child's actual employment.[19] To meet this requirement, the industrial commission in 1912 provided a special form[20] to be signed by the employer, which states that the permit has been filed and gives the name and occupation of the child and the date upon which he began work. This form was usually sent to the employer with the permit. But employers seldom returned these notices, and the attempt to enforce the provision was abandoned in October, 1917, by special ruling of the commission.[21] Every such employer must post near the principal entrance to his establishment a list containing the name of every child employed by him. And when a child leaves his employ he must, within 24 hours thereafter, return the permit to the officer who issued it, with a statement of the reason for the termination of the child's employment.[22]

A permit must be issued by the industrial commission or some person designated by it and is good only in the hands of the specific employer to whom it is made out.[23] Every permit must give the name, the date and place of birth, and the height and weight of the child to whom it is issued; must describe the color of his hair and eyes and any distinguishing facial marks; must state that the papers required by law for the issuance of the permit have been examined, approved, and filed; and must contain the signature of the director of the vocational school which the child is to attend.[24]

Certain children between 16 and 17 years of age employed in Wisconsin are not required to have permits but are subject to the provisions of the apprenticeship law. According to this law, when any minor over 16 years of age[25] enters "into any contract of service, expressed or implied, whereby he is to receive from or through his employer in consideration for his services, in whole or in part, in-

[18] Statutes, ch. 83, secs. 1728b.1, 1728b.2. For the text of these sections, see pp. 135–139.

[19] Statutes, ch. 83, sec. 1728a–6.1. For the text of this section, see p. 137.

[20] Form 1, p. 151.

[21] See p. 158.

[22] Statutes, ch. 83, sec. 1728a–6.1. For the text of this section, see p. 137.

[23] Statutes, ch. 83, secs. 1728a.1, 1728a.4, 1728a–3.2. For the text of these sections, see pp. 135, 136–137.

[24] Statutes, ch. 83, sec. 1728a–3.1. For the text of this section, see p. 136.

[25] The apprenticeship law applies to minors between the ages of 16 and 21, but for the purposes of this study only children between 16 and 17 will be considered.

struction in any trade, craft or business," he becomes an apprentice, and the contract must be entered into in writing. This contract is called an indenture and must contain the names of the parties, the date of birth of the child, the schedule of the child's pay, the amount and kind of training he is to receive, the time when his apprenticeship shall begin and end, and the number of hours to be spent in work and the number in instruction. The indenture must be signed by the employer, by the minor, and by one of his parents or his guardian or certain designated officials. It must be made out in triplicate, one copy to be given to the child, one to the employer, and the third to be filed with the industrial commission. Such an indenture must be binding for at least a year, but may be annulled by the industrial commission for good cause.[26]

The apprenticeship law is strengthened by certain provisions of the minimum-wage law. This law provides that all minors working in an occupation for which a living wage has been established for minors, and who shall have no trade, must, if employed in an occupation which is a trade industry, be indentured under the provisions of the apprenticeship law. A "trade" or a "trade industry" must involve physical labor and be characterized "by mechanical skill and training such as render a period of instruction reasonably necessary." Furthermore, the industrial commission must investigate, determine, and declare what occupations and industries are included within the phrase a "trade" or a "trade industry."[27]

Closely related to the permit provisions of the law are those requiring attendance at the common schools[28] and at vocational schools. With certain exceptions, every child between 7 and 16 years of age in cities of the first class[29] must attend regularly some public, parochial, or private school for the entire session; in all other cities[30] he must attend for at least eight school months, and in towns and villages for a minimum of six school months. For this attendance "substantially equivalent" instruction elsewhere during the required period may be substituted. Any child between 14 and 16 who is "regularly and lawfully employed in any useful employment or service at home or otherwise" is exempt from further attendance, as is also any child who has completed the course of a study for the

[26] Statutes, ch. 110, secs. 2377.1 to 2377.11. For the text of these sections, see pp. 142 to 144.

[27] Statutes, ch. 83, secs. 1729s–8.1, 1729s–8.2. For the text of these sections, see p. 142.

[28] The term "common school" is used throughout this report to mean any public, parochial, or private school which gives elementary instruction in various branches for eight years, in contradistinction to the public vocational or continuation schools established primarily for employed children. Though the latter schools are, in one sense of the term, a part of the common-school system, this distinction affords a simple and easily understood method of referring to the two classes of educational institutions.

[29] Cities of 150,000 inhabitants or over—Milwaukee only.

[30] Cities of less than 150,000 inhabitants.

common schools, i. e., the first eight grades. The term "any useful employment or service at home or elsewhere," apparently covers some cases in which the children, because not engaged in any "gainful" occupation, are not required to have permits—for example, children staying at home to help in housework or in the care of younger children. Exemption is also granted to a child who is physically or mentally incapacitated, or who lives at too great a distance from the nearest school in his district.[31]

In cities, towns, or villages where vocational schools are maintained,[32] a child between 14 and 16 years of age who has been exempted from the school attendance required by the law just given, except one who is physically incapacitated or who is attending high school, must attend regularly either a common school or a vocational school for eight hours a week for at least eight months and for as many more months as the other public schools of the locality are in session.[33] A child between 16 and 17 years of age not indentured as an apprentice and not regularly attending any other recognized school must attend a vocational school during the same period for four hours a week, and after September 1, 1918, for the same number of hours as the younger child—that is, eight hours a week. Equivalent attendance, however, as determined by the local board of industrial education, may be substituted in the case of children of both age groups.[34]

This attendance at vocational school is obligatory only if one is maintained either in the place where the child resides or where he is employed.[35] It is thus required in such places of every child between 14 and 17 years of age, whether working or not, who is not attending a common school or a high school. Such attendance, moreover, must be in the daytime; and the number of hours required of an employed child must be deducted from his legal maximum hours of work—such reduction in hours to be allowed at the time the classes the minor is

[31] Statutes, ch. 40, sec. 40.73(1). For the text of this section, see pp. 129–130.

[32] At the time of this study—April, 1918—such schools had been established in 31 towns and cities. For the names of these places, see footnote 61, p. 36.

[33] The law states that he "must either attend some public, private, or parochial school, or attend for at least eight hours a week for at least eight months a vocational school." This has been interpreted by the industrial commission and the State board of vocational education to require only the eight hours a week attendance at either a common school or a vocational school. Statutes, ch. 40, sec. 40.73(3). For the text of this section, see p. 130.

[34] Statutes, ch. 83, secs. 1728c–1.1, 1728o–2.1, 1728o–2.2. For the text of these sections, see pp. 139 and 141–142.

[35] Statutes, ch. 40, sec. 40.73(3); ch. 83, secs. 1728c–1.1, 1728o–2.1, 1728o–2.2. For the text of these sections, see pp. 130, 139, 141–142. These sections state that the attendance requirements shall apply only to persons "living in towns, villages, and cities maintaining" vocational schools. But the first part of subsection 3, section 40.73, states also that the requirements shall apply to any person "living within 2 miles of the school of any town or within the corporate limits of any city or village" maintaining vocational schools. This apparent contradiction has never been explained. The practice varies with the community and the ease with which the individual child can attend.

required to attend are in session, if the working time and the class time concide.[35]

An indentured apprentice, although exempted from the requirements of attendance at vocational school that apply to a child with a permit, must attend school for not less than five hours a week, or the equivalent, until he becomes 18 years of age; and the total number of hours of instruction and of work must not exceed 55 a week. This attendance may be either at day or evening school. The employer must pay for the time the apprentice is receiving instruction at the same rate as for the time he is working, and the teacher must certify to his school attendance.[36]

In any place where a public evening school or vocational school is maintained, a minor between 17 and 21 years of age who can not read and write simple English sentences must not be employed unless he regularly attends such a school for at least four hours a week. He must give his attendance record to his employer weekly, and his employer must keep it on file, but if the minor presents a physician's certificate that attendance in addition to his work would be prejudicial to his health, the industrial commission may authorize his employment without such attendance for such time as it may determine.[37]

Closely connected with the permit laws are the laws regulating the hours of labor of a child between 14 and 17, because the required hours of attendance at vocational school must be deducted from these hours of labor. No child under 16 years of age may be employed at any gainful occupation other than domestic service or farm labor for more than 8 hours a day or 48 a week, or between 6 p. m. and 7 a. m., or for more than 6 days per week; and a dinner period of not less than 30 minutes must be allowed each day.[38] The hours of labor for a girl over 16 are minutely regulated by the women's work law, which prohibits the employment of any woman at day work for more than 10 hours a day or 55 hours a week, or at night work for more than 8 hours a night or 48 hours a week. In either case 1 hour must be allowed for meals.[39] For a boy over 16 the only regulations of hours of labor at the time of this study, except those applying to apprentices, were: (1) The prohibition of employment of a minor under 21 years of age in first, second, and third class cities between

[35] See footnote 35 on p. 25.

[36] Statutes, ch. 110, secs. 2377.5, 2377.6. For the text of these sections, see p. 143.

[37] Statutes, ch. 83, secs. 1728a–11, 1728a–13, 1728a–14. For the text of these sections, see pp. 137–138.

[38] Statutes, ch. 83, sec. 1728c.1. For the text of this section, see p. 139.

[39] Statutes, ch. 83, sec. 1728–2. For the text of this section, see p. 134. These hours of labor established by statute have been materially modified by orders of the industrial commission, under its authority to fix other schedules of hours necessary to protect the life, health, safety, or welfare of any female. Special orders and regulations as to hours of labor and night work have been issued for women employed in factories, laundries, condenseries, pea canneries, restaurants, and several other industries.

8 p. m. and 6 a. m. as messenger for a telegraph or messenger company in the distribution, transmission, or delivery of messages or goods; and (2) the prohibition of employment of a minor under 18 years of age in a cigar shop or cigar factory at manufacturing cigars for more than 8 hours a day or 48 hours a week.[40] But on September 1, 1918, there went into effect the further regulation that for any employed boy between 16 and 17 who is also attending vocational school the total number of hours at work and at school must not exceed 55 a week.[41]

Another law, certain provisions of which have a direct bearing on the enforcement of the permit law, is the workmen's compensation act. This law applies, not only to all direct employees, but to "all helpers and assistants of employees, whether paid by the employers or employee, if employed with the knowledge, actual or constructive, of the employer," and also to all "minors of permit age or over."[42] By its provisions a minor of permit age injured while working without a permit, or a minor of permit age or over working at a prohibited employment, is entitled to treble compensation. The additional two-thirds, moreover, must be paid by the employer, the insurance carrier being required to pay it only if judgment can not be satisfied by the employer. Neither employer nor carrier may insure himself against this liability.[43] Because the law specifically includes any minor "of permit age or over," the inference is that, as the employed minor under permit age is not included, the employer of such a child is liable to a damage suit if the child is injured.

According to the Federal census there were in 1910 at work in Wisconsin 19,638 children (13,559 boys and 6,079 girls) 14 and 15 years of age. If we deduct from this total the number of children in occupations for which no permits are required—i. e., the 8,490 engaged in agricultural pursuits, the 181 newsboys, and some of the 2,505 in domestic service—i. e., those employed in places where no vocational schools are maintained—there remain some 10,000 children 14 and 15 years of age at work in 1910 in occupations for which they would be required to have permits under the law here discussed.[44]

During the year ended June 30, 1917, 12,503 child labor permits were issued in the State of Wisconsin, of which 4,277 were vacation permits and 491 after-school and Saturday permits. The 4,277 vacation permits include those issued to children 12 and 13 years of age; otherwise the figures show the number of permits issued to children

[40] Statutes, ch. 73.a, sec. 1636–106; ch. 83, sec. 1728a.2. For the text of these sections, see pp. 133 and 136.

[41] Statutes, ch. 83, sec. 1728o–2.2. For the text of this section, see p. 142.

[42] Statutes, ch. 110a, sec. 2394–7. For the text of this section, see p. 144.

[43] Statutes, ch. 110a, secs. 2394–7, 2394–9. For the text of these sections, see pp. 144.

[44] Thirteenth Census of the United States, 1910, Vol. IV, Population, pp. 531–533.

of 14 and 15.[45] Most of these were original permits. The figures, however, overstate the number of children starting to work in that year, because the same child may have secured more than one permit. On the other hand, they understate the actual number of children at work in that year, because many of the children who had received permits during the preceding year were still under 16 years of age.

During the year ended December 31, 1917, the number of applications for permits of all kinds, both original and subsequent, made at the Milwaukee office of the industrial commission was 20,032, and 372 of these were refused. The accompanying table gives certain information as to the 19,660 permits issued.[46]

Child labor permits, Milwaukee, year ended December 31, 1917.

Type of permit.	Number of permits.		
	Total.	Original.	Subsequent.
All permits	19,660	(a)	(a)
Total regular	15,964	8,244	7,720
To children 14–16	11,320	4,476	6,844
To children 16–17	b 4,644	b 3,768	b 876
Total vacation	3,314	2,880	434
To children 12–14	(a)	147	(a)
To children 14–16	(a)	2,733	(a)
After-school	382	(a)	(a)

a Separate statistics not available.
b These figures are for the four months—September to December, inclusive—during which children between 16 and 17 years of age were required to have permits.

Some figures are also available concerning the children who enrolled in the vocational school in Milwaukee. Out of 8,190 children who had enrolled from September, 1917, to January, 1918, 4,579 were from public schools and 3,611 from parochial schools. The enrollment in public schools was approximately 52,000, and that in parochial schools 25,000. Thus only a little less than 9 per cent of the total number enrolled in public schools left to enter vocational schools, whereas over 14 per cent of those enrolled in parochial schools left for this purpose.[47]

The administration of the permit law was studied in eight different cities so that the conditions described might be considered fairly typical of those for the entire State. The cities chosen had the largest number of children attending vocational schools, and it is highly probable that they had also the largest number of working children. The employment of children in small and rural communities was not

[45] Report on Allied Functions for the Two Years Ending June 30, 1917, p. 37, Industrial Commission of Wisconsin. Issued September 1, 1917. This total does not include 20 theatrical permits issued during the year.

[46] Figures collected from records in the issuing office by the deputy of the industrial commission in Milwaukee.

[47] Figures secured from records in the Milwaukee vocational school.

studied because of the comparatively small number of children regularly at work in such places; but it should be pointed out that children in these districts are employed in the canning and a few other seasonal industries, for short periods, and that their employment gives rise to difficult problems in supervision and administration of the law, as the seasons are short, the industries few, and the communities scattered.

The cities chosen were: Milwaukee, the largest city in the State, where nearly half the children at work in Wisconsin are employed; Madison, the capital city; Kenosha, in the southeastern, and Sheboygan and Green Bay in the northeastern section of the State; Marinette, north of Green Bay and just across the line from Menominee, Mich.; Oshkosh, in the east central part of the State on Lake Winnebago; and La Crosse in the western part of the State near the Minnesota line.

A summary of the officers issuing permits and of the chief child-employing industries in these cities, together with their estimated population, will be found in the accompanying table.

Population, issuing officers, and child-employing industries in selected cities.

City.	Population estimated July 1, 1917.[a]	Issuing officers.[b]	Chief industries employing children.[c]
Milwaukee	445,008	Deputy of industrial commission	Candy, knitting, and shoe factories; department stores.
Madison	31,315	Director of vocational school	Stores and shops.
Sheboygan	28,907	do	Enameling works and seed mills.
Green Bay	30,017	do	Canneries and machine shops.
Marinette	[d] 14,610	County judge	Department stores; foundries (in Michigan).
Oshkosh	36,549	Attendance officer	Clothing and match factories.
Kenosha	32,833	Superintendent of schools, municipal judge.	Machine shops and knitting mills.
La Crosse	31,833	Director of vocational school	Railroad shops and rubber works.

[a] Estimates obtained from the U. S. Bureau of the Census.
[b] All officials are those deputized by the industrial commission.
[c] Excluding domestic service.
[d] Population according to the 1910 census. Thirteenth Census of the United States, 1910, vol. 1, Population, p. 97. Estimate of population in 1917 is not available.

This study describes the laws relating to child-labor permits in effect on April 1, 1918, and the system of administration existing at that time, unless otherwise indicated. The methods employed in the Milwaukee office of the industrial commission are used as the basis of comparison in discussing the methods used in the other places.

It should be noted that, at the time this study was made, certain features of the law described in the preceding pages had been in effect for only a few months. Of the eight principal points in which the child-labor laws of Wisconsin differed from those of most other

States, three had become effective on September 1, 1917, only seven months before the date to which the information here given relates. These three are: (1) The centralization in the industrial commission of control over the issuance of permits; (2) the raising of the permit age from 16 to 17; and (3) the treble compensation clause in the workmen's compensation act. The full effect of these provisions probably was not felt until after they had been in force for more than seven months. To a certain extent, therefore, this is a study of a transition period in the child-labor laws of Wisconsin and their administration. It should be kept in mind, however, that the information does not relate to what was being done during the period between September 1, 1917, and April 1, 1918, but as nearly as possible to what was actually the practice at the latter date, after all these new provisions of law had been in force seven months.

GENERAL ADMINISTRATION.

In Wisconsin the administration of the child-labor permit system, as well as that of other features of the child-labor law, is centralized in the State industrial commission. There are, however, other administrative agents that may be grouped in three classes: (1) The local issuing officers, that is, the persons designated by the industrial commission to issue permits; (2) the local school authorities, who pass upon the educational fitness and school attendance of children and issue certificates—called school certificates—to those wishing to obtain work permits, and who enforce school attendance through truant officers and by means of a school census; and (3) the boards of vocational education, both State and local, which supervise the industrial education of employed children throughout the State.

THE INDUSTRIAL COMMISSION.

The industrial commission was created by the legislature of 1911. It consists of three members, appointed by the governor with the consent of the senate, to serve for six years each. The commission has authority to supervise every employment and place of employment in the State, except private domestic service or agricultural pursuits which do not involve the use of mechanical power, and to enforce and administer all laws relating to employment. In addition, it is authorized to make "regulations relative to the exercise of its powers," these regulations to have the force of law.[48] It has its headquarters in the State capitol at Madison and branch offices at Milwaukee and Superior.

[48] Statutes, ch. 110a, secs. 2394–41 to 2394–70. For the text of certain of these sections, see pp. 145 to 146.

The commission administers laws relating mainly to safety and sanitation, private employment agencies, free employment offices, woman and child labor, truancy, apprenticeship, workmen's compensation, sweatshop inspection, boiler inspection, fire prevention, minimum wage, arbitration, and the regulation of building. One deputy has general supervision over the issuance of child-labor permits, truancy, and private employment offices. The commission conducts investigations constantly and also collects statistics showing the status of its work, both of administration and investigation. Any order of the commission made as a result of these investigations has the force of law and a violation of such an order is subject to the same penalty as a violation of the law.

The commission has 66 paid employees, including assistants, inspectors and clerks, all of whom, except the secretary and the two examiners under the compensation act, are selected by competitive civil-service examinations. With few exceptions the 10 deputy field inspectors are transferred from one kind of inspection to another, but certain assistants are often placed in charge of particular lines of work and are not transferred to other lines.

In addition to its regular paid employees the commission deputizes local officials throughout the State to act as its agents in enforcing some specific law or laws. An official so deputized receives no compensation from the State for his services, as the law empowers the industrial commission to pay only those persons who are appointed under State civil-service regulations and are giving full time to the work of the commission. The position of the local official, however, is strengthened by his connection with a State department.

In the administration of the child-labor laws, the industrial commission through its designated officials has, by law, specific duties and rights. It has authority to issue or to designate who shall issue child-labor permits; it must "formulate and publish rules and regulations governing the proof of age of minors who apply for labor permits," such rules to be "binding upon all persons authorized by law to issue such permits"; and it has the right to revoke any permit whenever it determines that such permit has been "improperly or illegally issued, or that the physical or moral welfare of such child would be best served by the revocation of the permit." The commission has an additional means of supervision over the issuing of all permits in that the law requires local issuing officials to send to it a duplicate of each permit issued together with a "detailed statement of the character and substance of the evidence offered prior to the issue of such permit."[49] Prior to September, 1917, the commis-

[49] Statutes, ch. 83, secs. 1728a.1, 1728a–3.2, 1728c.2, 1728e.3. For the text of these sections, see pp. 135, 136–137, and 140.

sion required these reports monthly; after that date it has endeavored, with a fair degree of success, to secure them twice a month.

During the year beginning August 1, 1915, the industrial commission requested two additional monthly reports from the local officers. One of these reports gave the name and occupation of each child receiving an original or a subsequent permit, the number of years he had spent in school and the grade he had completed, his reasons for working, and the occupation of his father. The other report gave the name of each child whose permit had been returned during the month, the date of the return, and the name of the employer. From these returns the commission published a report which showed something of the status of child labor in the State.[50]

The industrial commission has by law, to a limited extent, supervision also over the enforcement of compulsory school attendance. Its power to enforce school attendance exists, however, only so far as no other provision has been made by statute. Deputies of the commission have the power of truant officers in enforcing school attendance.[51]

The apprenticeship law, which requires that when an employee between 16 and 21 is being taught a trade or business as payment in whole or in part for his services he must be indentured and his employer must guarantee him a course of training for a definite time, is also administered by the industrial commission. This commission has "the power, jurisdiction, and authority to ascertain, determine, and fix such reasonable classifications and to issue rules and regulations, and general or special orders" necessary to enforce the apprenticeship law. On the one hand no employer has a legal right to teach a minor progressively any part or parts of an industry, in consideration for service, without indenturing him under the State law, and the commission has the power and duty to decide when the condition of an apprenticeship exists. On the other hand, the commission must classify occupations and make rules governing the courses of instruction and the exact procedure of training apprentices.[52] The provisions of the minimum-wage law summarized on page 24 emphasize this power of the industrial commission to make investigations of the work in which minors are employed in order to determine when a child is really employed as a "learner" and what trades or occupations are "trade industries" and therefore need a period of apprenticeship.

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[50] Some Statistics on Child Labor in Wisconsin. Industrial Commission of Wisconsin. Issued August, 1917.

[51] Statutes, ch. 40, sec. 40.74(6); ch. 83, sec. 1728d.1; ch. 110a, sec. 2394–52. For the text of these sections, see pp. 132–133, 140, and 146. See also p. 82.

[52] Statutes, ch. 110, sec. 2377.1 to 2377.11. For the text of these sections, see pp. 142 to 144.

Inspectors of the industrial commission inspect establishments for the purpose of enforcing regulations relating to hours of labor, to sanitary and suitable working conditions, to child-labor permits, and to employments designated as dangerous for children. All the inspectors in their rounds inspect, incidentally, for violations of the laws relating to the work of women and children. But to one division, called the woman's department—consisting of a woman director, an assistant, and clerical help—is especially assigned the work of inspecting establishments employing women and children and investigating reports of violations of the woman and child-labor laws. This division has made several investigations of the conditions of work and welfare of women and child workers.

All blank forms necessary and required by law for issuing child-labor permits are furnished by the industrial commission to local issuing officers and are uniform throughout the State. The contents of the permit [53] are specified in the law, and a permit issued on a form other than that furnished by the commission is not legal. The form for the "detailed statement of the character and substance of the evidence offered," which must be sent to the commission with each duplicate permit, is prescribed by the commission, as is also the school-certificate form.[54] The latter is not usually distributed among the schools because a child is apt to regard a school certificate as a license to leave school and is much less likely to be persuaded to return to school once he has obtained it. The fact that the form is available only at the issuing office gives the issuing officer, as well as the school principal, an opportunity to persuade the child not to go to work.

At frequent intervals the industrial commission sends out printed instructions to issuing officers and to employers regarding the provisions of the child-labor law and the penalties for violation.

LOCAL ISSUING OFFICERS.

As has been stated, permits must be issued either by the paid deputies of the industrial commission or by other persons designated by the commission. The officers thus designated in different places throughout the State do not always themselves perform the actual work of issuance but frequently choose some one else to do it. By a former provision of the law [55] such delegation of authority to "any subordinate officer or person" was prohibited. But the provision was constantly violated and was repealed by the legislature of 1917.

[53] For the form of the regular permit, see Form 2, p. 151; for description of vacation permit, see pp. 48–49.

[54] Form 3, p. 152.

[55] Statutes, 1913, ch. 83, sec. 1728a.1.

The commission has designated 129 officers to issue permits. In Milwaukee and Superior the paid deputies of the commission issue permits. In 10 cities the directors of the vocational schools issue them and in others various officials, such as judges, school superintendents, teachers, and truant officers. In one city an attorney is the issuing officer and in another a clerk of the court. One city (Manitowoc) has two officers, both of whom issue permits to children in the city, and one of whom issues also to children in the county. One of the city issuing officers in each county is designated to issue permits to children in the county outside the larger cities. Nowhere, except in Milwaukee and Superior, do issuing officers receive compensation from the State for their services, and the industrial commission has therefore required the nonpaid officers to do only the most necessary work. Issuing officers are usually, however, either city or county employees, and frequently they receive special fees from the city or county for each child-labor permit issued.

In Milwaukee permits are issued to all children living in the city no matter where they work, and also to those living or working in South Milwaukee and in the small outlying towns. But to children residing in the near-by cities of West Allis, North Milwaukee, and Cudahy, and working in Milwaukee, permits are issued by the officers in their home towns. In Kenosha they are issued by the superintendent of schools and to children in Kenosha County by the municipal judge; in Sheboygan, Green Bay, Madison, and La Crosse, by the vocational school director; in Oshkosh, by the truant officer, and in Marinette, by the county judge. In all the cities visited outside Milwaukee, except Kenosha, permits for the county also are issued by the regular city issuing officers.

LOCAL SCHOOL AUTHORITIES.

The local school authorities perform several functions which relate directly to the administration of the child-labor laws. First, they pass upon the educational fitness and school attendance of a child who wishes to go to work and issue a school certificate for a child-labor permit to any child under 16 who is found entitled to one. Second, they enforce attendance at the common schools of children up to the age of 16 who are not working; and at vocational schools, in communities with such schools, of children between 14 and 17 who are either working or attending no other school.

A school certificate must be issued by the superintendent of schools or the principal of the school last attended by the child, or, in the absence of both these persons, by the clerk of the school board.[56]

[56] Statutes, ch. 83, sec. 1728a–3.2. For the text of this section, see pp. 136–137.

School attendance is enforced mainly through local truant and police officers, and county sheriffs. In cities of the first class the board of education must appoint 10 or more truant officers, and in second- and third-class cities, one or more truant officers. In fourth-class cities the chief of police and police officers may be truant officers, and in all towns and villages the sheriff of the county and his deputies are the truant officers and must enforce school attendance.[57] Both common and vocational schools may call upon the truant officers. However, of the cities visited, in Kenosha, Green Bay, La Crosse, and Marionette the vocational schools for the most part enforce their own attendance.

To a limited extent attendance is enforced also through the school census, which is under the supervision of the local public school authorities. This census is taken annually, in the spring, in every school district of the State.[58]

In Milwaukee the activities which affect the public-school child desiring to go to work are distributed through three departments of the board of school directors. The superintendent's department has direct control of the principals and teachers who issue school certificates; the attendance department enforces school attendance; the department of school hygiene sometimes gives a physical examination to a child who applies for a school certificate.

The Milwaukee attendance department has one supervisor of attendance and nine assistants. All the attendance officers work under city civil-service regulations, and a few have been selected by a merit examination. No regular office force is provided, but when necessary a clerk assists in sending out notices and in writing letters.

In each of the other cities visited one truant officer is employed. Except in Kenosha and Madison, he has no assistance. In Kenosha he receives some assistance in special cases from the issuing clerk, and in Madison he is given voluntary assistance by university students and by one of the instructors in the vocational school. Outside Milwaukee, truant officers are not under civil-service regulations.

BOARDS OF VOCATIONAL EDUCATION.

All vocational education of employed children in the State is under the supervision of the State board of vocational education and of the several local boards of industrial education. In addition the State board is empowered to cooperate with the Federal Board of Voca-

[57] Statutes, ch. 40, sec. 40.74(1). For the text of this section, see p. 130. First-class cities are those of 150,000 inhabitants or over (Milwaukee only); second- and third-class cities are those of between 10,000 and 150,000 inhabitants; fourth-class cities are those of less than 10,000 inhabitants.

[58] Statutes, ch. 40, sec. 40,21(1). For the text of this section, see p. 133.

tional Education for the promotion of education in agriculture and in the trades and industries. It has control also of State aid for industrial schools and may refuse to certify for such aid a school not maintained in a manner satisfactory to it. The board may employ assistants for the development of industrial education. The State director of vocational schools—an employee of the board—has general supervision over all vocational schools and is responsible for their development.[59] The immediate direction of such schools, however, is in the hands of the local boards of industrial education.

The State board consists of nine members, appointed by the governor, three of whom must be employers of labor; three, skilled employees; and three, farmers. The State superintendent of public instruction and a member of the industrial commission are ex officio members of this board. Each local board of industrial education must consist of two employers and two employees, appointed by the local public-school board. The city superintendent of schools or the principal of the high school, or, if the city has neither of the above-mentioned officers, the president of the local school board, is ex officio member of the local board.

A board of industrial education may be established in any town, village, or city of the State and must be established in every town, village, or city of over 5,000 inhabitants. It is the duty of these boards, according to law, to "establish, foster, and maintain vocational schools for instruction in trades and industries, commerce and household arts in part-time-day, all-day, and evening classes." Although the law does not specifically state that these schools must be established in every city where such a board exists, it does provide that whenever 25 persons qualified to attend a vocational school shall petition the local board, this board must establish the school or provide other facilities for vocational education.[60] In January, 1918, there were in Wisconsin 37 cities of over 5,000 population, and of this number all but seven had the required board. In April, 1918, vocational schools were maintained in 31 cities of the State,[61] one of which was Cudahy, a city of only about 4,000 inhabitants.

The total number of persons employed by the vocational schools in the State is not known, but in April, 1918, there were 31 directors and 839 teachers. Of the teachers, 602 were employed in evening schools, and 228 were employed full time and 35 part time in day vocational

[59] Statutes, ch. 20, sec. 20.33; ch. 41, sec. 41.13(3). For the text of these sections, see pp. 150 and 147.

[60] Statutes, ch. 41, sec. 41.15(9). For the text of this section, see p. 148.

[61] These cities were Appleton, Beaver Dam, Beloit, Chippewa Falls, Cudahy, Eau Claire, Fond du Lac, Grand Rapids, Green Bay, Janesville, Kenosha, La Crosse, Madison, Manitowoc, Marinette, Marshfield, Menasha, Menominee, Milwaukee, Neenah, Oshkosh, Racine, Rhinelander, Sheboygan, South Milwaukee, Stevens Point, Superior, Two Rivers, Waukesha, Wausau, and West Allis.

schools.[62] In Milwaukee, in the day vocational school, 1 director, 1 principal, 42 teachers, and 6 clerks were employed. Each board selects the local director. The law of 1917 provides that in future all positions, except that of director, must be filled by civil-service examination.[63] In the Milwaukee school the clerks in the office have always been under city civil-service regulations.

METHODS OF SECURING PERMITS.

Two different kinds of child-labor permits are provided for in the Wisconsin law: (1) Regular permits, and (2) vacation permits. Regular permits are provided by law for children from 14 to 17 and vacation permits for children from 12 to 14 years of age. In practice, however, limited regular permits, which are practically vacation permits, are issued to the older children, so that vacation permits are really issued to both groups. Before a child can secure a permit of either kind the law requires that he obtain a promise of employment from his prospective employer and thus indirectly provides for a new permit for each new employer.[64] Regular and vacation permits, therefore, are of two kinds, original and subsequent. There are also issued (1) after-school permits and (2) temporary permits. An after-school permit is issued for work after school hours and on Saturdays; a temporary permit is occasionally granted to a child who is waiting for documentary evidence of age or who wishes to work during a temporary absence from school. Both of these are regular permits. The same kind of permit is issued for work in domestic service as for work in an industrial occupation.

No systematic plan of instructing children how to secure permits is followed by school authorities or issuing officials anywhere in the State. Some principals in Milwaukee, however, do instruct children as to the proper method before giving them school certificates, and a few local issuing officers have printed and distributed simple instructions regarding the procedure which should be followed.

The securing of a school certificate during the summer vacation is not a problem in Wisconsin, as it is in many States, because any child between 12 and 16 years of age can secure a permit to work during vacation without meeting any educational requirements. For a regular vacation permit the law does not require the child from 12 to 14 years of age to bring a school certificate, and the child from 14 to 16 is given during vacation the permit above mentioned, which, though regular in form, expires at the end of the vacation, and for this

[62] Information obtained from State board of vocational education.
[63] Statutes, ch. 41, sec. 41.14(2). For the text of this section, see p. 147.
[64] Statutes, ch. 83, sec. 1728a–3.2. For the text of this section, see p. 136–137.

limited permit is not required to prove his educational qualifications. A child of 16 never has to bring a school certificate for a permit as he is not subject to the compulsory school-attendance law.

In Milwaukee permits are issued at the branch office of the State industrial commission. A special deputy is in charge of the entire office and four clerks act as assistants. Two of the clerks are assigned to the work of issuing child-labor permits, and the deputy spends about one-third of her time directing this work. The office is centrally located in the heart of the business section of the city and in the same building with the main office of the vocational school where a child must register before he can secure a permit.

In all the other cities visited the offices at which permits are issued are centrally located, and in all except Kenosha and Marinette they are near the vocational schools. In these two cities the distance between the issuing offices and the vocational schools causes considerable inconvenience to children applying for permits.

The issuing office in Milwaukee is open on week days from 8.30 to 5 p. m., and on Saturdays until 12 m. As a rule the issuing offices in the other cities also are open all day, but in some places the issuing officer has stated hours, as in Oshkosh, for instance, where he is on duty from 8 to 9 a. m. and from 1 to 2 p. m. In every place visited the office of the vocational school is open during the entire day while school is in session, so that communication between it and the issuing office is easy at any time.

ORIGINAL REGULAR PERMITS.

The legal requisites for a child-labor permit are uniform throughout the State.

A child between 14 and 16 years of age who applies for an original regular permit must (1) apply in person, (2) be accompanied by his parent,[65] (3) bring a written promise of employment, (4) present satisfactory evidence of age, and (5) bring a school certificate showing fulfillment of the legal educational requirements. The first two of these requisites are fixed by rulings of the industrial commission relating to evidence of age. These rulings also prescribe the order in which the different kinds of evidence of age are to be accepted. The other three requisites are fixed by law.[66]

A child between 16 and 17 years of age must meet only two of the foregoing requirements—the presentation of a written promise of employment and of satisfactory evidence of age. The ruling as to

[65] The rules stipulate that he must be accompanied by his "parent, guardian or custodian." Wherever the term "parent" is used in this report it includes the phrase used in the rules.

[66] Statutes, ch. 83, sec. 1728a–3.2. For the text of this section, see pp. 136–137. For commission rulings, see p. 157.

the child's application in person and the appearance of the parent applies only to a child under 16, the older child being permitted to apply either in person or by mail; and, furthermore, the commission has ruled that since a child over 16 years of age can not be required to attend school even if he has not fulfilled the educational requirements for a school certificate it was not the intent of the law that he should be obliged to comply with those requirements.[66]

The issuing officer is empowered to refuse to grant a permit to any child who seems physically unable to perform the work at which he is to be employed;[67] but in none of the cities visited does the officer ask any questions as to the child's physical condition, and an examination for physical fitness is practically never given in connection with issuing a permit. In Milwaukee, however, even at the time of this study, such an examination was sometimes given a child applying for a school certificate,[68] and occasionally resulted in the permit's being refused; and in both Milwaukee and Madison children might be sent to a public-health office for examination if the issuing officer deemed it desirable.

In spite of these uniform rules and requisites the procedure varies in different communities. In some offices the presence of an older relative or of an intimate friend suffices in place of the parent; in others the presence of the parent himself is always required. In some places the rules for evidence of age are strictly adhered to, but in others at the time of this study they were only very loosely observed. Issuing officers, however, must report to the industrial commission the kind of evidence accepted, and the commission thus has an opportunity to take up with them any glaring irregularities shown in their reports.[69]

Procedure—Milwaukee.—In Milwaukee a child between 14 and 16 years of age, on his first visit to the office, usually brings a promise of employment but no evidence of age, and he usually appears without his parent. If the promise of employment does not appear to be genuine the child may be required to bring another one, or the clerk may telephone the employer to find out whether he wishes to employ the child. If the promise appears to be genuine, as is usually the case, the child's name is taken and the procedure is started. It is never started until the promise of employment is obtained. If the employment specified is illegal, the child is told that he can not have

[66] Statutes, ch. 83, sec. 1728a–3.2. For the text of this section, see pp. 136–137. For commission rulings, see p. 157.

[67] Statutes, ch. 83, sec. 1728e.1. For the text of this section, see p. 140.

[68] See p. 60.

[69] According to information furnished by the industrial commission in December, 1919, the permits were at that time promptly examined to discover irregularities in regard to evidence of age accepted, which they might reveal.

a certificate for this position but should secure a promise for legal occupation.

The parent is required to appear only once, no matter at what stage of the proceedings he comes, unless he appears before the child has a promise of employment. If a child states that his parents are both sick or unable to come he is required to bring some older sister, brother, or relative, who is interviewed regarding the advisability of sending him to work. Sometimes when an older relative or intimate friend comes with the child this relative or friend is interviewed and the parent is not required to appear even though he could come without difficulty.

The clerk always questions the child, if alone, or the child and his parent, regarding his reasons for going to work, the amount of schooling he has received, and the family income. The information obtained is noted on the school-certificate blank or on the promise of employment and later is recorded permanently in the office. The clerk tries in every possible way to persuade the child to remain in school, and if he decides that the applicant should not be permitted to leave he goes no further with the procedure, but refuses to give the child a school-certificate blank and sends him back to school. If the child has not finished the eighth grade and the need of the family does not appear urgent the clerk usually decides against his leaving school. He does this under the power given to the issuing officer to refuse to grant a permit if in his judgment "the best interests of the child would be served by such refusal."[67] If, on the other hand, the clerk decides that the permit should be granted, he gives the child a school-certificate blank[54] to take to his principal[70] to be filled in.

If the child was born in Milwaukee County he is also given a blank form to take to the office of the county register of deeds to secure the date of his birth. If his birth is not recorded he returns to the issuing officer with a note to that effect and is then instructed to bring other satisfactory documentary evidence. If he was born outside Milwaukee County, he is not usually required to secure his birth certificate but is told that he must submit other evidence acceptable under the law. A child who has difficulty in proving his age to the clerk is interviewed by the deputy in charge. If he satisfies her that he can secure none of the required documents, or if the documents he submits are not acceptable, he is sent to the city department of health with a note requesting that he be physically examined to determine whether he is at least 14 years of age. A refusal rarely occurs for

[67] Statutes, ch. 83, sec. 1728e.1. For the text of this section, see p. 140.

[54] Form 3, p. 152.

[70] The law specifies certain other school officials who may issue the school certificate (see p. 66), but since it is usually issued by the principal, it is so referred to throughout this report.

lack of proper evidence of age alone, since this resort to a physician's certificate of age is always possible, and up to the time of this study no child applying for such a certificate had been adjudged under 14 years of age. A child who brings documents showing that he is under the legal age or who admits that fact is refused outright.

Every applicant for an original regular permit must evidently make at least two trips to the issuing office, because he must come there for a school-certificate blank and for certain necessary instructions as to evidence of age and must later return with the blank filled in and with the evidence. He may have to make other visits because he has presented an improperly filled-in school certificate, because he has difficulty in securing proper evidence of age, or because he has submitted documents that are unsatisfactory. For example, even though the child brings evidence of a kind mentioned in the regulations, it may have been tampered with and, therefore, made unacceptable. If he brings a school certificate improperly made out, or if the principal has failed to fill in the space recommending the issuance of a permit, he is sent back to his school to have the certificate corrected;[71] but if it is completely filled in except for his height and weight the clerk asks him what they are and enters them himself on the certificate. If the principal recommends that it be not granted, the issuing officer almost always refuses the permit.

After each unsuccessful trip to the office, if the permit is not refused outright, the child is given back all the documents he has brought with him and is told to bring them again on his return with the other requisites. Usually no record of the different visits is kept except in the case of a child who brings back the registrar's notice showing that his birth is not recorded.

When all the required documents are satisfactory to the clerk, he checks the promise of employment to indicate that the permit is to be issued. The child then takes all his papers across the hall to the office of the vocational school, where he registers and makes arrangements for class assignment and where his promise of employment is stamped with the date of registration. Thus the vocational school officials are informed of the pending issuance of the permit, even though the director's signature, required by law on the permit form, has been stamped on it in advance. The child then goes back to the office of the industrial commission, where his preliminary papers are filed. A record is made on an index card[72] of such essential points as the date of his birth, the name of his employer, the occupation of his father, and the reasons he gave for going to work. The child

[71] The principal is supposed to put his recommendation regarding the issuance of a permit on the school certificate blank.

[72] Form 4, p. 153.

signs the permit form and is told finally that he may go to work the next day.

The permit is not given to the child but is mailed to the employer. While not forbidding the issuing officer to give it to the child, the law provides an opportunity for mailing it to the employer by requiring the child to bring a promise of employment.

A child-labor permit, according to law, must be made out in duplicate, and one copy must be sent to the industrial commission with a detailed statement of the character of the evidence upon which it was issued.[73] At the Milwaukee office, as in the other branch office of the commission, this duplicate copy is kept and filed together with the evidence.

A child may be refused a permit for failure to comply with any one of the requirements, but records of refusals are not kept in all cases. The only child concerning whom such a record is kept and a report made to the school authorities is one who presents a school certificate which is "illegal" or on which the principal has either failed or refused to fill in the space providing for the recommendation of the permit or has recommended that one be not granted. A school certificate is called "illegal" if it (1) shows that the child is under age, or gives his age as over 14 though other documentary evidence proves that he is under that age, or if it (2) states or shows that the child has not complied with the educational requirements of the law. When a child with such a certificate is refused, all his papers are kept in the issuing office and he is told to return to school, and a report is sent to the school authorities. Otherwise refusals, no matter for what reason, are not reported to the school authorities.[74]

The procedure for a child between 16 and 17 years of age who applies in person for a regular permit is similar to that for one between 14 and 16; but the parent does not need to appear and no evidence of educational qualifications is required. Except for a child born in Milwaukee County, who is usually sent to the registrar's office for a memorandum of the date of his birth before other evidence of age is accepted, such evidence does not need to be submitted in any preferred order. No case has arisen in which a child of this age has been obliged to secure a physician's certificate of age. Occasionally a child sends all his documents by mail and is granted a permit and registered in the vocational school without appearing at the issuing office.

At the Milwaukee office during the year ended December 31, 1917, there were issued 8,244 original regular permits—4,476 to children 14 and 15 and 3,768 to children 16 years of age. The latter were issued

[73] Statutes, ch. 83, sec. 172Se.2. For the text of this section, see p. 140.

[74] In December, 1920, and for some time prior to that date, all refusals were reported to the school authorities.

only during the last four months of the year. During the same year, 372 children were recorded as having been refused permits, 123 of them between September 1 and December 31.[46]

Procedure—Other cities.—In the issuing offices in other places visited the procedure is similar to, but simpler than, that in Milwaukee; and the requisites are fairly uniform. For several reasons a child in most cases is not inconvenienced as much as in Milwaukee. Applicants can secure satisfactory evidence of age with less trouble; the parent can come more easily to the issuing office; and a more personal relation usually exists between the issuing officer and the applicants, so that a clearer understanding of each child's case is possible.

The parent of a child between 14 and 16 years of age is nearly always required to appear, though in La Crosse the presence of an older relative is sufficient and occasionally the parent is interviewed over the telephone. In Sheboygan, in many cases, the parent must appear also with a child over 16, though this is not required by the rules of the industrial commission.

Children are not held uniformly to the legal requirements regarding the kind of evidence of age or the order in which it should be accepted, though in Madison, Sheboygan, and Green Bay a child is held more rigidly to them than in any of the other cities visited.

Except in Kenosha, school-certificate blanks are kept only in the issuing office, so that a child must come there and get one, take it to his school principal to be filled in, and return with it. In Kenosha the school history of every child attending school in the city has been kept for years in the office of the superintendent of schools where permits are issued. School-certificate blanks, therefore, are not needed and are not used for Kenosha children. This arrangement, however, gives the principal, who is much more likely to be acquainted with the individual child and his needs than is the superintendent, no opportunity to exert his influence to keep the child in school and no chance to refuse to recommend the issuance of a permit.

Issuing officers are not uniformly careful to see that the principal makes a recommendation on the school certificate as to whether the child shall receive a permit; but gradually the importance of this recommendation is being appreciated and in some cities, if it is omitted, the child must return to his principal to have the proper space filled in before a permit is issued. In Madison, indeed, in addition to securing the principal's recommendation, the child must go to the office of the city truant officer and have his school certificate approved before the issuing officer will accept it. The issuance of a permit contrary to the principal's recommendation is extremely rare.

[46] Figures collected from records in the issuing office by the deputy of the industrial commission in Milwaukee.

In every city visited the vocational school is informed in some way of the issuance of a permit, and the director's signature is attached to each one before issuance. In those cities where the vocational school director is the issuing officer—as is the case in Sheboygan, Green Bay, La Crosse, and Madison—no special procedure is necessary to secure his signature. In Kenosha and Oshkosh the child must take the permit to the vocational school—in Kenosha to have it signed by the director; in Oshkosh, where it already bears the director's stamped signature, to have it stamped with the date of registration. In both cities the child (with the exception in Kenosha of a child over 16 years of age) must bring the certificate back to the issuing officer to be mailed to the employer. In Marinette the judge usually mails the permit to the vocational school to be signed; and later, when the child goes there to register, the permit is given him to take to his employer.

The issuing officers in Madison, Oshkosh, and Green Bay, and in Kenosha if the applicant is under 16 years of age, mail the permit to the employer.[75] In Green Bay instructions regarding legal employment and school attendance are also sent to the employer along with the permit. On the other hand, in Sheboygan and La Crosse as well as in Marinette, and in Kenosha if the applicant is over 16 years of age, the permit is given to the child to take to his employer.

In all these cities the evidence submitted is filed; and the duplicate copy of the permit, together with the statement of the character of the evidence, is sent to the main office of the industrial commission at Madison.

Except Sheboygan and Green Bay, a card is kept relating to each child to whom a permit is granted; and on this card entries in regard to his subsequent permit history are made from time to time.

In each of these places the officer who issues permits to children living in the city issues them also to children living in the surrounding county. In the case of a county child, however, the procedure may differ somewhat; he is not always required to appear in person, nor is the parent required to come to the issuing office. In fact, though the requisites are the same as for the city child, the entire procedure may be conducted through the mails, and this is often done for a child over 16 years of age. If the child is to work in a city where there is a vocational school he is required to register and to attend while at work as is the child living in such a city. In Kenosha, Oshkosh, and Marinette, where permits are not issued by the vocational school director, the issuing officer notifies the school of the granting of a permit to a child who applies by mail.

Form of permits.—Four different forms for permits were in use at the time of this study: (1) The old form in general use prior to

[75] This is the practice in all the branch offices of the industrial commission.

September, 1917; (2) and (3) two forms—one for children between 14 and 16 and the other for children between 16 and 17—first devised for use under the law which went into effect in September, 1917; and (4) a new form devised in December, 1917. The old form contains a statement authorizing employment for eight and one-half hours a day, whereas, under the new law, a child is not allowed to work more than eight hours a day. The two forms first used under the new law proved unsatisfactory from the very fact that different forms were employed for the two age groups. As soon as a child became 16 he had to return to the issuing office, reregister in the vocational school, and wait for another permit. Moreover, if he did not make this exchange he would be working illegally even though his first permit were on file with his employer, and the employer would be liable to treble compensation under the compensation act in case the child were injured. In spite of this danger, employers frequently neglected to send children for new permits when they became 16. A new form was therefore prepared, which has been used since December, 1917, for all children between 14 and 17 years of age who apply for either original or subsequent permits.

This new form,[76] which is gradually replacing all others, gives the name, address, date and place of birth of the child, the character of proof of his age, the color of his eyes and hair, his height and weight, which are taken usually from the principal's record on the school certificate, and any distinguishing facial marks. At the top is a notice in bold type, telling the employer to read the permit. The permit authorizes the child to be employed by the specific employer whose name is inserted in the space provided for that purpose; and the gist of the laws relating to hours of labor of children, to the filing of permits, to attendance at vocational school, and to the penalty for violation of the child-labor law is printed on the face, together with instructions to the issuing officer. On the back of the permit is a list of employments forbidden to children under 21, under 18, and under 16. In Milwaukee the permit bears the stamped signature of the deputy in charge and of the director of the vocational school, the blank forms being stamped in bulk before use. A similar procedure is followed in Oshkosh, but in other cities officers and directors sign permits as they are issued.

SUBSEQUENT REGULAR PERMITS.

When a child leaves a position his employer is required by law to return the permit, together with a statement of the reasons for the child's leaving, to the issuing officer within 24 hours.[77] As a rule

[76] Form 2, p. 151.

[77] Statutes, ch. 83, sec. 1728a–6.1. For the text of this section, see p. 137.

employers throughout the State return permits, though not always so promptly as specified, but in no place except La Crosse are they required in actual practice to give the reasons for the child's leaving.

To secure a new permit a child must present a new promise of employment, but he is seldom required to present any other document or to bring one of his parents to the office.

In Milwaukee, a child must usually apply in person for a subsequent permit so as to arrange his class assignment in the vocational school. Occasionally, however, if an older person applied for him, the permit has been granted. When a child applies with a new promise of employment, the files are searched to see if his original permit has been returned. If not, he is told that he must come again and bring the promise of employment. As he has to wait for his former employer to return his permit a child frequently has to come back three or four times; but as soon as the old permit is returned the promise of employment is checked, and the child takes it to the office of the vocational school, just as he does in securing an original permit.

The fact that the child came to the vocational school with only a promise of employment indicates to the interviewing officer that he is already registered. He is immediately asked on what day he is supposed to attend the school and whether he has been regular in attendance. His record of attendance is consulted to verify his statement. If he has attended regularly, his promise of employment is stamped with the date of reassignment; and he takes it back to the office of the industrial commission and is ready to go to work. If, on the other hand, he has missed any days of required attendance he is obliged, before he can take his new position, to make up these absences. If, as frequently happens, he has come to the office during the half day that his attendance at school is required, he must go to his class at once. His promise of employment is retained in the office until he has made up the absences, when it is stamped and returned to him.

A temporary note of the date on his new promise of employment and the name of his new employer is made on a printed slip and later transcribed to a permanent record[78] in the vocational school.

The original permit is converted into a subsequent permit in Milwaukee by crossing out the name of the preceding employer and inserting that of the new employer on the line provided for that purpose. It is then mailed to the new employer. The name of the employer, the date of issuance of the subsequent permit, and the new occupation are recorded on the child's index card in the issuing office.

In the other places visited the return of the original permit is not uniformly required. In Green Bay, La Crosse, Oshkosh, Madison,

[78] Form 5, p. 153.

and Marinette the new permit is not issued until the former one has been received at the issuing office; but in Sheboygan and Kenosha it is granted without regard to whether the old one has been returned or not. In Kenosha, if the old permit does not come in shortly after a child leaves an establishment, the issuing officer assumes that the employer has lost it, but in Sheboygan a fairly successful attempt is made to secure the return of obsolete permits.

Where the return of the old permit is required before the new one is issued—which is the case in all the cities visited except Sheboygan and Kenosha—a child usually loses at least one day of work, and in many cases more than one, while waiting for the old permit.

In Green Bay, Madison, and La Crosse, as in Milwaukee, the original permit is used for the subsequent one. On the other hand, in Sheboygan, Kenosha, Oshkosh, and Marinette a new permit is made out for each new employer. The issuing officers in Oshkosh and Marinette state that they prefer to do this and to have employers understand that this is the practice because upon a few occasions a child has crossed out the name of the first employer, added that of another, and presented it to the latter, who naturally assumed that the change had been made at the issuing office. In the cities where a new permit is issued it must be signed by the vocational school director, whose signature is obtained in the same way as for the original permit. The subsequent permit is given to the child to take to his new employer in all the places visited except Milwaukee, Green Bay, and Madison, where it is mailed to the employer as was the original. In the smaller cities studied, except Sheboygan and Green Bay, a record of the granting of the subsequent permit is made, as in Milwaukee, on the child's index card.

In La Crosse, if a child whose permit was issued prior to September, 1917—at which time the vocational school director was designated as issuing officer—desires a new one, he must bring new evidence of age and go through almost the same procedure as a child who applies for an original permit, except that the school certificate previously submitted is accepted.

Since the industrial commission is not notified of their issuance, there is no method of determining the number of subsequent regular permits granted in the State. The Milwaukee records, however, show that in the year 1917 there were issued in that office 6,844 such permits to children between 14 and 16 years of age, and 876 to children between 16 and 17. In some cases, more than one of these permits were doubtless issued to a single child.[79]

[79] Figures collected from records in the issuing office by the deputy of the industrial commission in Milwaukee. Permits were issued to children between 16 and 17 years of age only during the last four months of the year.

VACATION PERMITS.

Vacation permits were not being issued at the time to which the main body of this report refers—April 1, 1918. Accordingly information upon this subject was secured for the summer of 1917. The law in force at that time differed in several important ways from that in force in the spring of 1918 and during the summer of that year. The information relating to vacation permits is not, therefore, comparable with the rest of the report and must be considered as representing former conditions in Wisconsin and not those existing under the law in effect at the date of the main body of the report. This information, however, is of more than mere historical value, for a number of other States still have laws similar to that under which vacation permits were issued in Wisconsin during the summer of 1917.

At that time the permit law affected children only up to the age of 16. The evidence of age for a regular permit might be a choice of several documents without regard to any rigid order of preference. County and municipal judges, as well as the industrial commission, had authority to issue permits; and the only control by the industrial commission was that provided by the report sent to it (consisting of a copy of the permit and a statement of the evidence accepted before it was issued) and in its power to prescribe the forms for both the permit and the statement of evidence accepted.

Vacation permits were issued for work during the summer of 1917 to children between the ages of 12 and 16, although, as stated above, for the issuance of a vacation permit to a child between 14 and 16 years of age the law made no provision[80] aside from giving the issuing officer authority to fix the period of employment for a child of this age who was legally entitled to a regular permit.[81] According to law, therefore, such a child, in order to work in summer, should have presented the school certificate required for a regular permit along with his other papers. The requirement, however, was believed to be absurd, for if it had been enforced a child between 12 and 14 could have secured a vacation permit with less trouble than could one between 14 and 16. The custom had therefore been established of issuing a permit, limited to the vacation period, to children from 14 to 16 years of age without regard to educational qualifications. In fact, therefore, vacation permits were issued to all children between 12 and 16 on exactly the same terms.

With such a permit a child between 12 and 14 might be employed only in the place where he lived and only in a store, office, mercantile

[80] Statutes, ch. 83, sec. 1728a.4. For the text of this section, see p. 136. This section was not amended in 1917.

[81] Statutes, ch. 83, sec. 1728a.1. For the text of this section, see p. 135. This section was amended in 1917, but the clause referred to was not changed.

establishment, warehouse (except tobacco warehouse), or in the telegraph, telephone, or public messenger service. A child between 14 and 16, on the other hand, could be employed, as with a regular permit, in occupations and employments which, with the exception of specified prohibited dangerous occupations, included work in all industrial establishments.

The method of securing either an original or a subsequent vacation permit was the same for any child regardless of age. He had to produce only evidence of age and a promise of employment and was not required to attend vocational school.

The evidence of age accepted for a vacation permit differed in the several cities visited. In those cities where a school certificate was at that time often accepted as proof of age[a] for a regular permit, the child occasionally had to secure it as evidence of age for a vacation permit. In Milwaukee, Kenosha, Green Bay, and Sheboygan the same evidence of age was demanded as for a regular permit, though it was not always as carefully examined to determine its validity. In Oshkosh, if a child could not find his school principal to get a school certificate his age could be secured from the records in the office of the superintendent of schools. In La Crosse a child's statement as to his age was usually accepted and inserted on the school certificate by the superintendent of schools unless the child appeared to him small for the age he stated. In Marinette, during the summer, vacation permits only were issued and the child's statement of his age was accepted by the issuing officer.

For a child between 14 and 16 years of age the regular permit form was used for a vacation permit. For a child between 12 and 14 years of age a special form was provided. On the face of this form the essential points of the law relating to the child between 12 and 14 were printed, the law relating to vocational school attendance and the list of prohibited employments being omitted. Every vacation permit was stamped with the date of expiration, as "Void after September 2, 1917."

If a child between 14 and 16 wished to continue working after the opening of the school year, he could apply for a regular permit, but a child between 12 and 14 had to return to school.

Vacation permits were not always returned by employers upon their expiration. In Milwaukee the issuing officer telephoned the employer who failed to do so and requested the return of the permit, but no persistent effort was made to secure them. In the smaller cities visited no effort to have vacation permits returned was made by any issuing officer.

[a] Before Sept. 1, 1917, school certificates could be accepted as proof of age according to law.

During 1917, 2,880 original vacation permits were issued in Milwaukee, only 147 of which were to children under 14 years; 434 subsequent vacation permits were issued.[46]

AFTER-SCHOOL PERMITS.

The only provision made by law for a child who desires to work after school hours or on Saturdays is the regular permit. Such work is not covered by a vacation permit, which is issued in summer or during the Christmas or Easter vacations when the schools are closed. Only children from 14 to 17 years of age, therefore, are permitted to work outside school hours while attending school.

Throughout the State, however, a permit to work after school is granted to a child whether or not he has all the qualifications for a regular permit. For this special permit a child must present to the officer a promise of employment, evidence that he is over 14 years of age, and a letter of recommendation from his school principal.[82] The educational requirements of the law do not need to be fulfilled. The regular permit form is used and marked "After-School Hours Only" or with some similar caption.

In Oshkosh at the time of this study such a permit was issued also to a child between 12 and 14 years of age, and the issuing officer regarded it as a vacation permit.[83] He often required only the school certificate as evidence of age in such cases.

During the year 1917, 382 permits were issued in Milwaukee for work outside of school hours, only 68 of which were issued prior to September, 1917.[46] This increase after September is thought to indicate, not that a larger number of children were working after school, but that the permit requirement for children between 16 and 17 years of age had increased the number of applicants at the office. Many children of this age had undoubtedly been working after school hours during previous years when they were not required to have permits.

TEMPORARY PERMITS.

Specific provision for temporary permits is lacking in the Wisconsin child-labor law, but a child may be granted a regular permit to expire at a specified date. In Milwaukee and Sheboygan a temporary permit was formerly issued to a child who had not complied with all the requisites for a regular permit but had applied for one—

[46] Figures collected from records in the issuing office by the deputy of the industrial commission in Milwaukee.

[82] Form 6, p. 153.

[83] These permits were not authorized by the industrial commission and were subject to revocation as soon as they were sent in and examined by the agents of the commission at Madison.

usually to a child who had to wait for his proof of age, though occasionally to one who had to send away for his school certificate. This practice has been discontinued in these cities. Nevertheless, occasionally since September, 1917, a temporary permit has been issued in case the need seemed urgent or there was reason to believe a child would return to school after having worked for a brief period. In Sheboygan a child was once given a permit who had fulfilled all the requirements except the presentation of a promise of employment. His request that he be given the permit to show employers that he was entitled to one was granted for a stated period of time. When he secured a position he returned with the promise of employment.

In all such cases the regular permit form is used, but, like the vacation permit, it is marked with the date of expiration. If a child is granted a temporary permit while waiting for a document necessary to obtain a regular one, and if the document is sent in before the temporary permit expires, the latter is extended and becomes a regular permit. If the document is not sent in or if the child does not appear at the issuing office at the end of the period for which the temporary permit was issued, the employer is instructed to return it to the issuing office, the vocational school which the child has been obliged to attend is notified, and the child is instructed to return to regular school.

STATEMENTS OF AGE.

A child who is over 17 years of age and is therefore not required to have a permit often has to prove his age to an employer who suspects that he may be younger than he states. No provision is made in the law for the issuance of a permit to such a child, but in every city visited except La Crosse the officer frequently makes out a statement of age for a child who has once had a regular permit. In most cities, however, such a statement is not made out for a child who has not had a permit because it is believed that he can as easily submit evidence of his age to an employer as to an issuing officer. In Marinette any child may obtain from the judge a statement of his age based on a school certificate, parent's sworn statement, or any other proof the judge may demand.

DUPLICATES OF LOST PERMITS.

A permit is sometimes lost or destroyed by an employer or by a child, but no specific provision exists in the law for making good such loss or destruction. At the offices which give the permit to the child it is stated, however, that few instances of loss have occurred.

When one does occur a child is granted another permit without being required to prove that he has lost his original one, and he is not required to pay a fee. This second permit is marked "Duplicate."

PROMISE OF EMPLOYMENT.

The promise of employment required by law before a child can secure a permit consists in the employer's written statement of intention to employ the child, signed by the employer or by some one authorized by him. This promise of employment should be written, according to law, on the regular letterhead or other business paper of the prospective employer,[56] but, as small employers usually have no letterhead or business paper, a note written on any kind of paper is often accepted if it appears to be authentic.

Milwaukee.—Some firms in Milwaukee which employ many children use a form letter in requesting permits. A common form is the following:

> We desire to employ ——— ——— as an errand boy. Please let him have his permit.
>
> (Signed) ——— ———.

On the other hand many promises of employment far less regular in form are accepted. Some employers send only a business card, with or without an accompanying note. Others scrawl their notes on pieces of soiled paper. And occasionally, if a child appears without any written promise, but stating that he has a job in a certain establishment, and if the establishment is a considerable distance away, the issuing officer telephones the employer, to be sure that he intends to employ the child, and accepts his statement, asking him to send the written promise to the office later.

To prevent violation of the legal provisions prohibiting the employment of minors of specified ages in certain occupations and industries, the issuing officer usually requires the employer to state the specific kind of work which the child is to do. Sometimes, however, if a child submits a promise stating that he is to be employed by a certain man but not giving the character of the industry, the child is questioned concerning the industry and the work he is to do, and his statement is accepted and noted on the promise of employment.

Other cities.—In the other cities the issuing officer is familiar with the establishments where children work and is, therefore, not so careful about securing a written statement of the character of the industry or of the occupation. A child is uniformly required, however, to submit some kind of assurance that he is actually to be employed.

[56] Statutes, ch. 83, sec. 1728a–3.2. For the text of this section, see pp. 136–137.

EVIDENCE OF AGE.

A child applying for a regular permit must present as proof that he is at least 14 years of age "such evidence as is required by the industrial commission." The commission is directed by law to formulate regulations on the subject, which are binding on all persons authorized to issue permits.[56] In these regulations a distinction is made between the evidence required for a child between 14 and 16 years of age and that for one between 16 and 17.

CHILDREN BETWEEN 14 AND 16 YEARS OF AGE.

In August, 1917, as soon as the rules and regulations for the enforcement of the United States child-labor act[84] were published, the industrial commission adopted bodily, so far as children between 14 and 16 years of age were concerned, that part relating to evidence of age. In order of preference the kinds of evidence to be accepted by issuing officers are as follows:

(*a*) A birth certificate or attested transcript thereof.

(*b*) A record of baptism or a certificate or attested transcript thereof.

(*c*) Other specified documentary evidence.

(*d*) A certificate signed by a public-health or public-school physician.[85]

The order of preference is more strictly adhered to in the Madison, Green Bay, and Sheboygan offices, and in the Milwaukee office for a child born in Milwaukee County, than it is in the other offices visited. Although a child born elsewhere who applies at the Milwaukee office is seldom required to secure a birth certificate, he must submit other documentary evidence in the preferred order. In Kenosha, Oshkosh, and La Crosse the baptismal certificate is accepted for any child who can procure one, and only rarely is a birth certificate required when a baptismal certificate has been presented, but the order specified in the regulations is carefully followed for the remaining kinds of evidence. In Marinette no order of preference is followed.

When evidence other than a birth certificate is accepted the issuing officer is required by the regulations to receive and file proof that none of the preferred kinds of evidence can be obtained. The procedure followed in these cases differs in different offices. Only in Madison and Sheboygan is the ruling strictly observed. In these

[56] Statutes, ch. 83, sec. 1728a–3.2. For the text of this section, see pp. 136–137.

[84] "An act to prevent interstate commerce in the products of child labor and for other purposes," approved September 1, 1916. 39 U. S. Stat. L., p. 675. This act went into effect September 1, 1917, and was declared unconstitutional by the United States Supreme Court June 3, 1918.

[85] For the regulations governing proof of age, see p. 157.

cities, before any evidence other than a birth certificate is considered, the parent must sign a statement that none of the preferred evidence is available. This action is taken even if the child brings a note, as he frequently does, from a registrar or a church official stating that the desired evidence is not obtainable. In Milwaukee, for a child born in Milwaukee County, no subsequent evidence is accepted until written proof is submitted that a birth certificate can not be secured. The proof usually consists of a note from the registrar stating that the child's birth is not recorded. If the applicant was born outside Milwaukee County, his statement that he can not secure a birth certificate is accepted. If, however, a child who can not get a birth certificate says that he has been baptized, the issuing officer does not accept other documentary evidence until assured by a letter from the church that the baptismal certificate can not be obtained. The child's or parent's statement is accepted regarding the availability of other evidence. In Green Bay a child born in the city or surrounding county must bring a note from the registrar that his birth is not recorded before other evidence is examined, but in no other case is proof required that the preferred evidence can not be obtained. In the remaining cities visited no such proof is demanded, but in most of them the issuing officer questions a child closely before accepting other than the preferred evidence.

Birth certificate—Native-born children.—Birth registration has been compulsory in Wisconsin since 1854, but until 1905 it was enforced through the office of the secretary of state. At that time it was put under the control of the State board of health. In 1904, the year in which were born many of the children who applied for permits in 1918, only 60 or 65 per cent of the births, it is estimated, were recorded, but in 1918 birth registration was said to be 90 per cent complete. Most of the children who apply for permits in Wisconsin are native born, the great majority having been born in the county in which they make their application.

The regulations of the industrial commission require a birth certificate or an attested transcript of such a certificate, and the commission has instructed issuing officers to have children secure certified copies of their birth certificates whenever possible. Only in Madison and Green Bay, however, is a certified copy of the entire certificate always demanded. In Milwaukee and Sheboygan a memorandum showing the date of the child's birth, or that his birth is not recorded, is given by the registrar. Slips for this purpose are provided by the issuing office. In Kenosha, Oshkosh, and La Crosse little effort has been made to secure birth certificates or transcripts in preference to baptismal certificates. In Marinette a child who brings other evidence of age is never sent to secure a record of his

birth from the local registrar, although the registrar's office is in the same building as that of the issuing officer.

The State board of health has on file in its office at Madison duplicate copies of all birth certificates in the State and charges no fee for a certified copy. Any child born in the State may, therefore, write to that office and secure a certified copy of his birth certificate. Local registrars usually charge a fee of 50 cents for a certified copy, but some of them give a child a signed memorandum of the date of his birth without charge. In Madison the child obtains his certified copy directly from the State board of health and therefore does not have to pay a fee, and in Milwaukee and Sheboygan no fee is charged for the signed memorandum furnished. Most of the registrars, however, claim that it is nearly as much effort to furnish a memorandum as a certified copy, and, as their offices are in many cases sustained on a fee basis, they prefer to furnish the certified copy for which a fee can be charged. In Green Bay, although the registrar is unwilling to search the records without giving a certified copy, he charges only 25 cents.

In Kenosha, Oshkosh, and La Crosse no attempt has been made to influence the registrar to lower or dispense with the fee. The issuing officer in Kenosha states that a fee of 50 cents is always charged unless she writes a note to the registrar stating that the record is wanted for a child applying for a child-labor permit; instead of doing this she usually asks for a baptismal certificate and, if this is not obtainable, accepts other evidence. The issuing officer in Oshkosh insists that a baptismal certificate is a birth certificate because, he says, the registrar secures his information from church records whenever they exist; for this reason he accepts a baptismal certificate as primary evidence of age and, because of the fee, does not even send a child who can not produce a baptismal certificate to the registrar but requires him to bring other evidence; moreover, whenever a child brings a baptismal certificate, the issuing officer's report to the industrial commission states that a birth certificate was accepted as evidence of age.[86] In La Crosse also a baptismal certificate is considered as acceptable as a birth certificate and, to avoid the fee for the latter, a child who presents the former is not sent to the registrar.

Because issuing officers throughout the State were not uniformly demanding copies of birth certificates but, contrary to the instructions of the commission, were accepting other evidence, such as school certificates, parents' affidavits, school census records, and "child's evidence" (child's statements) when birth records were available for many of the children, the industrial commission in January, 1918,

[86] This mistake was corrected soon after Apr. 1, 1918. For reference to a court case in Oshkosh in which a baptismal certificate was declared to be truer proof of age than a birth certificate, see p. 10.

sent out further instructions to issuing officers requesting special care as to evidence of age and informing them that the State board of health would furnish transcripts of birth certificates free of charge.

A birth certificate is seldom required of a native child born outside of the city (or, in Milwaukee, outside the county) where the application for a permit is made. When it is required in Milwaukee the address of the office to which the child should write is sometimes furnished; but if the child comes in later with other evidence and states that he can not secure a birth certificate, he is not always asked to produce his reply. In Madison, Sheboygan, and Green Bay, where the child is frequently required to write for a certificate, the officer gives fairly complete instructions. Sometimes in Green Bay the officer writes for the child or revises his letter.

Birth certificate—Foreign-born children.—A foreign-born child is very rarely required to send abroad for a birth certificate. In Milwaukee he was not required to do so at the time of this study, but until the outbreak of the war, it is stated, a child born in a European country was occasionally instructed to send for a record of his birth. No proof was required, however, that the parent or child had sent for it, and if the child presented a baptismal certificate from a priest, even though from a country where birth certificates were available, it was accepted. In Madison, Green Bay, and Sheboygan a birth certificate is occasionally submitted, though baptismal certificates or passports are commonly accepted. In Kenosha the school record is the usual evidence accepted for a foreign-born child, but if the parent questions the age on this record at the superintendent's office, he may be required to send abroad for other evidence. In Oshkosh a child born in a foreign country is required to bring a passport, if obtainable, but has never been required to send for a birth certificate.

At no issuing office visited is the official in charge familiar with European systems of birth registration or able to instruct intelligently a foreign-born child as to the proper person to write to, the fee to send, or the necessary steps to take. The parent, it is said, usually knows the proper procedure.

Few foreign-born children, however, apply for permits in Wisconsin.

Baptismal certificate.—A baptismal certificate, bearing the seal of the church or written on the church letterhead, is the usually accepted evidence of age in Kenosha and Oshkosh, and if a child in one of these cities submits such a certificate as evidence upon his first visit to the issuing office it is accepted without any attempt to secure a birth certificate. It is also so accepted in Milwaukee when presented by a child born outside Milwaukee County if he says he can not get a birth certificate. In Marinette it is accepted whenever submitted by a child but is not required.

Usually no difficulty is experienced in securing a baptismal certificate, and most priests and pastors charge no fee for furnishing such evidence of age. But occasionally a fee of 50 cents or $1 is charged.

Other documentary evidence.—Concerning other documentary evidence the regulations specify that an issuing officer may accept a bona fide contemporary record of the date and place of a child's birth as kept in the family Bible, or, if satisfactory, other documentary evidence showing his age, such as a passport, a certificate of arrival issued by United States immigration officers, or a life-insurance policy. Any documentary evidence to be accepted must have been in existence for at least one year prior to the date when it is submitted.

Although issuing officers have the right to accept such other evidence as they may consider satisfactory, they have limited themselves to the specified documents. The usual document offered is a life-insurance policy or Bible record. Considerable doubt was expressed by some officers as to the validity of the ages given on life-insurance policies, largely because parents often assert that they are incorrect and that children are older than the policies state. In Green Bay, in fact, it has become so common for a parent to object to the age on a policy that whenever such objection is made the policy is rejected as evidence and, if no other document can be obtained, the child is sent for a physician's certificate of age. On the other hand, most issuing officers believe that a life-insurance policy is particularly satisfactory evidence of age for the very reason that, in applying for such a policy, the parent is far more likely to give the child's age as lower than it actually is than he is to give it as higher, because the younger the child the lower the premiums.

Although the regulations permit issuing officers to accept, in general, any satisfactory documentary evidence, they specify that certain documents can be accepted only in connection with a physician's certificate of age. These are school records of all kinds, and parents' affidavits, certificates, and other written statements of age. Nevertheless, in Oshkosh and Marinette the school certificate or school-census record is sometimes used alone. In Marinette, indeed, the child's or parent's statement unsupported by any corroborative evidence has been accepted. The judge said that in such a case he carefully questioned the child or the parent, if present, regarding the ages of other children in the family, and when he thought he had the facts he issued a permit on the strength of the statements made.

Physician's certificate of age.—The physician's certificate of age is the final resort as evidence. This certificate must be signed by a public-health or a public-school physician and must specify what he considers to be the physical age of the child. It must give also the

child's height and weight and any other facts about his physical development, as shown by a physical examination, upon which the physician has based his opinion. Both the parent's certificate of age and a record of the child's age as given on the register of the school which he first attended, or in the school census, if obtainable, must accompany the physician's certificate.

Resort to this kind of evidence has been most frequent in Madison and Milwaukee. In Marinette and Oshkosh, on the other hand, the issuing officers never send a child for a physician's certificate of age, partly, it is said, because they think a fee may be charged, and partly because they do not believe the evidence is satisfactory. They have, however, made no attempt to secure the cooperation of the public-health officers in granting these certificates. No fee has been charged by any public-health or public-school physician for a certificate of age. In every city visited the physician's certificate is always accompanied by either a school certificate or a school-census record as corroboratory evidence.

The industrial commission has adopted the standards for determining physical age which were used by the Children's Bureau in enforcing the U. S. Child Labor Law of 1916, and these standards are printed on the form [87] used.

In Milwaukee the child is usually given an examination similar to that given school children. When the physician makes the examination in a private room, as he occasionally does, the child is stripped to the waist and given a thorough examination, particularly if he has not had one at school during the previous year. In all cases the eyes are tested, using Snellen's chart; the oral cavity is examined; and the general appearance of the child is noted, especially for points relating to undernourishment and malnutrition. If the child appears well developed for the age claimed and if he has no physical defects incapacitating him for work, the physician signs a statement certifying to his approximate age.

In the other cities the physician usually accepts the age as given on the school certificate and, unless the child appears undernourished, writes a statement to the effect that he believes the child is over 14 years of age. In Madison, however, the physician examines the oral cavity and the eyes, and if he finds any serious defect does not certify the child.

CHILDREN BETWEEN 16 AND 17 YEARS OF AGE.

The regulations of the industrial commission in force at the time of this study did not require a child between 16 and 17 years of age to furnish evidence of age in any specified order, but permitted

[87] Form 7, p. 154.

him to present any one of the kinds of evidence required for a child between 14 and 16 years of age without regard to order. This, however, was a transitional measure designed to facilitate the granting of permits to children who were already at work. In April, 1918, a new rule was made requiring the same order of preference for the older as for the younger child. Even before that date, moreover, a certain degree of preference in documents was observed in some offices.

The older child is seldom asked to present a birth certificate unless it seems easy to obtain but usually is permitted to prove his age by a baptismal certificate. In Milwaukee, Sheboygan, or Madison, however, before a baptismal certificate is accepted for an applicant born in the city, he is required to go to the local registrar's office to see whether his birth is there recorded.

Other documentary evidence is frequently accepted, but in most places not until the issuing officer is assured from talking with the child that a baptismal certificate can not be secured. A school certificate alone is accepted, except in Milwaukee and Sheboygan, where it must be supported by a physician's certificate of age. But as a child of 16 does not have to have a school certificate to prove educational qualifications it is not always easily available and is not, therefore, commonly used.

The physician's certificate of age is rarely used for a child between 16 and 17 years of age, and then only if he evidently can bring no other acceptable evidence.

DISPOSITION OF DOCUMENTS.

No uniformity prevails among the different issuing officers in the State about the disposition of the documents submitted as evidence of age. In Milwaukee any kind of original evidence of age is given back to the child, but when a record of birth from the registrar's office is submitted a copy is filed with the other evidence. A copy of this record is also kept for a child who has once had a vacation permit so that when he applies for a regular permit no new record will have to be secured. The physician's certificate of age is also filed. When a baptismal certificate or other document is accepted a notation stating the kind of document is made on the school certificate. In the other offices visited all original evidence that is convenient for filing is kept on file, as is always the physician's certificate of age. In Green Bay, Marinette, and La Crosse a special form is used for transcribing the evidence from a baptismal certificate, but in the other cities, if the original is not kept on file, notation of the kind of document is made on the school certificate as in Milwaukee.

Returned evidence of age, except in Marinette, is not marked or stamped in any way to prevent subsequent use by another child. In

that city the judge marks the evidence with the date of issuance of the permit and with his initials.

PHYSICAL REQUIREMENTS.

The issuing officer may refuse "to grant permits in the case of children who may seem physically unable to perform the labor at which they may be employed."[67] The law thus leaves the determination of whether a child is physically fit to go to work entirely in the hands of the issuing officer. The industrial commission has issued no regulations or instructions to issuing officers relating to the matter, nor has it established any standard of physical fitness to work. Each issuing officer, therefore, acts independently.

Though the issuing officer alone has power to refuse a permit because of a child's physical condition, the requirement by the industrial commission that the school principal recommend on the school certificate whether or not a child be granted a permit allows the latter also a certain degree of authority over this matter, for the principal may refuse to recommend a child who is not in good physical condition, and in order to be informed on this point may require all applicants for school certificates to have a physical examination. Thus the power to keep from going to work a child between 14 and 16 years of age who is physically unfit is given the school principals so far as issuing officers comply with their recommendations. This does not apply, however, to the child between 16 and 17 years of age, because he is not required to bring a school certificate when he applies for a permit.

Milwaukee.—Definite action regarding physical requirements for a child between 14 and 16 years of age leaving school to go to work was first taken by the Milwaukee public-school authorities. The department of school hygiene has a large force of school physicians and nurses who visit every public school in the city on alternate days of the week. At each visit of the physician thorough physical examinations are made of some children and cursory inspections of many others who may be slightly ill.

In the fall of 1917 this department attempted to secure the cooperation of school principals in refusing to recommend that a permit be granted unless the child had been examined previously by the school physician. Printed instructions were issued by the superintendent of schools to all the public-school principals asking them to require such an examination before they recommended the granting of a permit. Up to the time of this study, however, comparatively few children had been required by their principals to be examined by physicians before being granted school certificates.

[67] Statutes, ch. 83, sec. 1728c.1. For the text of this section, see p. 139.

Early in September, 1917, also, the Milwaukee health department started medical inspection of the parochial schools of the city. Its inspectors and nurses visit every one of these schools twice a week and make physical examinations and inspections similar to those made by public school physicians. The health department, it is true, has the authority, in connection with the suppression of contagious diseases, to exclude children from any school and to quarantine, but these regular examinations and inspections of school children are being carried on not by virtue of this authority but with the voluntary cooperation of the parochial schools.

At the same time that it started medical inspection of parochial-school children, the health department, in order to cooperate with the department of school hygiene, requested the parochial-school principals to refuse to recommend the issuing of a permit until its school physician had examined the applicant for a school certificate. But this effort has not been very successful, partly because the department has no power to enforce its request.

Because of this lack of power, the health department has secured the cooperation of the industrial commission in a further effort to safeguard the health of these children. On his regular visits to the various parochial schools the health inspector frequently checks over the names of children who have been granted school certificates. If he finds among them a child who had some physical defect at the time of the last examination and can find no record of the correction of the defect, the name is reported to the physician of the health department who is in charge of parochial-school inspection. The health department then sends the name to the industrial commission in Milwaukee, stating that the child is believed to have gone to work with a physical defect and requesting that he be called in for a physical examination. The industrial commission sends a notice to the child and to his employer that the permit has been recalled temporarily. The child must first call at the issuing office; he is then sent to the main office of the health department to be examined. If he is found to be physically fit, he returns to the issuing office with a note to that effect and his permit is reissued. If not, a notice is sent to the industrial commission and the commission notifies the attendance department. Sometimes a child has already had the defect corrected and the recalling of his permit has proved unnecessary.

A child who is required by his principal to have a physical examination before securing a school certificate is examined either at the school by the school physician or at the main office of the department of school hygiene or of the health department. When the examination is given at the central office, as frequently happens, it is usually, because of better facilities, more complete than when given

at the school. In the former case the child is sometimes partially stripped.

The examinations differ in character and thoroughness also according to the physical record and condition of the applicant. A child who has been examined during the year preceding his application for a school certificate and has a good physical record is certified as physically fit to enter industry without any examination. Other children are given practically the regular school examination. These examinations aim to discover only serious defects of the lungs, eyes, throat, and teeth, and any deformities. The child is usually weighed and measured. The lungs are examined carefully, sometimes with a stethoscope. The eyes are sometimes tested, usually with Snellen's chart. The oral cavity is examined to ascertain the condition both of the teeth and of the throat.

The physician's report to the school principal consists merely of a line written at the bottom of the school certificate stating that the child is in physical condition to work, or that because of certain defects he should be allowed to work only at certain kinds of occupations, or that he should not be permitted to go to work at all. A record of the examination is kept, however, on the same form as the records of regular school examinations. The forms and regulations used in examination and inspection of children by the health department are the same as those used by the department of school hygiene.

As has been stated, permits are almost never issued without the recommendation of the school principal.[88] Up to the time of this study, however, no children had been permanently refused permits in Milwaukee because of their physical condition, although some applicants had been kept temporarily from going to work until their teeth had been put in good condition, more weight gained, or some other defect remedied. In one or two instances a child has had to have his tonsils removed or treated before he could secure a recommendation for a permit. All the physicians interviewed said that they would permanently withhold consent to go to work from a child who had indications of tuberculosis or serious heart trouble.

Not infrequently the physician certifies that a child is to be allowed to work only at light or outdoor work. This recommendation is usually followed carefully by the deputy of the industrial commission in granting the first permit. But when the child returns for a new permit the file of school certificates which contain the records of defects or physical weaknesses is not consulted, but only the index card, and the physician's recommendation, therefore, has no influence over any position except the first.

[88] See p. 41.

The only action taken directly by the issuing office in Milwaukee with regard to physical fitness has been the requirement in a few cases, in which the child appeared to the issuing officer too small or weak for a specific task, that he secure another position.

Other cities.—In the other cities visited practically no attention is paid to the section of the law concerning the physical fitness of the child. But in Oshkosh, where the attendance officer issues permits, if an applicant appears to be undernourished or is in the care of the registered nurse who visits the public schools, he is not allowed to have a permit. And in La Crosse a child is sometimes refused a permit if he appears to be physically underdeveloped.

EDUCATIONAL REQUIREMENTS.

A child between 14 and 16 years of age who desires to leave school to go to work must procure a school certificate [54] which states that he has fulfilled certain educational requirements. A child over 16, as has been stated, does not have to meet any such standards.

This certificate must show that the child is more than 14 years of age and must state the date of his birth and the number of years he has attended school. "Such certificate," according to the law, "shall contain the further statement that such child has attended the public school, or some other school having a substantially equivalent course, as required by law, within the twelve months next preceding the date of such certificate or next preceding the fourteenth birthday of such child; that such child is able to read and write simple sentences in the English language, and is familiar with the fundamental operations in arithmetic up to and including fractions and that it has received during such one-year period, instruction in spelling, reading, writing, English grammar and geography; or in lieu of such statement relative to its educational attainments, that such child has passed successfully the fifth grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least seven years." [55]

In addition to the statements required by law, the certificate blank contains spaces for a physical description of the child, a statement of the grade completed, and answers by the child's school principal to the following questions:

> Do you recommend that this child be granted a labor permit? Why?
> Did you try to persuade the parents to keep this child in school?
> What reason did they give for not doing so?

[54] Form 3, p. 152.

[55] Statutes, ch. 83, sec. 1728a–3.2. For the text of this section, see pp. 136–137.

At the top of the certificate is a notice to the employer that the document is not a labor permit and therefore does not authorize the employment of the child.

The power of issuing a certificate of educational qualifications is vested wholly in the local school authorities, but the law provides that if the child is entitled to such a certificate the person with authority to issue it must do so. This provision is equivalent to the requirement found in the laws of several other States, that the school certificate be issued "on demand" of a child legally entitled to it.

No educational test is given the child at the issuing office.

Interpretation of educational requirements.—On the school certificates are printed the four requirements of the law, the fulfillment of any one of which entitles the child to a certificate. The first alternative is that the child must have attended school[89] within the twelve months next preceding the date of his school certificate, or next preceding his fourteenth birthday, and must have received during that period instruction in spelling, reading, writing, English grammar, and geography. He must also be able to read and write simple sentences in English and be familiar with the fundamental operations in arithmetic up to and including fractions. Although stating that the child's school attendance must have been within a certain twelvemonth period, the law does not specify the number of months he must have attended during that time. It is to be inferred, however, that full-time attendance as provided by the compulsory attendance law is required.

The next alternative, that a child must have "passed successfully the fifth grade in the public school," is interpreted by every city superintendent of schools interviewed to mean that a child must at least be in the sixth grade or have passed an examination out of the fifth grade. Promotion examinations are given every half year in the public schools of the cities visited.

The third alternative, that a child must have finished the fifth grade "in some school having a substantially equivalent course" to that in a public school, provides, like the first alternative, for the acceptance of certificates from private or parochial schools. This requirement of a "substantially equivalent course" is the only provision in any law as to the subjects to be taught or the standards of instruction in private and parochial schools. In several cities visited many of the parochial schools have adopted the same course of study as that in the public schools and are using the same textbooks. Such an arrangement, however, is purely voluntary, and uniform instruction throughout the State can not be guaranteed.

[89] The law states that this must be a public school or some school having a substantially equivalent course.

Furthermore, this alternative does not require ability to read and write in the English language in order to go to work, and there is no law requiring the ordinary school studies to be taught in English in parochial and private schools. Therefore, even with the stipulation concerning the substantially equivalent course, children going to work from these various schools with statements that they have passed the fifth grade are not necessarily equipped with uniform educational qualifications.

It should be noted that the second and third alternatives stipulate no school attendance but set up only grade requirements.

The fourth alternative, that the child must have attended school for at least seven years, is an attendance qualification merely and allows a child to leave school who is stupid and backward or for some reason has not been able to adapt himself to the courses offered and who perhaps could never fulfill any of the other requirements. The seven years of attendance may be in any school, whatever is taught or whatever the language used. In Marinette and La Crosse, however, the superintendents of schools stated that they did not issue a school certificate to a child who has fulfilled this requirement unless he has also passed the fifth grade.

In connection with all these alternatives, particularly the fourth, it should be remembered that the length of school sessions is not uniform throughout the State. The school-attendance law provides that in cities of the first class, Milwaukee, a child shall attend regularly some public, parochial, or private school for 20 days of the month during the full period and hours of the year that the school in which he is enrolled is in session; in all other cities not less than eight school months; and in towns and villages not less than six school months in each year. The length of the daily, weekly, and yearly sessions of various schools differs considerably, so that the child from a school with longer sessions has attended school a greater number of days and hours when he has finished the fifth grade or attended school for seven years than one from a school with shorter sessions. For instance, attendance for seven years gives to the public-school child who has been in school ten months a year seven more months than it gives to the parochial-school child who may have attended only nine months a year. In some cases the difference may be even greater. During this study, however, it was found in all the cities visited that, although in some schools the daily sessions were shorter, the yearly sessions of parochial and private schools, except for more holidays, were practically of the same length as those of the public schools.

The actual grade attained may not always be stated on the certificate for several reasons. As there is no order of preference in

accepting the different alternatives, a child may be granted a certificate on the ground that he has attended school seven years when he is in a grade higher than the fifth, and in that case the grade may be omitted. Moreover, teachers sometimes enter fifth grade when the child is actually more advanced, because they think that is the requirement and assume that no further data are needed. Consequently the grades given on the school certificates can not be relied upon for statistical purposes. Interesting data on this point are available, however, in the records of the vocational school in Milwaukee. Of the 8,190 children enrolled up to January 1, 1918, 6,668, or 81.4 per cent, had been in the sixth or a higher grade. Of these, 2,442, or 29.8 per cent, had been in the eighth grade; 674, or 8.2 per cent, in high school; and only 12, or 0.2 per cent, in special classes. Of the 1,522 children enrolling from the fifth or a lower grade, only 581 were from public schools, whereas 941 were from parochial schools. The grade attained by the largest number of children from parochial schools was the sixth, whereas that attained by the largest number from the public schools was the eighth.[47]

Methods of issuing school certificates.—Although the law stipulates that school certificates may be issued by the superintendent of schools, or by the principal of the school last attended by the child, or in their absence by the clerk of the school board, each locality has established its own custom with regard to what school official shall issue them, and the permit officer accepts only certificates from the customary official. In all but two of the places visited they are issued to public-school children by individual school principals. In Marinette, they are filled in and signed by the superintendent of schools, who has on file duplicate records of all public-school children; and in Kenosha, school certificate forms are not used, but instead the file of records of all school children, which is kept at the office of the superintendent of schools, who issues the permits, is consulted. In both these places, if the record cards which are filed yearly show that an applicant is in the fifth grade but has not completed it, the school principal is asked by telephone whether the child has been promoted since the record card was filed. These records also show whether the child has fulfilled the attendance requirement of seven years. In Kenosha the records in the superintendent's office include school histories of all parochial as well as public school children.

The principal, though he must issue the school certificate to a child entitled to it, may still keep the child in school by recommending on the form that the permit be refused. And, as has been stated, the issuing officers are practically always guided entirely by the principal's recommendation.

[47] Figures secured from records in the Milwaukee vocational school.

School principals also sometimes establish other than purely educational requirements for a certificate. Two principals in Milwaukee stated that they always required a child to have a promise of employment before issuing a school certificate. Another said that unless a child could bring a birth or baptismal certificate showing his age, he could not receive a school certificate. Such demands on the part of school principals are, of course, extralegal, but they aid in keeping the child in school.

The provision that the school certificate be issued by an official of the school last attended is not always adhered to. Sometimes, if the principal of the school a child is attending will not issue one, the child secures it from a school previously attended. And a permit officer can not always tell whether the school issuing it is the one last attended, as the school certificate shows the date of issuance but not the time of the child's attendance. One boy in Milwaukee, for instance, presented a school certificate of a recent date from a parochial school. It stated that he had finished the fifth grade and had been in school five years. The boy said that during the past year he had been in the sixth grade in the public school, but that, as that school would not give him a school certificate because he had not attended a full year and had not completed any grade there, he secured one from the parochial school which he had attended the year before. Another child in the third grade who applied at the Milwaukee office had attended several different schools in the preceding seven years, and before being granted a permit he was compelled to obtain a school certificate from the principal of each showing the number of years he had attended that school.

In none of the cities visited is any supervision maintained by any central office over individual principals—public, private, or parochial—in the matter of examinations for promotion from one grade to another or in that of issuance of school certificates. In Milwaukee, a list showing the name, age, and progress of each child in the public schools is sent to the office of the superintendent twice a year, but it is used chiefly for the purpose of looking up names and grades of children who have moved to other towns, and not to see whether children have been promoted regularly or have legally withdrawn on school certificates. Each principal uses his own judgment as to granting or refusing school certificates to children who have not the educational qualifications to go to work. In the files of refused cases in the Milwaukee permit office were found school certificates which had been given to applicants who had not fulfilled any of the requirements, the facts being stated and the burden of refusal thrown on the permit issuing officer. These certificates are called "illegal." During one week, while this study was in progress, out of 11 chil-

dren in Milwaukee refused permits, four were refused because they submitted "illegal" school certificates.

An incentive to keep children in school until they have fully complied with the legal qualifications for a school certificate is offered in Milwaukee by the system of paying public school principals according to the number of classes in attendance. Under this system a new class can be formed as soon as the old one exceeds a certain number. It is, therefore, to the financial interest of principals to keep children in school. In one instance, however, a child came to the issuing office with a baptismal certificate stating that he was 13 years old and with a school certificate signed by the principal stating that he was 14. When telephoned, the principal said that she knew the child was only 13 but that he was a nuisance and she did not want him in school. The child was refused a permit and was reported to the attendance department to be returned to school.

Special classes for backward children exist in many cities and special help is often given to individual children attempting to do extra work, but no systematic effort is made to push through the grades children who desire to go to work. One principal in Milwaukee stated that she aided a child who wanted to go to work but had not the qualifications by putting him in the ungraded class for backward children to drill him in "essentials."

VOCATIONAL SCHOOLS.

Public daytime schools established for vocational education in Wisconsin are, in a broad sense, schools where the education of children who have left the common schools to go to work may be continued. Vocational and trade instruction is given throughout the State in public evening schools and in Milwaukee in the public trade school. The majority of those in attendance at evening schools are adults who are employed during the day. In none of the cities visited are children working on permits allowed to substitute night school for day vocational school attendance. The trade school in Milwaukee is an all-day school for children over 14 years of age who have not left school but who wish to learn a trade instead of continuing academic subjects.

In April, 1918, as already stated, such vocational schools were being maintained in 31 cities of the State. These schools are supported by local and State appropriations, the rate of local taxation in any community not exceeding three-fourths of a mill. The annual amount of State aid given to any city is equal to one-half the amount actually expended for maintenance by the schools of that city during the preceding year, except that in Milwaukee (the only city of the

first class) it can not exceed the sum of $20,000, and in any other city, town, or village it can not exceed $10,000.[90]

The total expenditure in the State for vocational schools in the school year ended June 30, 1917, excluding repayment of loans and interest, was $486,967.07, of which $139,712.32 was given by the State. Of this expenditure, $37,654.88 was for equipment. For the school year 1917–18, however, the city of Milwaukee alone granted its vocational school $404,000 and the State granted it $18,500. A large part of the city appropriation was for the erection of a new building made necessary by the rapid growth of the school.[91]

Attendance.—Two groups[92] of children who may be either employed on permit or staying at home[93] are required by law to attend vocational schools; (1) children between 14 and 16 years of age not required to attend other schools; and (2) children between 16 and 17 years of age. A child of permit age is required by law to attend vocational school, if one is maintained, in the city where he resides; otherwise in the city where he works. But if he both resides and works outside a city with a vocational school, even though he may be granted his permit in that city, he is not required to attend. This rule is strictly observed in all the cities visited.

The law provides that the younger group of children must attend at least eight hours a week for at least eight months a year, and the older group at least four hours a week for the same period.[94] If the public schools of the locality are in session more than eight months, the period of vocational-school attendance must be correspondingly lengthened. The required attendance must be during the daytime, and, if the child is employed, the hours of such attendance must be deducted by the employer from the daily and weekly hours of labor fixed by law.[95]

In Milwaukee, because of the increased attendance since September, 1917, and the small quarters in which to accommodate all the children required by law to attend, no attempt has been made to enforce attendance for more than four hours a week of children between 14 and 16. It has seemed better to give instruction for a

[90] Statutes, ch. 41, secs. 41.16(1) to 41.19. For text of these sections, see pp. 148–149.

[91] Figures obtained from the State board of vocational education.

[92] Theoretically a third group, i. e., children between 14 and 17 at work at occupations for which permits are not required, must attend these schools, but as these occupations are principally agricultural pursuits, few such children are found in the places where vocational schools are established.

[93] For conditions under which children may be excused from regular attendance at common schools, see pp. 23–24.

[94] Since September 1, 1918, these older children have also been required by law to attend eight hours a week for at least eight months. The attendance of children between 16 and 17 has been compulsory since 1915, but not until September, 1917, were they required to have permits.

[95] Statutes, ch. 40, sec. 40.73(1); ch. 83, secs. 1728c–1.1 to 1728c–1.3, 1728o–2.1 to 1728o–2.3. For the text of these sections, see pp. 129–130, 139, 141–142.

shorter period than the law requires to all children who are supposed to attend than to fail altogether to accommodate a large number of children. Therefore, all children between 14 and 17 are required to attend only four hours a week.

In addition to these two groups of children who must attend vocational schools, any resident of a community 14 years of age or over who is not required to go to some other school may attend. This includes two other groups for whom attendance at some school is compulsory. The "period of instruction" of indentured apprentices between 16 and 18 years of age must be at least five hours a week or its equivalent,[96] and in all communities where a vocational school is maintained apprentices are provided for separately in that school. The law does not specify what school they shall attend, but the vocational school is well adapted to their instruction. Also attending these schools are employed minors between 17 and 21 years of age who, if unable to read and write simple sentences in English, must attend a vocational school or a public evening school for at least four hours a week.[97]

Another small but important group in the vocational schools is made up of children who have been transferred from the common schools. In most places, if a child over 14 years old desires to secure some work offered only in the vocational school, or if he seems not to be adapted to the courses offered in the other schools, he may be allowed to attend this school instead of the common school. Occasionally such a transfer is granted to a child who is not yet 14 years of age. The transfer is usually made through the superintendent of schools, or with his knowledge. In Milwaukee, the transfer, though not directly authorized by the board of school directors, is made by special permission of the supervisor of attendance.

The accompanying table shows the average weekly attendance of permit and other part-time day pupils, of all-day pupils, and of apprentices, for the school year 1916–17. And for purposes of comparison it shows also the average weekly attendance of permit and part-time day students from September to December, 1917. The average weekly attendance is shown rather than the total enrollment, which is much larger, because it is a more accurate index to the actual amount of teaching done in these schools. The figures for the school year 1916–17 were obtained from the annual reports of the vocational school directors to the State superintendent of public instruction; those for September to December, 1917, from the vocational schools.

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[96] Statutes, ch. 110, sec. 2377.5. For the text of this section, see p. 143.
[97] Statutes, ch. 83, sec. 1728a–11. For the text of this section, see pp. 137–138.

Children attending public day vocational schools in Wisconsin.

Locality.	Average weekly attendance.						
	September, 1916–June, 1917.				September, 1917–December, 1917.		
					Permit and part-time students.		
	Pupils of all classes (all ages).	All-day pupils [a] (14 years of age but under 17).	Apprentices [b] (16 years of age but under 21).	Permit and part-time students (14 years of age but under 17).	All ages.	14 years of age but under 16.	16 years of age but under 17.
Entire State	12,653	1,192	525	10,936	(c)	(c)	(c)
Milwaukee	5,243	197	324	4,722	[d] 6,600	[d] 3,000	[d] 3,600
Outside Milwaukee	7,410	995	201	6,214	(c)	(c)	(c)
Eight selected cities	8,177	456	346	7,375	[e] 10,062	(f)	(f)
1. Milwaukee	5,243	197	324	4,722	[d] 6,600	[d] 3,000	[d] 3,600
2. Green Bay	488	101	16	371	401	227	174
3. Kenosha	475	13	None.	462	545	308	237
4. La Crosse	308	3	None.	305	503	252	251
5. Madison	209	108	None.	101	276	141	135
6. Marinette	180	32	None.	148	239	(f)	(f)
7. Oshkosh	524	None.	6	518	726	(f)	(f)
8. Sheboygan	750	2	None.	748	772	(f)	(f)

[a] Under the heading "All-day pupils" were included not only pupils in commercial and other classes attending all day every day, but also, in Milwaukee and a few of the other cities, unemployed children who may have been attending only part time. This is due to the fact that separate reports of unemployed children are not required, since according to law they are supposed to attend regular day schools. See p. 24.

[b] These numbers are not representative of the entire number of apprentices in the State, since apprentices are not required to attend school after 18 years of age, though some of them do attend.

[c] Figures not available.

[d] Figures approximate.

[e] One figure included in this total is approximate.

[f] Separate figures for two age groups not available for all cities.

This table gives a general idea of the number of persons instructed in the different classes. It is, however, only approximately accurate because in some of the reports to the State superintendents the unemployed children were not separated from the total enrollment in the all-day industrial class and in others they were not included at all.

Organization of classes.—Considerable diversity exists in the various vocational schools of the State regarding the grouping of children in classes. In all schools, however, instruction is given separately to permit and other part-time day pupils, to all-day pupils, and to apprentices.

As for the permit children, those in advanced grades are usually given instruction in separate classes from those in lower grades. Outside Milwaukee the 14 to 16 year old children and the 16 to 17 year old children are usually taught in different classes, because the younger children attend eight and the older only four hours a week. The chief aim in Milwaukee, where both groups attend only four hours a week, is to keep together those interested in one trade or line of work, but as several classes are formed for each trade, employers are not often inconvenienced by this method of assignment. Classes

are organized by trades also in Oshkosh, La Crosse, Green Bay, Marinette, and Madison, although sometimes children who are working for a particular employer are placed in classes giving instruction relating to the industry engaged in by that employer regardless of their own interests. In Sheboygan children are grouped in classes arranged as far as possible to suit the convenience of their employers, and the instruction is largely individual in character. In Kenosha children are grouped primarily according to the grades attained in the school attended previously, and so far as possible according to the subjects desired. The employer has to arrange the child's work accordingly.

In Milwaukee the school is open 11 months in the year and classes are in session eight hours a day for six days a week. About 220 classes for children between 14 and 17 years of age and four apprenticeship classes meet daily. In every city outside Milwaukee the schools are open at least five days a week and in many six days. In most places the day sessions are from 8 a. m. to 5 p. m., allowing one hour for luncheon. In Sheboygan, the boys' classes begin at 7.45 a. m. and end at 5.30 p. m., and in Green Bay the school opens at 7 a. m. and closes at 5.30 p. m. In all these places the classes for permit children between 14 and 16 are in session daily for two four-hour periods, and those for children between 16 and 17 for one four-hour period. But in all places visited some children attend two half days a week for four hours each on different days.

Courses of study.—The vocational schools do not attempt to teach trades to permit children. Directors in different cities of the State say that for a permit child the schools are prevocational in character even though intensive instruction is given in certain trades and industries. For a boy the aim is to give some skill in handling tools and to influence him to use better judgment regarding his future vocation than he might otherwise. He is allowed to try different kinds of work but must stay long enough at one kind to be certain of his attitude toward it. A boy between 16 and 17 is urged more strongly than one between 14 and 16 to make a decision regarding his future work, so that a better course of instruction may be formulated for him than if no aim were in view. A special effort is made in some places to indenture many of this group as apprentices. Little attempt is made to give a girl any training specifically directed toward enabling her to make a livelihood. Her training is almost exclusively along lines needed in home making. The work and policy of the schools are as yet largely experimental, and both the members of the State board and the local directors wish them to be so flexible that they can be changed from time to time as may be considered desirable.

The courses of study vary with the equipment and teachers available and the character of work desired by the pupils. They must, however, be approved by the State board of vocational education and must include instruction in English, citizenship, physical education, sanitation and hygiene, and the use of safety devices. The State board of vocational education may, according to law, add other branches of instruction to the compulsory list,[98] and it has ruled that courses in the trades and industries, commerce and the household arts shall be given in the schools throughout the State. By a further ruling of the State board one-half the time of instruction for all children of permit age must be given to the subjects stipulated in the law or, as commonly stated, to the "academic" subjects, and the other half to shop work. This division of instruction was observed in all the cities visited.

Boys between 14 and 17 years of age are offered a great variety of subjects. In Milwaukee they have a choice of the following courses:

Automobile work.	Electrical.	Plumbing.
Bakery.	Machinist.	Power-plant.
Bookkeeping.	Masonry.	Sheet-metal work.
Carpentry.	Stenography.	Steam fitting.
Cabinet making.	Painting.	Store clerking.
Concrete work.	Patternmaking.	Tinsmithing.
Drafting.	Printing.	Watch making and jewelry.[99]

In every other city visited boys are offered instruction in woodworking and mechanical drawing or drafting. In addition, a choice of shop work in iron or electrical work is offered in Sheboygan; typewriting, concrete, sheet-metal and electrical work or a combination of these branches, in Green Bay; machine work or commercial work, foundry work and telegraphy, in Oshkosh; sheet-metal work, iron work, bookkeeping or commercial work and commercial law, in Madison; blacksmithing, iron work, machine work, or commercial work, in Marinette; and electrical work and telegraphy in La Crosse.

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[98] Statutes, ch. 41, sec. 41.17(1). For the text of this section, see p. 149.

[99] In December, 1920, boys in the Milwaukee Continuation School could enroll in classes in any one of the following subjects: Architecture, automobile mechanics, automobile painting, baking, blacksmithing, bookkeeping, bricklaying, cabinet making, candy making, carpentry and joinery, cobbling, commercial art, concrete work, copperplate engraving, cost clerking, etc., drafting, drug clerking, dry-cleaning, dyeing, electrical wiring, electric motors and generators (repairing, testing etc.), electroplating, electrotyping, engraving, forging, home mechanics, heat treatment of steel, industrial science, interior decorating, jewelry, knitting, knitting-machine repairing, layout and design (for printers), machine-shop work, masonry, molding, mechanical drawing, millwork, woodwork, ornamental plastering, outdoor advertising, painting, paperhanging, pattern making, plastering, plumbing, power-plant operation, pharmacy, printing, sheet-metal work, shoemaking, sign painting, steam-engine operation, steam fitting, stenography, storage-battery maintenance, tailoring, telegraphy, tinsmithing, tool making, upholstering, watchmaking, welding, wood carving, wood finishing.

In every school visited the boy is given some choice in his studies at the time of enrollment. Information which throws light on his educational preparation and the kind of instruction he prefers is noted on his registration blank[1] to be used in adjusting his assignments from time to time. A boy is first assigned to a home mechanics class in which he is taught a few fundamentals in the work of the various trades. Later he is transferred to a more specialized class.

Girls have comparatively a very limited choice of subjects. Sewing, cooking, and home making are offered in all places and must be taken. In Marinette, instruction is also given in laundry and commercial work; in Green Bay, in commercial work; in Sheboygan, in textiles and millinery; and in Madison, in nursing. In Milwaukee, the following courses are offered:

Cooking.	Sewing.	Rules for safety.[2]
Care of sick.	Rules for health.	
Household art.	Family purchasing.	

Placement.—Some attempt at finding employment for unemployed children is being made in several of the vocational schools. In Milwaukee, a special department for the placement of boys was created in September, 1915. Unemployed boys in the school are encouraged to go to the head of this department in order to secure positions.[3] An effort is made to have these boys attend school every day and not return to work. If a boy is placed, however, his special aptitude and training is taken into account. Placements of both boys and girls are made by the vocational schools in nearly all the other cities visited, and although no large numbers have been placed, the children have found that the vocational school can secure better positions for them than they can secure for themselves.

APPRENTICES.

The indentured apprentice differs in several ways from the minor who is merely working and attending vocational school. The apprenticed minor is employed in the trade or industry of his choice and is taught both in the job and in school. Apprenticeship is primarily an educational enterprise. The minor who is not apprenticed receives instruction only in school. His job may or may not be his choice, and probably is not one in which he receives any special training. The money received is his sole compensation, whereas the apprentice is paid for his services in two ways, (1) in money and (2) in training and instruction in a craft or business.

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[1] Form 8, p. 154.

[2] By December, 1920, commercial classes and millinery and applied design had been added.

[3] By December, 1920, this work had been extended to girls. In addition practically all pupils finishing commercial courses were being placed in positions.

If a parent, through his child, or an employer fails to live up to the terms of an indenture, he is liable to a forfeit of not less than $1 nor more than $100. This forfeiture is collected on complaint of the industrial commission and is paid into the State treasury.[4]

In carrying out the legal provisions relating to apprentices the industrial commission, in accordance with the policy which has characterized all its activities, has invited the cooperation of employers and employees in the determination of its procedure. In November, 1915, a State committee, representing employers, employees, and the vocational schools, met and formed a State apprenticeship board to formulate methods of building up the apprenticeship system of the State. This board, in conjunction with the supervisor of apprenticeship of the industrial commission, has devised a uniform indenture blank[5] to be used for all kinds of apprenticeships and has established, after consultation with employers and employees, standards of instruction for apprentices in different trades and industries. It has planned schedules of training, instruction, and pay for automobile machinists, barbers, blacksmiths, boilermakers, bricklayers, electricians, engravers, lithographers, machinists, molders, patternmakers, plasterers, printers, toolmakers, wireworkers, and knitting-machine adjusters, and these schedules have been approved by the industrial commission. The term of apprenticeship is from one to five years. The board has also determined upon and issued a form of diploma for graduating apprentices.

The cooperation of employers and employees in determining standards has done much to interest them in developing the apprenticeship system, and in addition meetings and conferences have been held with both groups, separately and together, at which the advantages of apprenticeship have been discussed. Much has been done by this method, it is said, to break down trade-union objections to taking apprentices, to induce specific unions to apprentice their helpers, and to make individual workmen willing to teach apprentices. And employers have increasingly been induced to take apprentices and to see that they are taught.

The influencing of parents to allow their boys to become apprentices has been one of the most difficult parts of the program, because the apprentice always receives lower wages than the boy who is employed as an unskilled worker. The rates of pay vary with the trade and the season and increase from year to year. Most apprentices begin at 12 cents an hour and the increases are made every six months. The highest hourly rates are paid in the building trades. Because of the comparatively low rates of pay it is very difficult

[4] Statutes, ch. 110, sec. 2377.8. For the text of this section, see p. 143.
[5] Form 9, both first and third pages, p. 155.

often for parents or boys to see the advantages of entering into an apprenticeship. The promise of future positions at high salaries does not appear so attractive as present high wages. This has been an especially difficult matter since the beginning of the European war and the consequent unprecedented rise in wages of minors as well as of adults. Nevertheless, boys are constantly applying for apprenticeships and in one or two cities visited there were more boys waiting to be apprenticed than there were employers willing or in a position to take them.

In spite of difficulties the apprenticeship system has developed rapidly since the latter part of 1915, largely because of the propaganda efforts of the industrial commission. In 1915, under a law which was difficult of enforcement, the number of contracts was 163; 468 new contracts were entered into in 1916 under the new law; and on January 1, 1917, there were 969 apprentices in the State, 744 of them in Milwaukee and West Allis. By February, 1918, the number had increased to 1,045.[6] Of the 696 apprentices in January, 1917, 566 were in the machinist's trade, 121 in the patternmaker's, 55 in the bricklayer's, and 49 in the compositor's. Most of the remaining 178 were in different branches of the building and printing trades. Over one-third, 34.8 per cent, of these indentures had been entered into by boys of 16; 29.7 per cent by boys of 17; 19.2 per cent by boys of 18; and 16.3 per cent by boys over 18 years of age. Standards of apprenticeship had not at that time been formulated for any girls' trade.[7]

ENFORCEMENT.

The enforcement of school-attendance and of the child-labor laws is interdependent, and the method of administration of one may strengthen or weaken that of the other. No system of issuing permits, for example, can be effective unless school attendance is strictly enforced. Enforcement of the several provisions of law which regulate the school attendance and the employment of minors in Wisconsin is effected by different agencies. The compulsory school-attendance law is enforced through the following up of children by attendance officers; the child-labor law, through the issuance of child-labor permits by agents of the industrial commission and through the inspection of establishments by deputies of the commission and by attendance officers; and the law relating to vocational-school attendance, in part through the following up of children by attendance

[6] Figures secured from records in the apprenticeship office of the industrial commission.

[7] By July 1, 1920, apprenticeship regulations had been prepared for 42 trades, including one woman's trade, dressmaking. At that time there were 1,072 apprentices in the State.

officers and in part through the checking up of absences by vocational-school officials.

The main elements in the enforcement of the permit law are the system of following up all children of permit age in order to enforce school attendance and the close cooperation between the issuing offices and the vocational schools. The permit system, as already mentioned, has also the effective support of the workmen's compensation act, which, by an amendment effective in September, 1917, provides for the payment of treble compensation to a minor of permit age who is injured while working without a permit or at a prohibited occupation. This provision is proving of paramount importance in causing employers to exercise care to prevent the illegal employment of children, especially since the employers of several children of permit age who were injured while working without permits were each compelled to pay a compensation of several thousand dollars. Different insurance companies have aided in giving publicity to the law by notifying employers that the companies can not assume the additional risk of injury to minors illegally employed.

The inspection of establishments to discover illegal employment aids both in finding children who have come into the State and gone to work illegally without having been enrolled in any school and in locating children who have somehow escaped the follow-up system of the truancy authorities. Inspectors of the industrial commission are mainly relied upon for this work. Local attendance officers have the same right as inspectors to enter, at all reasonable times, establishments in which children are employed in order to examine the permits on file and the lists and registers of children employed. Although some of the attendance officers exercise this right, they do not prosecute in case they discover a violation, but report the employer to the industrial commission. They sometimes locate a child who should be in school, however, and prevent further violation of the child-labor law by prosecuting the parents for failing to have the child attend school and for allowing him to work illegally.

Penalties for violation of the child-labor law fall upon both the employer and the parent, and penalties for violation of the compulsory school-attendance law upon the parent alone. An employer who fails to have registers and lists of children open for inspection or permits on file, who refuses admittance to officers empowered to inspect, or who violates any of the other provisions of the child-labor law is liable for each offense to a penalty of not less than $10 nor more than $200 or to imprisonment for not longer than 30 days.[9] A parent who fails to keep his child in school is liable for each offense

[9] Statutes, ch. 83, secs. 1728c–1.4, 1728h.1, 1728o–2.3. For the text of these sections, see pp. 139, 141, 142.

to a fine ranging from $5 to $50, together with costs, or to imprisonment for not longer than three months, or to both the fine and imprisonment.[10] A parent who allows his child to be employed illegally is liable for each offense to a penalty ranging from $5 to $25 or to imprisonment for not longer than 30 days.[11]

SCHOOL ATTENDANCE.

Milwaukee.—In Milwaukee the public schools report weekly to the attendance department all children absent from school without legal excuse. Each of the eight attendance officers who do the work of enforcing attendance at the ordinary 6-day school[12] has a regular district and calls once a week at every school, both public and parochial, in his district, in order to get these reports. In addition, any principal may telephone the main office of the attendance department about any special case and an officer is immediately sent out to investigate. The attendance officer examines the record of these calls when he makes his weekly visit. Some attendance officers, indeed, require daily reports from their principals.

Parochial and private schools are not compelled by law to report absentees to the attendance department, but they are visited by the attendance officers as often as are public schools and are furnished with all the forms necessary for reporting. Several parochial schools also report on their own initiative.[13]

The weekly report which public-school principals make to the attendance officer is in the form of a journal and summarizes the daily reports which individual teachers make of every absent child. The officer takes this journal on his round of visits to the homes and records in the column provided for that purpose the results of each investigation. He notifies the principal by post card of these results and sends the journal to the main office of the attendance department. If no one is at home when he calls or if, because the absentee is a first offender, no call is considered necessary, the officer sends a notice to the parents reminding them to send their child to school. A duplicate of this notice is sent to the principal and is used by her to report to the attendance department if the child returns to school immediately or if the cause of absence is explained satisfactorily.

If the notice or the visit of the attendance officer is ineffective, a more urgent notice is sent in a few days instructing the parent to

[10] Statutes, ch. 40, sec. 40.73(1). For the text of this section, see pp. 129–130.

[11] Statutes, ch. 83, sec. 1728i. For the text of this section, see p. 141.

[12] One of the nine assistants to the supervisor of attendance is engaged in enforcing continuation-school attendance.

[13] An amendment to the law passed in 1919 requires parochial and private schools to report absences and keep records in exactly the same way as public schools. Laws of 1919, ch. 665.

call at the main office of the attendance department and explain the child's absence. The duplicate of this second notice is kept in the main office until the parent appears. Then, if nothing else needs to be done, it is sent to the principal with the necessary information; otherwise, it is given to the attendance officer. If this second notice is also unheeded, either a sharp letter repeating the former request is sent after a few days to the parent, or an officer visits the home. In case the child does not then return to school or the parent does not appear and explain the absence satisfactorily, court procedure may be instituted. Under some circumstances a truant, after returning to school, is required to report at frequent intervals at the main office of the attendance department.

A child absent because of sickness and needing dispensary treatment or a doctor's care, or one about whose physical condition the officer is in doubt, is referred to the school physician. A child who does not report for treatment as ordered, or who does not return to school after having been pronounced in fit condition by the school physician, is followed up by the attendance department.

A child with a vacation permit, if reported absent by the principal in the fall, is followed up like any other absentee.

Absentees are sometimes reported to the office of the attendance department from other sources than principals, and, if it is found necessary to send an officer out on such cases, a duplicate copy of the complaint is kept in the office until his report comes in.

The only office record of first offenders or of cases settled satisfactorily is the journal, but a separate card record shows the history of each case of willful truancy or parental neglect.

A system of transfers is in use between all public schools, but not between public and parochial schools. When a public-school child wishes to transfer to either a public or a parochial school he is given a transfer notice to take to his new principal; a transfer card showing the school record and a physical record card are mailed to the principal of the school to which he is going; and his name is dropped from the rolls. If the child does not enter the second school within a few days he is reported to the attendance officer in the weekly report of the principal of the second school. When a child transfers from a parochial to a public school his principal sometimes notifies the public school and sends the child's record card. But this form of report is not always sent, and the child is usually treated like a new pupil and placed in the grade for which he seems best fitted. Transfers between parochial schools become known only through the examination of the registers by the attendance officers on their weekly visits.

No reports of entrances, withdrawals, or absences are made by principals to the city superintendent of schools.

During the school year 1916–17 the attendance department made 35,648 investigations of reported cases of absence from both common and vocational schools. Of these, 591 were cases of willful truancy—less than during any previous year—and 34 children were found working without permits and were referred to the industrial commission. In January, 1918, the department handled 2,889 cases of irregular attendance.

Other cities.—Daily reporting of absences to the attendance officer by the public schools is the practice in the other cities visited. The attendance officer investigates each case and, except in Green Bay, generally reports the results to the principal but receives no return report. In Green Bay the attendance officer merely notifies the child to return to school and assumes, if he is not reported absent again, that he has done so.

In each of these cities except Green Bay and La Crosse the attendance officer visits all schools regularly. In Kenosha, Sheboygan, Marinette, Madison, and La Crosse he examines the registers of all schools, public and parochial alike; in Green Bay he examines no registers; and in Oshkosh only those of the parochial schools.

The cooperation of parochial schools in reporting absences is fairly good in the smaller cities of the State, but such cooperation is purely voluntary and can not be depended upon. The State superintendent of public instruction asks for annual reports of the ages and attendance of children enrolled in parochial schools, and some reports of absences are made to the county superintendent.

In all the smaller cities visited, except Sheboygan, a child who has received a vacation permit is followed up only if the principal reports him absent in the fall. In Sheboygan, in addition to this report, the director of the vocational school, who is the permit-issuing officer, makes out a list of all children whose vacation permits have not been returned, and the truant officer investigates those who do not return to school voluntarily.

The method of transferring children from one public school to another varies with the community, but in general one of two plans is followed—the first depending on reports between individual schools, and the second involving the notification of the superintendent's office, where the responsibility for the transfer is assumed. Under the first plan, in Kenosha, Sheboygan, Green Bay, and La Crosse, a child takes his transfer and record cards to the new school and the first school telephones the second that he is coming. If he does not appear within a reasonable time the principal of the second school notifies the truant officer. In Oshkosh the child's records are mailed to the new school instead of being sent by the child. The second plan is followed in Madison and Marinette. In Madison

telephone notification that a child is transferring is used by the principals, but, in addition, the child must go to the superintendent's office with three transfer cards. The superintendent signs all three—places one on file, keeps one for the truant officer, and gives one to the child to take to the new school. The truant officer later ascertains whether or not the child reports. In Marinette the child goes to the superintendent's office and is given a transfer card to take to the new school. The principal of the second school is notified by telephone that he is coming, and if he does not appear the principal notifies the superintendent's office.

In transferring from a public to a parochial school a child in Marinette or Madison follows the same course as though going to another public school. In Green Bay, Oshkosh, and La Crosse he leaves the public and enters the parochial school without any notification and, when reported as an absentee from the public school, is located by the truant officer; in Kenosha the parochial school is notified by the public-school principal of the child's coming; and in Sheboygan the attendance officer is notified of the transfer so that he can ascertain whether the child enters the parochial school.

When a child goes from a parochial to a public school the practice again varies. In Kenosha, Sheboygan, Green Bay, and La Crosse no notice is sent. In Marinette, Oshkosh, and Madison a child must present a card showing his grade in the parochial school before he is enrolled in the public school. In Oshkosh he may get this card from either his former school or the superintendent of public schools, and in Madison and Marinette he must go to the superintendent's office and receive an entrance card before a principal is allowed to take him.

Transfers from one parochial school to another are not reported to the attendance officer in any of the smaller cities visited.

Records of cases investigated are kept by truant officers in all places. The most complete are in Madison, Kenosha, and Marinette, where card systems have been installed in the offices of the superintendents of schools.

Reports of entrances, withdrawals, and absences are made monthly to the superintendent of schools by the public-school principals in all the smaller cities visited except Green Bay. In Oshkosh and Sheboygan the parochial schools make the same reports. Thus a check can be maintained over the movements of an enrolled child and he can not easily drop out of school without being accounted for. In Green Bay the vocational school director has attempted to secure such reports for children 14 years of age and over, but they are not sent in regularly.

A teacher of a district school reports monthly to the county superintendent every absence which is unexplained. The county superintendent in turn reports to the sheriff (who is also the attendance officer), and the latter serves notice on the parents to send their child to school and notifies the teacher that he has served the notice. The teacher reports to the sheriff whether or not the child returns to school.

Until June, 1917, the attendance officers and county superintendents also sent monthly reports of absent children to the main office of the industrial commission, which cooperated in stubborn cases by corresponding with parents. In 1913, however, the legislature had changed the law requiring the commission to enforce the compulsory school-attendance laws by adding the condition "in so far as not otherwise provided by statute." As the enforcement of these laws was provided for in other ways, the commission soon began to find its authority very shadowy and, although for a time it endeavored to keep some degree of control over truant officers, its efforts in this field were entirely abandoned in 1917. Even during the school year 1916–17 the commission did not act in many of the cases reported, as it had no funds for the work.

During the year ended June 30, 1915, some six thousand cases of irregular attendance outside the cities were reported to sheriffs and county superintendents and by them to the industrial commission. This number represents, however, only part of the cases of irregular attendance, as only habitual truants were reported to the commission.

Immigrant children.—Names and prospective addresses of newly arriving immigrant children under 16 years of age are sent from time to time to the office of the superintendent of schools in Milwaukee by United States immigration officials at different ports, and the children are followed up as are others reported to the office. Occasionally such children are reported to the superintendents of schools in the smaller cities.

APPLICANTS FOR PERMITS.

A child between 14 and 16 years of age who has applied for a permit, but who, for some reason, has been delayed in getting it, is carefully followed up in some places to see that he returns to school; but in others, unless he is reported by his school principal as an absentee, no attention is paid to him. A child between 16 and 17, on the other hand, can not be made to attend the common schools even if he can not secure a permit and is therefore not followed up in any city visited, except that, where the director of the vocational school issues permits, such a child is told that he must attend voca-

tional school, and if he does not do so is usually reported to the truant officer.

Milwaukee.—Upon being granted a school certificate in Milwaukee a child is supposed to go directly to the office of the industrial commission and present it to the permit officer, together with the other papers necessary for a permit. The principal is instructed to drop the child's name from the rolls immediately, and to report the granting of the certificate in his weekly report to the attendance department. During the procedure of securing a permit the child registers in the vocational school and is required to fill in a "Permit O. K." card on which is recorded his name, the date, the name of the school left, and the date of leaving school. These cards are sent daily by the vocational-school clerk to the office of the attendance department, where they are placed in the box of the proper attendance officer, who then checks them against the names of children reported in the weekly journals from his schools as having received school certificates. A child for whom no "Permit O. K." card is found—that is, one who has not secured a permit—is followed up like any other absentee. If he has been absent while attempting to get a permit, his name is reentered on the school rolls and all absences are counted against him. Because he has secured his promise of employment and in most cases also his evidence of age before applying for his school certificate and has, therefore, no reason for delay, a child usually applies for a permit as soon as he receives his certificate. Many children were interviewed as to this, and it was found that in every case the child had received his school certificate only a day or two previous to his application for a permit.

It does not follow, however, that they secured the certificates at the time of leaving school. Children sometimes present school certificates of recent date but when questioned state that they left school weeks or months previously and returned only to secure their certificates. The records of the vocational school show the dates when each child who is enrolled actually left school and when he received his permit; many of these records, chosen at random, were examined, and some showed long periods of absence from school, varying from a month to a year, before the permits were granted. The records include both public and parochial school children, and it should be noted that such lapses of attendance were much more common among children from parochial schools than among those from public schools. When these children were looked up in the records of the attendance department it was found, moreover, that no report had been made of many of those who had left the parochial school several months before they secured permits. One 15-year-old boy, who applied in January with a school certificate dated a few

days previous to his application, said that he had not been in school since September, although the attendance officer had visited his house. A 14-year-old girl who had been graduated from the eighth grade in June applied for a permit in the following January with a school certificate dated January. She had been in business college for two months and had then worked two months without a permit and without attending vocational school. No attendance officer had visited her.

In addition to the daily reports from the vocational school of children granted permits, the attendance department receives from the office of the industrial commission monthly reports of those who have been refused permits. The Milwaukee office of the commission frequently reports also to the school authorities in the adjoining towns where they live children living in these towns who have been refused permits in Milwaukee.

Other cities.—In the smaller cities lapses of attendance between receiving a school certificate and obtaining a permit, or between leaving school and obtaining a school certificate, are not so likely to occur, because in a small community a child working without a permit or staying away from school can more easily be detected. Granting a school certificate is usually regarded as an immediate preliminary to the issuance of a permit, and, as in Milwaukee, school authorities drop at once from their registers children who have received certificates.

In all places visited, however, except Green Bay and La Crosse, some central office is notified both of the granting of a school certificate and of the result of an application for a permit. In Kenosha and Marinette it is the superintendent's office; in Sheboygan, Madison, and Oshkosh, the office of the director of the vocational school. But only in Madison and Sheboygan is the attendance officer notified when a child applies for a permit and does not secure it. In these cities the name of every applicant refused, whether he has attended school in the city or elsewhere, is recorded at the office of the vocational school and weekly reports of these refusals are made to the attendance officer.

VOCATIONAL-SCHOOL ATTENDANCE.

The laws relating to compulsory education make it obligatory upon the local attendance officers to enforce school attendance of all children between 7 and 16 years of age who are not specifically exempt from such attendance. As the child-labor law provides for the attendance at vocational schools of an employed child between 14 and 16 years of age for eight hours per week, that school is authorized to call upon these officers to enforce the attendance of every child up to 16

years of age.[14] To strengthen this provision the legislature of 1917 provided in addition that an attendance officer must enforce the attendance of any child unlawfully and habitually absent from an elementary, vocational, or other school which he is compelled to attend; and, as every child between 16 and 17 must attend vocational school unless in regular attendance at elementary or high school or receiving equivalent instruction elsewhere, these officers must also enforce the attendance of these older children at the vocational school.[15]

Attendance officers, it is true, have local supervision only and are not empowered to go outside of their districts to enforce attendance of children. This situation, however, has given little trouble because the vocational-school directors enforce attendance chiefly through requiring the making up of absences.

Attendance at vocational schools is enforced largely by the method of "calling in" or "revoking" a child's permit when he has been absent a certain number of times and keeping it until he has made up the absences. In addition, if a child whose absences are not made up applies for a subsequent permit, he is required to make them up before he can secure a permit for his new position.

The director of the school makes his own regulations regarding the enforcement of attendance; the actual work is done usually by a clerk who, when it seems best, refers cases to the attendance officer. In all the cities visited outside Milwaukee such special cases are referred directly to the chief attendance officer of the city. In Milwaukee one attendance officer has been assigned solely to the enforcement of vocational-school attendance, and he not only keeps a constant check on children who should make up absences, but also visits the homes of truants.

At first the vocational schools reported the child's attendance at regular intervals to the employers. This plan has been abandoned in Milwaukee, Marinette, La Crosse, Kenosha, and Green Bay, as employers did not cooperate fully and it entailed considerable work and postage. In Sheboygan monthly reports are still sent to employers; while in Oshkosh the child is given an attendance ticket each time he is present, which he keeps and shows to his employer if he chooses or if the employer wishes to see it. In Milwaukee, too, each child has a record of his own attendance.

Attendance of apprentices is enforced automatically through the penalty of three hours less pay for every hour of absence without good cause,[16] and the only work done by the schools to enforce such attendance is to notify the employer of the absence or presence of an apprentice.

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[14] Statutes, ch. 40, sec. 40.73(1). For the text of this section, see pp. 129–130.
[15] Statutes, ch. 40, sec. 40.74(1). For the text of this section, see p. 130.
[16] Statutes, ch. 110, sec. 2377.6. For the text of this section, see p. 143.

Enforcement of attendance at vocational school may be treated under two headings: (1) Locating children who should attend the school, and (2) keeping them in school regularly.

Locating children.—A child for whom a permit is granted can be located with comparative ease by the vocational school because the signature of the vocational-school director must appear on the permit.[17] This means in most cities that the child must take his permit to the director to be signed before it is sent or taken to the employer. In Milwaukee, as already stated, every child, during the procedure of securing a permit, must actually register[18] in the vocational school. And, in addition, a clerk from the vocational school goes every morning to the office of the industrial commission to inspect the lists of names of children whose permits have been returned and of those who have secured subsequent permits. These names are checked with the records in the vocational school to enable the school authorities to know not only the exact status of every child who is already registered, but also where to find him. In the 10 cities of the State where the vocational-school director is also the issuing officer, the children are registered in the schools at the time the permits are issued.

Considerable difficulty is found in locating children between 14 and 17 years of age who are neither legally employed nor attending any other school, but who are required by law to attend vocational school. In Milwaukee the attendance officers examine the school registers in the fall and every child between 14 and 17 years of age who was graduated from grammar school the previous June and is not then registered in any school is notified to attend vocational school. The officers also secure (from as many schools as they have time) the names of all children between these ages who have left school and send a notice to each one to attend. The name of the child notified is sent to the vocational school and if he does not respond a second notice[19] is sent from the school telling him when to report and stating, in brief, the provisions of the law. Nevertheless, according to the supervisor of attendance, it has been impossible to find all the children who should attend.

In each of the smaller cities visited the school census list is used by the vocational school to locate these "other children" and notices to attend are sent them. In Kenosha a personal letter instead of a notice is sent to the child. Some children between 14 and 17 have been located with comparative ease in this way. The attendance officers are called upon to enforce their attendance. In Green Bay, in addition to checking the names on the census list, the director

[17] Statutes, ch. 83, sec. 1728a–3.1. For the text of this section, see p. 136.

[18] Form 8, p. 154. The blanks for boys and girls differ slightly for convenience in filing.

[19] Form 10, p. 156.

secures in the fall, from the principals of the two high schools of the city, the names of all children between 14 and 17 years of age who have left school. These names are also sent to him at different times of the year by the principals of both high and elementary schools, and notices to attend are sent to the children. By these means practically every child who should attend vocational school has been located. In Madison, Marinette, and Oshkosh no special effort except the sending of notices to children discovered through the school census has been made to secure the attendance of these "other" children, and it was conceded that many of them were not in the vocational schools.

Keeping children in school—Milwaukee.—Early assignment to classes is one of the greatest aids in enforcing attendance, but such assignment has not always been possible in Milwaukee. For some time after the school was organized in 1912, assignments were often delayed several weeks, during which time a child was not followed up and often changed positions, moved, or became unemployed. During the years 1915–16 and 1916–17, when the school had facilities to accommodate them, children were usually assigned a few days after registration. But since September, 1917, the school has not been able to accommodate the large numbers of children required to attend, and as a result, although girls were assigned in two or three weeks, boys, in order that places may be made for them in the classes they elect to enter, are often not assigned for months after registration.

In February, 1918, the clerk in the main office went through the files and reported to the attendance department the children who had not been assigned since the previous fall. At that time about 350 boys and 143 girls, or a total of 493 children, were summoned to classes. No boys had been assigned since November 30, 1917, but the girls included only those who had registered during the previous two weeks. Of the number called in, 200 boys and 85 girls, or a total of 285 children, failed to report on the day designated. A large number of these sent legal reasons for their failure, but those neither reporting nor giving legal reasons were notified and were followed up as soon as possible by the attendance officer.

Three records are made in the vocational-school office of a child's attendance and employment; one on the original registration card;[20] another on an identification card[21] on which is kept a permanent, continuous record of the child's attendance at school and of his places of employment; and another on an employment card which gives a list of the child's places of employment with the names of his employers and the dates of employment. An attempt is made to keep

[20] Form 8, p. 154. [21] Form 5 both face and reverse, p. 153.

these records up to date, and, as the employment card is filed under the name of the present employer, it is usually possible to ascertain the children working for any employer in the city. The teachers also keep daily records of all children present, absent, or attending to make up previous absences, and every noon and evening they turn into the main office a report of each child's attendance during the preceding session. This report is used by the attendance officer in following up absentees.

In addition to the records kept in the vocational school, a record of attendance is given to the child. This plan was devised to avoid complaints by a parent, employer, or child that credit was not always given for attendance. The child presents his card to the teacher each time he is present to have his attendance noted. He thus becomes responsible for securing his own credit. Except for the occasional failure of a child to present his card, this system of duplicate records is very satisfactory.

The chief method of enforcing the regular attendance of a child who is working on a permit is to compel him, on penalty of losing his permit, to make up all absences, legal or illegal, even though he may have made satisfactory explanation beforehand and been excused from attendance. Absences must usually be made up at once, but, in some cases, if the child is liable to lose his job or be otherwise seriously inconvenienced, he is allowed to make them up later. After the first absence a card [22] is sent by the school attendance officer to the parent requesting him to have the child return to school at once, and informing him that if he does not do so the permit will be revoked. A similar card [23] is also sent to the employer. After the second absence no notification is sent, but if the child is absent a third time without having made up either of his previous absences, unless he is ill, his permit is "called in"—i. e., the employer is notified to send his permit to the office of the vocational school. At the same time the child is notified [24] that his permit has been revoked and that he must report at the vocational school at a specified time. If the employer fails to send in the permit an attendance officer goes to the establishment and gets it, and if the child does not report at the school he is followed up like an unemployed child. If the child expects to return to the same employer, the permit is retained at the vocational school until after he has received full credit for absences; if he loses his position because of the calling in of the permit, it is returned to the industrial commission. During January, 1918, 220 children had their permits "called in."

This procedure is usually called "revoking a permit," but can not legally be thus regarded, as the child-labor law gives power of revo-

[22] Form 11, p. 156. [23] Form 12, p. 156. [24] Form 13, p. 156.

cation only to the industrial commission, which can revoke only when the permit has been illegally issued or when the child's physical or moral welfare may be best served by the revocation.[25]

Though the other children who are required to attend vocational school are also expected to make up all absences, it is more difficult to force them to do so as they have no permits which can be revoked. The only method of enforcing their attendance is constant following up by the attendance officer.

A child who is obliged to make up absences is given a credit slip at the main office to take to the teacher. When he has made up the absences he signs this slip, which has been filled in by the teacher, and is instructed to take it back to the main office to have the entry of his credits made on his permanent record. He may then take the slip to his employer to show that he has made up all his absences. If his permit has not been revoked this ends the procedure. But if it has been revoked the main office of the vocational school, after entering the credits on the child's record, mails the permit to the employer. Occasionally, however, the child fails to report to the main office but takes the slip directly from the class to his employer. This causes trouble later in straightening out his record, and in case his permit has been revoked it may cause even more serious trouble, for the employer may accept the credit slip believing it to mean that the child is entitled to return to work and put him to work without a permit. This has happened sometimes in Milwaukee and is not always quickly discovered either by the vocational school or by the industrial commission.

During a representative week of the school year 1917–18 there were 7,954 children "actually belonging"[26] to the vocational school in Milwaukee, 4,394 of them girls and 3,560 boys; and during that week 6,723, or 85 per cent, of these children were present. In addition, 506 absences were made up by an unknown number of children, all of them included in the 6,723 children present.[27] On account of stricter enforcement a steady decrease in percentage of absence oc-

[25] Statutes, ch. 83, sec. 1728e.3. For the text of this section, see p. 140.

[26] "Actually belonging" is a phrase applied to the children amenable at any one time to the law compelling attendance at vocational school. It does not, therefore, include children who have become 17 or those who may have moved from the city but have once been enrolled. It is not the same as "enrollment," which includes all those who have registered in the school since the beginning of any school year and which therefore steadily increases. The number "actually belonging" varies from day to day and from week to week, and in any given day or week may be less or greater than during a preceding day or week.

[27] In computing attendance at the vocational school, the number of credits is added to the number of children present and the percentage of attendance figured on this total number. For instance, in the week mentioned, with 7,954 children "actually belonging," the 506 absences which were being made up were added to the 6,723 children who were in attendance, thus making a total attendance of 7,229, or 91 per cent of the children "actually belonging."

curred after the first of the year 1918, and in each week of this year it was less than in the same week of the preceding year.

Keeping children in school—Other cities.—In the other places visited every child is assigned to his class in the vocational school at the time the director is notified of the issuance of the permit.

Compelling a child to make up absences is used as a method of enforcement in all these cities except Marinette. All absences, whether legal or not, must be made up in Sheboygan, Madison, and Green Bay, all except those caused by sickness in Kenosha and Oshkosh, and nearly all in La Crosse. Only in Kenosha and Green Bay, however, do the directors of the vocational schools attempt to enforce attendance without some assistance from the attendance officers. In Kenosha it has proved sufficient in most cases, even when a child has been absent from two or more sessions, to require an explanation upon his return to school, and to tell him that the absence, if not due to sickness, must be made up. In Green Bay an absent child is notified by telephone that he must return to school, and if he does not respond to this informal notice he is sent the legal notice furnished by the industrial commission to all schools. If he still fails to respond, a teacher or the clerk makes a personal call at his home. In all the other cities visited cases of absence are reported to the local attendance officer—in Sheboygan and Marinette immediately, in Oshkosh usually not until the child has been absent twice, in Madison on Friday of every week, and in La Crosse, if a first absence, only after the continuation-school clerk has telephoned, if possible, to the child and in most cases has visited the home or the place of employment.

In the smaller places visited it has seldom been necessary to "revoke" a permit, though this has been done in a few cases in Kenosha and Oshkosh and once in Marinette. In Kenosha the permit is kept by the superintendent of schools, at the request of the director, until the child has made up the absences, when it is reissued. In Oshkosh and Marinette, revocation of a permit has occurred only when the child has refused to attend school or the parent has refused to send him. One girl in Oshkosh would not attend vocational school, and when the truant officer called at her home her mother refused to send her. The officer then instructed the employer to send the girl to school when she came to work. The next day, however, she did not return to work, and the officer telephoned for the permit. In a few days the girl went back, but her permit was not at the factory, nor was it reissued until her mother agreed to send her to the vocational school.

The vocational-school authorities in Marinette, which is near the Michigan line, and in La Crosse, which is near the Minnesota line,

have a situation to meet which is different from that in cities not near a State line. The requirements for going to work are in some respects higher both in Michigan and in Minnesota than they are in Wisconsin. In Michigan a child must be 15 years of age before he can secure a permit for work during school hours. In Minnesota he must not only be 14 but have finished the eighth grade, and this high educational requirement in effect raises the age limit for most children. Vocational schools, however, are not maintained in either Michigan or Minnesota, and children of working age, once they have secured permission to work, are not compelled to attend any school whatever. Many children between 14 and 17 living in Marinette, work in Menominee, Mich., and they are all required to secure Wisconsin permits and attend vocational school in Marinette. Their employers in Menominee regularly allow them time off for school attendance, as otherwise, according to the director of the vocational school, their permits would be revoked. Very few Menominee children work in Marinette, but when one does an attempt is made to secure his attendance at vocational school. A Menominee child between 16 and 17 is not allowed to work in Marinette because he can not secure a Michigan permit after he is 16 years of age, and the judge, who is the issuing officer in Marinette, holds that he can not legally issue a Wisconsin permit to a child who lives in Michigan.[28]

In La Crosse just the opposite condition and the opposite policy as to issuing permits to children from outside Wisconsin are met. In the first place no child from La Crosse has been known to go to work in Crescent City, across the State line in Minnesota, but occasionally one from Crescent City comes to La Crosse to work because he can get employment more easily in La Crosse, and possibly also because the Wisconsin educational requirements for a permit are lower than those of Minnesota. One Minnesota boy, for example, had secured a permit in La Crosse when he was 14, and, at the time of this study, had worked there for more than two years attending vocational school regularly.

SCHOOL CENSUS.

The primary purpose of the school census in Wisconsin is to serve as a basis for apportioning State funds to school districts. In addition, it is the only systematic means by which the school authorities can locate either a child who has just become of school age or one

[28] This method of issuing permits in Marinette was not in accordance with the instructions of the commission and has not been followed since the time of this study. Permits are not issued in Marinette to children working in Michigan, but a child living in Michigan and working in Wisconsin receives a permit under the same terms as a child living in Wisconsin.

who has entered Wisconsin from another State or from a foreign country and fails to enroll in any school.

According to the law this census must be taken, except in first-class cities, annually between July 10 and 25, and the results reported to the county or city superintendent as of the date of June 30. In Milwaukee (the only first-class city) it must be taken between March 1 and June 1, and the results reported as of May 30. This provision for an earlier enumeration in Milwaukee was made in 1917 because many children were out of the city during the summer months.

Although the clerk of the board of education has the responsibility of seeing that the census is taken, the actual work is done by various officials. In Milwaukee and Marinette it is taken under the direction of the secretary of the board of school directors; in the other cities it is under the direction of the superintendent of schools. Hired enumerators are used in Milwaukee, Marinette, and Kenosha; the principals of several of the schools in Oshkosh, La Crosse, and Sheboygan; and the attendance officer in Green Bay and Madison.

The census must give the names and ages of all children between 4 and 20 years of age, the names and addresses of the persons in parental relation to them, and the number of days school has been taught in the different school districts. It must also show the number of children under 4 and over 20 years of age attending school, and give information relating to teachers and wages, and any other facts which the State superintendent of public instruction may require. Blank forms for the census are provided by the State superintendent.

Because of the use of these returns in most places as an aid in the enforcement of school attendance, considerable care is generally taken to secure lists which can be used as an accurate check on the enrollment of the schools. In Milwaukee, at the time of this study, they had not been so used, but it was expected that the earlier enumeration provided for in the law of 1917 would remove the difficulties in the way. And in all the other cities visited the returns of the census are regularly compared with the registration lists in September. In La Crosse, in addition to being checked with the school registers, the census returns of each year are compared with previous census records. In Marinette, after the census is received in the fall, a meeting of the public-school principals is called and the census list is compared with their enrollment lists. The name of every child of school age not located in the public schools is given to the attendance officer.

These returns are also used extensively by vocational-school authorities in locating children between 14 and 17 who should legally attend vocational school but who are not working on permits and hence are not automatically registered in the school. In Green Bay,

for example, the clerk of the vocational school checks up these children twice a year. She takes the census list to the different elementary and high schools and checks it against the names of children who have graduated or who have dropped out of school since the previous check. All children between 14 and 17 who are not attending some other school are notified to enroll in a vocational school.

In addition, the census record of age is referred to by all the issuing officers visited, except the judge in Marinette, for the purpose of corroborating a child's or parent's statement of age when a birth or baptismal certificate or one of the other specified documents can not be obtained.

UNEMPLOYED CHILDREN.

Whenever a child between 14 and 16 to whom a regular child-labor permit has been granted is out of work, he becomes subject to the law requiring attendance at the common schools, just as if he had never been employed. The provisions of the child-labor law requiring an employer to send to the issuing office a statement that a child has actually started to work for him, and to return the permit to the issuing office when a child leaves his employ, were devised to aid in returning these children to school.

But the use of the statement of employment, as already stated, was abandoned by a ruling of the industrial commission in October, 1917, and thereafter the promise of employment furnished the only evidence that the child had actually gone to work. For the return of a permit the time given in the law is 24 hours after the termination of a child's employment, and an employer is liable to a suit brought by the child's representative and a fine of $2, payable to the child, for each day that he withholds it unlawfully.[29] This is, however, a short period to allow for the purpose, and most issuing officers do not complain of an employer who returns a permit within two or three days after a child has left.

In none of the common schools, either public or parochial, is any special provision made for the unemployed child. The curriculum is not adapted to him and the teachers do not welcome him. Such a child, therefore, unless he has been out of school for only a short time, seldom returns to a regular day school. The vocational schools, on the other hand, because of their varied and flexible courses, can easily be adapted to meet his needs, and, as vocational schools have been established in nearly all the cities where any large numbers of children work, the provisions of the compulsory attendance law relating to unemployed children seem, in these cities at least, to be comparatively easy of enforcement.

[29] Statutes, ch. 83, sec. 1728h.4. For the text of this section, see p. 141.

Milwaukee.—Employers return permits with a fair degree of promptness in Milwaukee, because a new permit is not issued until the former one is returned. Usually, therefore, the fact that a child is unemployed is known to the vocational school when the clerk checks up every morning the list of returned permits at the office of the industrial commission. The child's card at the vocational-school office is then removed from the employer's file and put in that for unemployed children. An unemployed child is not required to attend vocational school more frequently or for longer hours than an employed child, but his attendance has to be enforced by somewhat different methods. If he fails to attend the required one-half day a week the case is investigated by the attendance officer. If it is found that he has returned to a regular day school, where he is always required to attend every day, nothing more is done; if not, the attendance officer follows him up as he would any other nonworking child who is obliged by law to attend continuation school. Before he is allowed to return to work the child must make up all absences.

In 1915 an effort was made to compel unemployed children to attend continuation school all day, and a special class, called the all-day industrial class, was organized for them and for any other children who did not fit into the regular permit classes. At that time it was ruled that the unemployed child must attend one-half day five days a week, leaving him the other half day to hunt for a new position. No great effort was ever made, however, to make him attend, for it was found that it was too great a hardship for an unemployed child to pay carfare every day to the business section of the city where the continuation school is located. For a time the board of industrial education hoped to overcome this difficulty by establishing all-day industrial classes in the parts of the city where working children live, but the unemployed children to be served were comparatively few in each district, and finally the constant pressure to find facilities and space for the regular permit children forced the abandonment of the all-day class at the central continuation school.

Other cities.—In Green Bay, Marinette, Madison, and Oshkosh, where, as in Milwaukee, a new permit is not issued until the former one has been returned, employers have gradually learned to return the permits with reasonable promptness. Only in Green Bay, Madison, and Oshkosh, however, is the vocational school notified as soon as a child becomes unemployed. In Green Bay and Madison the vocational-school director is also the issuing officer and, of course, knows when a permit is returned; and in Oshkosh he is notified over the telephone by the attendance officer. In Marinette, on the other hand, the school is not informed when the judge receives back the

permit of a child who is out of work. In the other cities, Sheboygan, Kenosha, and La Crosse, where the new permit is issued regardless of whether or not the old one has been returned, the issuing officer is often not aware that a child is out of employment until application is made for a subsequent permit.

The practice with regard to school attendance of an unemployed child differs in the various communities. In all the smaller cities visited, however, he must attend at least as often as the employed child, and in Green Bay for six hours a day five days a week. In Sheboygan, Kenosha, and La Crosse some unemployed children attend every day. Special classes for unemployed boys and girls are maintained in Green Bay, and for boys only in Sheboygan and Kenosha. In La Crosse, as instruction is largely individual, unemployed boys and girls are placed in the regular classes for permit children. In Sheboygan only is an unemployed child required to make up all absences before he is allowed to go back to work.

At the time of this study 20 boys and 28 girls were in the all-day industrial class in Green Bay; 3 boys in Sheboygan; and 7 boys in Kenosha. Four unemployed children were attending school all day in La Crosse.

In the remaining cities—Madison, Oshkosh, and Marinette—an unemployed child must attend school one-half day a week exactly as if he were employed. In Madison, although he may enter the all-day industrial class which is made up largely of adults, he usually attends instead the regular class for permit children once a week. In Oshkosh, at one time, an all-day industrial class for unemployed boys was maintained, but it was abandoned because of lack of accommodations. In Marinette, as in Madison, although there are all-day classes which the unemployed child may attend, he is not compelled to go to school more than one-half day a week.

INSPECTION.

The procedure followed by the different inspectors of the industrial commission is not uniform, but is governed by the purpose of the inspector's visit, the size of the establishment, and the kind of records kept. The inspectors in the woman's department make regular inspections for child labor only in establishments employing considerable numbers of children, but the other inspectors look into the child-labor situation in establishments which they visit in connection with the enforcement of other laws.

In a regular inspection the procedure as regards children is as follows: The inspector usually goes first to the office of the establishment, where he carefully examines every permit on file and makes

a list of the names and ages of the children. He then visits the workrooms, usually accompanied by some representative of the employer. During this visit he interviews each child for whom a permit was found on file—unless a great many children are employed—regarding his hours of labor, his hours of attendance at vocational school, and in some cases the character of work he is doing in the establishment. Unless violations are suspected a child is not questioned in detail about his hours of labor, but the posted notice of hours required by law, or the record of hours furnished by a time clock or a time sheet, is accepted as evidence.

If the inspector sees on his rounds a child who appears to him to be under 17 years of age, but whose name he has not found in the permit files in the office, he interviews this child also, obtaining from him his name and address, the date and place of his birth, the name of the school he attended, and other information which might aid in ascertaining his exact age. Sometimes the inspector is able to secure evidence of such a child's age from the employer's records. Otherwise he examines later the permit records in the local issuing office to see whether the child had ever held a permit and, if so, what age was given; and if he can discover no record there he attempts to find other evidence.

When violations are discovered the inspector secures more information. Whether the violation involves hours, failure to have a permit on file, or employment of a child in a prohibited occupation, the inspector secures from the child a detailed account of its character and circumstances. At the end of his tour of inspection he takes up all violations with the employer or some employee designated to take care of such matters.

If a child is found to be under legal working age, he is told to go back to school and the employer is ordered to discharge him at once. But no systematic plan is followed in reporting such a case to the local school authorities, and the inspector has no way of knowing that the child actually does return to school.

Report is made of all cases of violation, and usually, unless the employer is a repeated offender, a subsequent inspection follows soon afterwards to ascertain whether the violation has ceased. If the employer is a repeated offender, prosecution is recommended.

An inspector sometimes makes his tour of an establishment before going to the office. In that case he asks every child who appears to be under 17 years of age for his name and age and whether he has a permit on file, and also, in case the child appears to be under 16, for information regarding his hours of labor. Then, when the tour is finished, he compares the permits on file with the information he has obtained.

An inspector seldom takes the permits with him on his tour of an establishment. Neither the description of the child on the permit nor his signature is therefore of any aid in identification.

In making an inspection of an establishment against which a complaint has been made, the inspector, upon visiting the office, usually asks to see the particular child mentioned in the complaint, or to visit the department in which the child is working or in which the violation is said to exist. If the complaint is found to be valid, the employer and child are dealt with exactly as if the violation were discovered in the course of a regular inspection. In such a case the inspection is usually made solely with regard to the specific violation of which complaint has been made.

In a general inspection for the enforcement of all laws applying to an establishment, the detection of illegal child labor, as described above, is only a small part of the inspector's duties. In addition, he has to inquire into hours of labor and character of work of women employees, safeguards on machinery, sanitation, protection from fire, and other matters.

The inspector records information secured during his tour of an establishment on a general inspection card which shows the kind of inspection made and the general observance of the laws to which the employer is amenable. He keeps duplicate copies of these cards and sends once a week the originals, together with a report of his work, to the industrial commission at Madison. In cases requiring special action or immediate attention on the part of the commission, reports are sent oftener. When a violation is found in an establishment the inspector also makes a special report with an accompanying letter describing in detail the character of the violation. This latter report and the letter are both made out in triplicate, one copy for the general office of the industrial commission, one for the employer, and the third for the inspector.

The inspectors of the women's department make out, in addition to the regular inspection card, a separate record [30] containing more detailed and specific information regarding woman and child labor. This record gives information regarding the arrangement of hours of women and children, the occupations of women, and the welfare work of the establishment.

The women's department has also made investigations of the methods of keeping records of permit children in several large industrial establishments and in some cases has introduced systems of record keeping. A marked decrease in illegal employment on obsolete

[30] Form 14, p. 156.

permits, on school certificates, and without permits has been noticeable in the establishments thus studied.

Accident reports furnished the industrial commission form another source of information as to violations of the child-labor laws. As a child injured while illegally employed is entitled to treble compensation, the commission looks into all accidents to children in order to make sure that their rights are protected. Even when the accident is too trivial for the child to be entitled to compensation the employer may be prosecuted for illegal employment.

A provision of the Wisconsin law[31] requires every person, firm, or corporation desiring to employ children under the age of 18 years to file a statement of this fact with the industrial commission in order that a special inspection of the establishment may be made. But in practice few employers send in such statements, and the commission makes no special effort to obtain them since it has through other sources of information, especially through its inspection system and its administration of the workmen's compensation act, practically complete information as to industrial establishments employing any kind of labor.

Methods of dealing with violators of the child-labor law more frequently used than prosecution are (1) summoning employers to show cause before the commission why they should not be prosecuted for violations of the law, and (2) refusal to issue further permits to employers guilty of serious violations. The first method, by bringing the employer before the commission, often produces the desired result without resort to prosecution. First offenders are always dealt with in this manner. The second method, which is frequently used in connection with the first, is sometimes made more effective by the revocation of all outstanding permits reading to the employer who has violated the law. This method of dealing with offenders is said to have been effective in some cases in which all other methods had failed.

The method of prosecution for violation of the child-labor law of Wisconsin may be either by criminal or civil action, according first to the kind of violation and second to whether the violator is a person or a corporation. The industrial commission law, under which the penalty is a forfeiture and the action is therefore civil, is made by one section of the child-labor law a part of the latter so far as not inconsistent with its own provisions. But the child-labor law itself provides that employment in a prohibited occupation or hindering, delaying, or refusing to admit a factory inspector or truant officer is a misdemeanor punishable by a fine of from $10 to $200 or by imprisonment in the county jail for not

[31] Statutes, ch. 83, sec. 1728a–6.2. For the text of this section, see p. 137.

longer than 30 days. At the same time it provides also that when any corporation, "by its agents, officers, or servants," is guilty of such a violation, these penalties may be recovered in action for debt or assumpsit.[32] As a result of these provisions civil action may be brought for any violation of the child-labor law except employing a child in a prohibited occupation or interfering with the work of an inspector; and even in these cases, if the employer is a corporation, the prosecution may be either by criminal or civil action at the option of the State. The only case, therefore, in which criminal action alone can be brought is one in which an individual or firm other than a corporation has employed a child in a prohibited occupation or has interfered with the work of an inspector. Moreover, if the individual has at the same time violated any other provision of the child-labor law—for example, has employed the child without a permit—which is usually the case, a civil suit may be started against him for that violation as well as a criminal suit for employing the child in a prohibited occupation. Even if the employer is a corporation two separate suits under different sections of the statutes may be brought if both the schedule of prohibited employments and some other section of the child-labor law are involved. In short, if a person, firm, or corporation violates both the section relating to prohibited occupations, and some other provision of the child-labor law, two separate actions are possible, first, a civil action for the violation of the other sections, and second, a criminal action in case the employer is a person or firm, or either a criminal or a separate civil action in case the employer is a corporation, for the violation of the prohibited occupation section.

In practice the industrial commission rarely brings criminal action, since civil suits have several advantages. In a civil action the State can fix the amount for which the suit shall be brought, and can summon the employer as an adverse witness and compel him to produce his records,[33] as it could not in a criminal action. Moreover, in a civil action the judge usually instructs the jury what verdict to bring in. If an employer is convicted and can not pay the penalty, a judgment may be entered against him, and if his business is not equal to the amount of the fine he may be imprisoned under a special provision of law which permits imprisonment for debts due the State.[34] Furthermore, if he is not convicted in the lower court, the State can appeal the case to a higher court, a privilege not given the State in a criminal action. In practice, how-

[32] Statutes, ch. 83, secs. 1728a–2 and 1728b–1 and 2. The industrial commission law is ch. 110a, secs. 2394–41 to 2394–70, inclusive; the penalty section is sec. 2394–70.

[33] Under the discovery statute (Statutes, ch. 176, sec. 4096).

[34] Statutes, ch. 142, secs. 3294, 3295, 3300, 3301, 3302.

ever, cases are usually settled out of court, so that the industrial commission practically fixes the amount of the forfeiture.

The report of the industrial commission for the two years ended June 30, 1917, showed that 24 actions, including 85 counts, or 85 separate violations, were brought for violations of the child-labor law during those years. Eight of these, including 10 counts, were against bowling alleys; two, including 13 counts, against drug stores; and one, including 10 counts, against a candy factory. The others were against various other kinds of establishments. A total of $1,190 was forfeited by the 24 establishments.

[35] Report on Allied Functions for the two years ended June 30, 1917, p. 48. Industrial Commission of Wisconsin. Issued Sept. 1, 1917. In the case of one $100 fine the employer had been guilty also of violating the law as to employment of women.

CONCLUSION.

Wisconsin, as stated earlier, has no uniform minimum age for the employment of all children at all times and in all occupations. Nor has she any uniform employment certificate requirement applying to all children of certain ages who desire to go to work in any occupation. Nevertheless, the application of the minimum-age and child-labor permit laws is comparatively clear. The law, without doubt, intends that no children under 14 years of age shall work in any industrial occupation at any time, except children from 12 to 14 years of age in a limited list of occupations in the places of their residence during the regular school vacations. It also intends that all children between 14 and 17 employed in industrial occupations throughout the State, and all of these ages employed in domestic service in places where a vocational school is maintained, shall have permits.

The only important unregulated occupation is agriculture, in which in Wisconsin, with its extensive rural districts, large numbers of children are employed. For these children no supervision of any sort is provided except through the compulsory school-attendance law, and those over 14 may even be exempted from school attendance on the ground that they are "lawfully employed." Children thus permitted to leave school and go to work in agriculture are not only free from any supervision while actually engaged in that work, but, as they are already lost to the school system, they may go later into industrial occupations without the knowledge either of the educational or of the permit-issuing authorities.

The failure to require permits for children engaged in agriculture, and in "useful," but not gainful, "employment or service at home," and to require school attendance of the elementary-school graduate, prevent the permit and the school-attendance laws applicable to the child between 14 and 16 from fitting into each other as closely as they should. Not only should children be required to have permits to engage in any occupation, or, indeed, to remain out of school for any reason, but the compulsory school-attendance law should be extended to cover the graduate child so as to close all loopholes and make the supervision complete.

Although Wisconsin in 1917 extended State control of employed children further than most States by requiring permits up to the age

of 17, yet it still legalizes the employment of children between 12 and 14 during vacation. In most other progressive States children under 14 are not allowed to work at any time because they are believed not to be mature enough to enter any gainful occupation. Moreover, the compulsory school age was not raised to correspond with the permit age but was left at 16, and therefore a child between 16 and 17 years of age who, if at work in an industrial occupation, must have a permit and attend vocational school, escapes from any effective supervision if not at work.

General administration.

The outstanding feature in the administration of the child-labor permit system in Wisconsin is the centralized supervision by the State industrial commission over the enforcement of "all the provisions of the statutes regulating or relative to child labor." Supervision is thus exercised by a single agency over the issuance of child-labor permits and over the inspection of establishments to detect illegal child labor. Moreover, this supervision by the commission is made more effective than similar provisions in most States by the power given the commission to make rules and regulations for carrying out the provisions of the law, and specifically to issue orders governing the evidence of age to be required of minors who apply for labor permits and modifying, after investigation, the schedule of employments prohibited to minors of various ages.

The placing in 1917 of all issuing officers under the direct supervision and control of the commission strengthens the system decidedly. Whether or not the plan of having issuing officers appointed by the supervising authority works better than the more usual one of having certain public officials directed by law both to issue child-labor permits and to be subject in their issuance to the supervision of a designated State office, is not so clear. The corollary to the commission's power to appoint and dismiss issuing officers is their power to resign. They are under no mandate of law to perform these duties. And serious difficulties are met with whenever an experienced permit officer quits and has to be replaced by an inexperienced person unfamiliar with the many details involved. For the work of issuing permits is technical and difficult to learn. Decided assets in its successful performance are experience in handling people and thorough knowledge, coupled with an intelligent interpretation, of the law. Furthermore, it is better for a community to become accustomed to one person in this work. In designating issuing officers, therefore, the commission has had to consider, not only that the person should be one who has the child's welfare uppermost, but that he should be one who is willing to submit to its supervision, who can give the work the necessary time and care, and who is in a position to serve without compensation from the State. As a result the

industrial commission has been forced to move slowly in establishing an effective and uniform system of issuance.

Different kinds of officials have been designated, many of them the same county, municipal, or juvenile court judges who were the issuing officers under the former law, but a large number of them public-school officials. The judges have been reappointed chiefly in small and rural communities. In making suggestions to judges, however, the industrial commission is dealing with officials who, like its own members, are vested with the power of enforcing laws, and who do not always take kindly to supervision. Furthermore, many judges not only fail to cooperate with other agencies interested in the permit child, but also issue permits carelessly and illegally, sometimes with serious results. Public-school officials, on the other hand, especially in the smaller towns, are likely to change more frequently than judges and also often leave town during the summer vacation, when many child-labor permits must be issued. Nevertheless, the school officials are better acquainted than the judges with the needs and interests of the children, and they have been increasingly designated as issuing officers.

Another weakness, not in the law but in its administration, consists in the small degree of attention thus far given by the industrial commission to the details of issuance of permits in places other than those in which its own agents issue them. Practically the only method of supervision used in these places has consisted in sending out written instructions to issuing officers and examining their reports. That this limited supervision has not been entirely effective appears in the variety of methods employed in every office visited and in the toleration of both minor and serious evasions of the law by the issuing officers. The only method by which really effective supervision can be maintained is through traveling supervisors specially trained for the work.

The fact that inspection for violations is in the hands of the same agency as is the issuance of permits strengthens the child-labor laws and makes it possible to enforce them more economically, even though the two functions have not as yet been as closely correlated as they might and should be.

Methods of securing permits.

Even with the supervision of the industrial commission, the requisites for a permit are not uniform throughout the State and in no place studied did the officers comply in every particular with the requirements of the law and the regulations of the commission. In the Milwaukee office of the industrial commission the regulations are fairly well observed. But in the Madison and Sheboygan offices compliance with the legal procedure is more rigid than in any of the other offices visited. This compliance in Madison is to be expected

because comparatively few children are working, and the issuing office is near the main office of the industrial commission and can be supervised easily. Sheboygan, on the other hand, is an industrial city and next to Milwaukee has the largest number of employed children in the State. The fact that its issuing officer can conform strictly to the regulations of the industrial commission shows, therefore, that the regulations are not unreasonable or impractical.

In spite of the lack of similarity between the procedure in the various offices, the process of securing a permit is uniformly difficult for the child. It is more complicated than in most other industrial States primarily because of the requirement of registration at vocational school and because of the power of refusal vested in the issuing officer whenever he believes the best interests of the child would be served thereby. This power means in practice that the issuing officer sometimes delays the procedure until he has ascertained whether the child needs to go to work.

Such delays, however, merely indicate more thorough protection of the child. That the process of obtaining a permit should be simple is of far less importance than that the child should be carefully and fully protected. And it is difficult to see any point at which the procedure itself could be simplified and still sufficiently protect the child. School-certificate blanks, it is true, might be distributed among the various schools so that a child would be spared the trips necessitated by the fact that they are available only at the issuing office, but the child would then be allowed to drop out of school more easily than he is when the issuing officer, before he can secure permission from his principal to leave school, has an opportunity to persuade him to remain there.

The attempt to persuade both parent and child of the desirability of the child's remaining in school is, indeed, most important and should not be done away with even though it seems in some cases to cause a hardship. The parent's appearance is desirable also because he, as well as the employer, is liable to a penalty in case his child is employed illegally. Yet the presence of the parent is not required by the industrial commission for a child over 16 years of age. And even for one under 16 years of age, though required by ruling of the commission, it is not uniformly insisted upon by the issuing officers. Such deviations from the ruling might be excusable when the issuing officer has proof that neither of the parents can appear. But to permit another person to appear for a parent when the parent is able to come, or merely to telephone a parent who may be busy at home as is done in La Crosse, practically defeats the purpose of the procedure.

Again the child is delayed longer than formerly as a result of certain provisions of the workmen's compensation act effective Sep-

tember 1, 1917. He formerly went to work as soon as he had completed the procedure at the certificate office, and his permit usually reached his place of employment the day after he started. At present to allow a child to work without a permit even one day would be to invite disaster, as he might be injured, and the employer in that case would be liable to treble compensation. The employer, therefore, generally refuses to let a child go to work until he has actually received the permit.

Unnecessary delays might sometimes be avoided, however, if the children were given clearer and more complete instructions when they first apply for permits. Children are sometimes delayed for days and compelled to make frequent useless trips to the office because of inadequate, unintelligent, or incorrect instructions. This kind of delay occurs more often in the Milwaukee office than elsewhere, but it happens occasionally in smaller cities. A child applying at the Milwaukee office who was born in the city or county is sent to the registrar's office for a record of his birth, but he is not told what to do if it is not recorded. In that case he has to return for further directions as to securing a baptismal certificate, but on this visit he is not usually told what to do if he fails in this second quest. If he does not or can not submit a baptismal certificate he must return a third time for instructions about the next best evidence. Sometimes the instructions are so inadequate that only by accident is it discovered, after a child has failed to submit certain preferred documents, that he might have done so. Again, when a child has to write elsewhere for some document, the instructions are so incomplete that he often returns days or weeks later with an incorrect record. When a child has to write for documents it would save time and trouble, both to the office and to the child, if the address of the proper official and any other necessary information, for instance as to the amount of the fee to be sent, were given the child in writing or even incorporated in a letter.

The failure on the part of the law to state to whom the permit shall be given has caused a great variety of practices. Except for its branch offices, the industrial commission has made no ruling on this point. Some issuing officers mail the permits to the employers, others mail those for children under but not over 16 years of age; and still others never mail permits but give them to the children. When the permit is given to the child, there is always the possibility that he may not actually go to work, but may use his permit merely as a device to enable him to stay out of school. Or he may take his permit to another employer, inserting himself the name of this new employer, and go to work in another occupation than that for which it was intended. Or, again, another child, who can not meet the requirements, may work on his permit.

Using a permit merely to get out of school would be prevented, of course, if the law requiring that an employer file with the issuing officer a statement of the actual employment of a minor were enforced by the industrial commission. This "statement of employment" was designed to notify the issuing officer that the child had actually gone to work, and the reasons for discontinuing its use do not seem convincing. The child, of course, has presented a promise of employment, but such a promise may easily be forged, or the employer may carelessly make out two or three for one position thinking he will try the child who comes back first with his certificate. Even when the permit is mailed to the employer delay in returning it if the child is not actually employed may result in loss of time which should be spent in school. As for difficulty in the enforcement of this provision, it would seem that it ought to be easier to enforce than the provision requiring the return of a certificate when the child has left his position, for in the former case the issuing officer knows just when to expect the communication from the employer whereas in the latter he has no such knowledge. Its enforcement would not have been so difficult if issuing officers had been persistent in demanding a prompt return of the statement after the permit was mailed. If, for instance, two or three days, instead of two weeks or a month, as in Milwaukee, had been the limit of time before inquiry was started regarding its failure to appear, employers would have been forced into compliance just as they have been in many places with regard to the return of the permit.

Everything which tends to make the employer feel his responsibility over the child whom he employs tends to make it easier to keep the child in school when he is not employed. For this reason not only should the employer furnish a promise of employment, but the permit should be mailed to him and he should be required to notify the issuing office both when he begins and when he discontinues employment of a child.

The return of the permit to the issuing office when the employment is ended is essential to efficient administration. It not only affords the simplest method of notifying the issuing office that the child is unemployed and thereby of making it possible to see that he is either at work or in school, but it also avoids the danger, always present if more than one permit is in existence for the same child, that the earlier one may be used for another child who may not be legally entitled to work. But the requirement that the child wait for the former employer to return the permit before he can take a new position forces the child to be idle for at least one day, even if the employer returns the permit promptly, while the permit is in transit from the first employer to the office and from the office to the second employer. More often two or more days are lost because many

employers do not return permits promptly. A child who has given his employer several days in which to return the permit often comes into the office for a new one to find that the former one has not been returned and in many cases comes back again and again before he can be granted a permit for the new employer. The fact that the employer is liable in action to the child for $2 per day for each day that he fails to return the permit has thus far given no real relief, for this penalty has never yet been imposed in Wisconsin. When the State has given special permission to children of school age to work instead of attending school, it certainly ought not to permit employers to keep them both out of school and out of work by failure to return their permits. On the other hand, the fact that a child can not secure a subsequent permit until the old one has been returned undoubtedly tends to make the child more businesslike about notifying his employer when he intends to leave his position. The duty of seeing that permits are returned promptly is primarily, however, that of the issuing officer and the attendance department; both should maintain a close follow-up of unemployed children.

More questionable is the practice of using the same permit form several times, as the form in use at the date of this report was intended. It is undoubtedly true that in Milwaukee, where the original permit is also used as a subsequent one by adding the name of the new employer, and where, therefore, a subsequent permit can never be issued until the former one is returned, not only can the unemployed child easily be located, but more than one permit can not be outstanding for a single child. Moreover, issuing officers are said to be more insistent and employers, therefore, more careful and prompt about returning permits when they know the very documents which they withhold are essential to the child in securing a new position. Nevertheless, an injustice may easily be done a child by advertising to his new employer all the places where he has formerly worked. And, as employers sometimes return permits to children direct instead of to the issuing officer, an opportunity is given the child to enter on the permit the name of another employer without going to the issuing office. This has been known to happen in cities outside Milwaukee. One child in La Crosse, for example, obtained a promise of employment from a new employer, received his permit from the former employer, entered the new employer's name on the permit, submitted it, and worked for some time before the lack of any record of the new employer at the issuing office was discovered. As already stated, experience with cases of this kind has caused issuing officers in a number of Wisconsin towns to issue a new permit for each new employer in spite of the provision on the permit form for the names of several employers.

Reregistration in vocational school when the child applies for a subsequent permit is a necessary part of the system of enforcing vocational-school attendance, by compelling children to make up absences. The lever here provided is much used by directors throughout the State.

The use of vacation and after-school permits for children between 14 and 16 years of age is not specifically authorized by law. Nevertheless, some provision is necessary, both for the child who wishes to work only during vacation and who, if under 14, could secure the vacation permit provided by law and for the child who is entitled to a regular permit but does not wish to leave school. It certainly seems more reasonable to allow children over 14 than to allow those between 12 and 14 to work during school vacations without having to meet any educational test. Yet the law itself allows the younger children to secure vacation permits. The advisability of issuing after-school permits to children who have not the educational qualifications for a regular permit is, however, open to serious doubt. And in any event it would seem that legal authority should be secured for whatever action may be deemed advisable as to after-school and vacation permits.

Promise of employment.

The promises of employment accepted by most issuing officers are fairly satisfactory, though the fact that small employers often have no letterhead paper makes it impossible to enforce the law literally and difficult to be sure that all signed statements are authentic. A regulation form for a promise of employment, similar to that frequently used in Milwaukee, if distributed carefully among employers and its use encouraged, would be more satisfactory, more convenient, and more likely to insure authentic statements. Nevertheless, in places where the permit is mailed to the employer it is probable that if the promise of employment is false the permit will be returned. And in the smaller places visited the issuing officer usually knows whether the promise of employment is genuine and whether the child actually goes to work.

The "statement of employment," the use of which, as already pointed out, was abandoned in 1917, was useful in this connection, for if an employer did not return the statement within a reasonable time the case could be investigated; in other words, the mailing of the permit to an employer, coupled with the employer's notification of employment, afforded an automatic checking up on the authenticity of the promise of employment.

Evidence of age.

Since the adoption by the commission of the same evidence of age as was stipulated in the Federal rules and regulations for an employment certificate under the United States child-labor act of 1916

a fair degree of uniformity has been brought about throughout the State with regard to the evidence demanded and accepted by issuing officers for children between 14 and 16 years of age. Previously no order of preference had been specified in the law or rulings and in most places outside Milwaukee birth certificates had rarely been demanded and school certificates were the usual evidence of age accepted. In Milwaukee baptismal certificates constituted the usual evidence, but memoranda of birth from the registrar's office were frequently used.

Even at the time of this study, however, seven months after the new rulings had become effective, the evidence required was not fully understood and the regulations were not literally and consistently obeyed by all issuing officers. This was due to several causes. First, the changes made were radical and the new system was much more complex than the old. Second, other radical changes went into effect at the same time, such as the designation of issuing officers by the industrial commission, the raising of the permit age to 17, and the United States child-labor act. Third, the industrial commission had not been able to give thorough supervision to the issuing officers.

The regulations state the exact evidence of age to be accepted and the order of preference to be observed. Yet in only two of the cities visited, Madison and Sheboygan, is the order observed consistently and proof required that preferred evidence can not be obtained. In every other office visited, including Milwaukee, the parent's or child's statement regarding the availability of certain evidence is accepted and most issuing officers and clerks believe it is unnecessary to demand better proof. Yet in Milwaukee in a few cases children and parents who have stated they did not possess a certain kind of evidence have been instructed to bring a less preferred document and later have returned to the office with the preferred evidence. The Milwaukee office follows the order for children born in the city or county, but usually for those born elsewhere baptismal certificates, if submitted, are accepted. The deputy in charge of the office, however, has devised a simple form [37] which parents will be asked to fill in when preferred evidence is not obtainable. The signing of such a statement, it is believed, will make parents more careful in obtaining, if possible, the preferred documents; the requirements, too, can be made clearer to them in this way.

Many children born outside Milwaukee who could easily secure birth certificates, either from the local registrar or from the State board of health, are not required to do so. In January, 1918, the deputy of the industrial commission in charge of the child-labor work for the State investigated the evidence of all children for

[37] This form was distributed to permit-issuing officials in May, 1918, and has been in use since that date.

whom duplicate permits and statements of evidence had been sent in to the main office of the commission. A large percentage of the children, he found, who had submitted other evidence, had birth certificates on file in the State board of health.

Issuing officers would doubtless send more children for copies of their birth certificates if no fees were required. It seems to them a hardship to send a child for a birth certificate for which he must pay 50 cents when he has submitted an authentic baptismal certificate. Consequently most officers accept the baptismal certificate without attempting to secure the preferred evidence. But a certified copy of a birth certificate can be obtained from the State board of health without cost and the issuing officers have been carefully instructed to write to the State office for it if local registrars insist upon the fee. This procedure always causes a delay of several days and by most issuing officers is considered not important enough to observe. Yet in many States foreign-born children were, before the war, and doubtless will be again, required to write to far-distant lands for birth certificates, and if the work of local registrars in Wisconsin can not easily be changed from a fee to a salary basis at least all possible use ought to be made of the records kept by the State board of health at Madison.

The kinds of "other" documentary evidence of age accepted are not uniform throughout the State and school certificates without either the parent's supporting statement or the physician's certificate of age are taken as "other documentary evidence." Furthermore, officers do not always exhaust the available documentary evidence before resorting to the physician's certificate of age. Some officers, in fact, send a child for a physician's certificate rather than trouble him to secure "other" documentary evidence. The officer in Green Bay does not accept the evidence of age on a life-insurance policy if the parent says the child is older than stated in the policy, but takes instead a physician's certificate of age.

The physician's certificate of age is the one kind of evidence with which issuing officers were absolutely unfamiliar previous to the adoption of the present rules. Among physicians and issuing officers a feeling is prevalent that the physician's certificate is hardly more than a physician's guess added to a parent's statement. The ease also with which this evidence can be obtained from health officers serves to weaken its value. So far as known no child in any of the cities visited has been pronounced by physicians to be under 14 years or of a different age than claimed. Nevertheless, the fear of the child or of his parents that he can not pass this test tends to keep from industry undeveloped and undernourished children.

The failure in every city visited, except Marinette, so to mark evidence of age returned to the child that it can not be used again

should be noted. At the Milwaukee office in a few cases the same document was found to have been submitted by different children in the same family and accepted as evidence. In these cases the permit had been granted before the mistake was discovered. In other cases such a mistake may never have been discovered.

The serious need for personal supervision by some agent of the industrial commission over the evidence of age presented is manifest. The meaning, value, and significance of the requirements were not, at the time of this study, evident to many of the issuing officers, and a child who, in Milwaukee and Sheboygan for example, would be required to conform to some strict rule before being granted a permit might be allowed to go to work in Marinette on the evidence offered by a school certificate or on the strength of his own oral statement if in the judgment of the issuing officer he was telling the truth. Careful and constant personal supervision is the only means either of securing uniform age requirements for children going to work throughout the State or of causing issuing officers to realize the need for the existing regulations and to cooperate more willingly in seeing that they are enforced.

Physical requirements.

The lack of physical requirements is the weakest feature of the permit system in Wisconsin. Primarily this lack is due to defects in the law itself, which does not require any physical examination before a child can go to work or while he is at work. The Wisconsin child-labor law once contained a provision requiring physical examination before permits could be issued. But this provision was repealed by the legislature, which has also defeated other attempts to secure such examinations. In view of this unfavorable attitude of the legislature the industrial commission has not thought it possible to formulate effective regulations for carrying out the two provisions of the law which might, it would seem, be utilized to keep out of industry children who are physically unfit to work. These two provisions are: First, that an issuing officer may refuse a permit to a child who appears to him to be physically unfit to go to work; and second, that he may refuse one if "the best interests of the child would be served by such refusal."

The first of these provisions, standing alone as it does with no regulation of the industrial commission to define it, is practically meaningless. Each issuing officer is in this matter a law unto himself. He may look critically at the children who come before him in an effort to see whether they look physically fit; but issuing officers are not physicians and such judgments based on appearances are of little value. Or he may ignore the provision entirely because it states that he may, not must, refuse the permit if the child appears physically unfit. Apparently he has no power, without a ruling of the

industrial commission, to require physical examinations of applicants for permits.

The second provision is too indefinite to be used as a basis for a physical standard unless interpreted by regulations of the industrial commission. Like the other provision it fails to give the issuing officer power to require physical examinations. For this, specific authority is necessary, either in the law itself or in regulations of the commission which would have the force of law.

Indirectly, however, through the requirement by the industrial commission that the school principal recommend in each case whether or not a permit be issued, this provision has been used to secure physical examinations for a considerable number of Milwaukee children under 16 years of age before they went to work. Those over 16 can not be reached by this method because they are not required to have school certificates which carry the principal's recommendation, nor does the method provide for re-examinations after the child has been at work for a time. The system, moreover, fails to secure the examination of a large number of children under 16 years of age because it is entirely dependent upon the individual cooperation of all the principals in the city, of public, private, and parochial schools. The issuing officer does not require a physician's statement on the school certificate but merely the principal's recommendation, and some principals do not consider it necessary to base their recommendation on the results of a physical examination. For a brief period after the school authorities and the health department sent out letters in the fall of 1917 asking the principals to send all children to the school physicians before granting a school certificate, a fair degree of cooperation existed. But in the early part of 1918 an increasing number of children were applying at the issuing office in Milwaukee without having had their school certificates signed by physicians and were nevertheless receiving permits.

The industrial commission has cooperated in the endeavor to protect the health of working children by recalling the permits of those who were reported as having gone to work with physical defects. But this is an awkward, inconvenient, and inadequate substitute for the requirement of a thorough physical examination before going to work. The annoyance and loss of time and wages caused the child are sometimes found to have been unnecessary as the defect has been corrected. Even if the defect is still uncorrected, it would have been far better to have required the treatment, or, if necessary, to have prohibited all or certain kinds of work, before the child had secured a position and incurred responsibilities toward an employer. This method, moreover, is more or less hit or miss. Some children who have gone to work with physical defects have their permits revoked; others escape notice.

Another serious defect in the Milwaukee system is that physician's recommendations relating to the kind of work which a child should do are observed only in the selection of the first position, because of failure of the issuing officer either to note the recommendation on the information card or to consult the file of school certificates upon issuing a subsequent permit. One girl, for example, who had been excused from school because of serious heart trouble in the fall of 1917, applied for a permit in January, 1918. The principal recommended against a permit unless the child was given light work. The deputy sent the child to the health department and the examining physician certified that she should not be allowed to work at heavy work or work that entailed a long, hard strain. The child was given a permit on January 29 to pull bastings. One week later she applied again with a new promise of employment and was given a permit to work in a candy factory at wrapping. The clerk issued the second permit without any knowledge of the child's condition.

The child who is given a physical examination in Milwaukee has the same kind of an examination as if he were remaining in school. The applicant for a permit is more likely, however, than the school child to have defects corrected. If he is to remain in school treatment can be recommended, but is not compulsory. If, on the other hand, he wishes to go to work, the school principal has a club to hold over his head in the form of refusal to recommend that a permit be granted him until such defects as decayed teeth and defective vision have been corrected.

Physical fitness should unquestionably be one of the most important prerequisites to obtaining a child-labor permit, and it is to be regretted not only that the laws of Wisconsin are defective on this point but that, in their administration, no attempt should have been made to utilize, by defining and interpreting their meaning in administrative regulations, the provisions which already exist. In the lack of any provision for physical examinations it seems certain, judging by the experience of other States, that a considerable number of the permits issued were given to children who were physically unfit to perform the work at which they were employed, and that in April, 1918, only a few such children were being given the protection of a physical examination before entering industry.

Physical fitness at the time of entering industry, however, is not sufficient. Supervision should also be exercised over the health of the child while at work, and especially should the physical effects of different occupations be studied. For this Wisconsin has a unique opportunity in her extensive system of vocational schools, attendance at which is compulsory up to 17 years of age. Physical examination of all pupils in the vocational school at regular intervals would not only safeguard the health of the children examined but

would enable the industrial commission to compile an accurate list of occupations which are injurious to the undeveloped body, and to exercise intelligently its power of prohibiting children from working in such occupations. But these examinations alone would not be adequate, for they would have the defect of the regular school examination—the difficulty in securing correction of defects—and would not furnish the machinery necessary to keep out of industry children who were physically unfit to work. That issuing officers should have, not only the power, but the duty of refusing not only a first but any subsequent permit to any child who is not up to a definite physical standard, is essential to proper protection of the health of working children.

Educational requirements.

The educational standard for a permit is low. For a child between 14 and 16 years of age it amounts practically either to completion of the fifth grade[38] without regard to the length or recency of school attendance, or to seven years' attendance without regard to the grade or degree of education attained. And the grade standard is further lowered by (1) failure to require in all cases ability to read and write English; (2) lack of authority over the instruction offered and the grading of pupils in private and parochial schools; (3) lack of adequate supervision over the issuing of school certificates; and (4) failure to provide for a uniform educational test at the issuing office. For the child who is between 16 and 17 years of age there exists no educational standard whatever.

The only one of the four alternative requirements which provides both for the attainment of a certain degree of education and for school attendance is the first, and under this alternative it is doubtful whether the child has to have completed even the fifth grade in anything except arithmetic, while the school attendance required is only "within the twelve months" (and not for any specified period during the twelve months) preceding either the date of the school certificate—which may be long before application for a permit—or preceding the child's fourteenth birthday. Moreover, children who have completed the fifth grade and can therefore meet the second or third alternative often have been absent from school for long periods at the time they are granted school certificates. Many children apply at the Milwaukee office with school certificates of recent date, and some with certificates dated several months back, who have not been in school for from three to eight months. And in La Crosse, a city where attendance is required for eight months of the year, children were seen to apply for permits with school certificates of recent date who had not been in school for one, two, or three years. The issuing

[38] This standard was raised to completion of the sixth grade (seventh after July 1, 1920) by the legislature of 1919.

officer has no choice but to accept the certificate if the child shows completion of any one of the educational requirements.

This failure to require school attendance during a specified period immediately preceding the granting of the permit means the loss of a valuable method of keeping children in school, as required by law, until they receive permits to work.

On the other hand, allowing a child to go to work when he has attended school seven years, regardless of the grade he has finished, nullifies in many cases not only the grade requirements but also the requirement in the first alternative of a limited knowledge of arithmetic and of ability to read and write English. This "seven year" provision meets with the approval of some school authorities, on the ground that the child who can not finish the fifth grade in that time is unable to profit from further school instruction. Nevertheless, seven years' attendance at school is not alone a fair standard of a child's educational fitness to go to work. If a child can not finish even the fifth grade after attending school seven years surely the school should look for some kind of special education to which he can adapt himself rather than send him out into industry where he is under no supervision save the occasional visits of industrial inspectors.

The only alternative under which ability to read and write English is specifically required is the first, which, as has been pointed out, is weak in other respects. In some States completion of the fifth grade in any school within the State would necessarily imply this ability, as all schools, attendance at which meets the requirements of the compulsory education law, must be taught in English. But in Wisconsin, although the statutes provide that instruction in the public schools must be in the English language, they make no such provision with regard to instruction in private or parochial schools. In 1889 a law was passed stipulating not only the subjects to be taught in every school in the State but also that the instruction should be in English, but this law was repealed the next year. The permit law does, to be sure, provide under the third alternative educational requirement that the child must have finished the fifth grade in a school having a course substantially equivalent to that in a public school. But the industrial commission, which otherwise might appear to have authority, under its general power to make regulations for the enforcement of the child-labor law, to interpret the phrase "substantially equivalent course" to mean a course taught in English, is prevented from doing so by the direct refusal of the legislature to adopt such a policy. Moreover, even if such an interpretation could be made, a child who had attended a school taught in a foreign language from the age of 7 to the age of 14 could obtain a legal school certificate under the fourth or "seven year" pro-

vision. It is true that if a child goes to work before he is 17 he will receive a certain amount of instruction in English in vocational school, and if he goes to work between 17 and 21 and can not read and write simple sentences in English, he must attend evening or vocational school for four hours a week. Perhaps in part because of the latter provision of law, and in part because there has been sufficient agitation on the subject to keep alive the idea of possible legislative action, it is reported that, in fact, in 1918 all parochial schools in Wisconsin were taught in English. Nevertheless, every child who goes from school to work in this country has a right to a guarantee from the State that he shall be able to enter industry equipped with the language of the country. The only effective and practicable remedy for the situation, therefore, is the enactment of one law requiring that all schools be taught in the English language, and of another that applicants for certificates be able to read and write English.

Not only do the Wisconsin statutes fail to provide that English shall be the language of private and parochial as well as of public schools, but they also fail to specify the subjects to be taught in private and parochial schools, either in general or by grades, and to regulate the grading of pupils in such schools. As a result the educational equipment of a child who has completed the fifth grade in a parochial school may differ considerably from the educational equipment of one who has completed the fifth grade in a public school, or in another parochial school. The phrase "substantially equivalent course" might be so interpreted as to insure practical uniformity, but in this case, as in that of instruction in English, the industrial commission can not attempt to do for a few children by regulation what the State legislature, after a long struggle, definitely refused to do for all children by law.

The lack of adequate supervision over the issuance of school certificates is still another cause of irregularity in the minimum educational requirements for a child-labor permit. As the issuing officer has no right to question the validity of any statement on a certificate, even if he had the information necessary to do so, the school authorities have entire responsibility in the matter, but this responsibility is in most places scattered among all the school principals in the city. In Kenosha, where the superintendent of schools is also the issuing officer, he has in his office a file of records of all school children, in private and parochial as well as in public schools, which shows their grades, and it is therefore not necessary to consult the individual school principals. And in Marinette, where school certificates for public-school children are issued by the superintendent of schools, he does not have to depend on the individual principals, as he has on file duplicate records; but no similar records exist of private and parochial school children. In no other place visited, moreover, is the responsibility of issuing school certificates concen-

trated in the hands of the superintendent, although similar reports of the progress of public-school children exist in Sheboygan, Oshkosh, and Madison. In Green Bay and La Crosse no means exist for checking up principals on this point, and although in these smaller places it might be considered comparatively easy to prevent children from leaving school without fulfilling the legal requirements, they undoubtedly do so in some cases.

This lack of supervision affects not only the educational requirements but also, and doubtless even more, the points which are considered by the school principal in connection with recommending or refusing to recommend that a permit be issued to a particular child. In this matter each school principal uses his own judgment, sometimes perfunctorily and sometimes with full consciousness that the industrial commission has thrown on him the burden of deciding whether or not the child ought to go to work and with a conscientious desire to reach the right decision. In some cases principals have exercised this power with a view to enforcing school attendance. One principal in Milwaukee, for example, refused to recommend the issuance of a permit to a child who, even after court procedure against the family, had been absent from school for seven months, and compelled him to return to school for several months before going to work. In another case in La Crosse a public school principal refused to recommend the granting of a permit because it was not necessary for the child to go to work. In this case the child left school a week later and soon, it was learned, had a permit. Upon investigation he was found to have attended a parochial school a few days and, although he had not been in that school before since he was in the third grade, the principal had granted a certificate stating he was in the sixth grade. But the permit was finally revoked, through the intervention of the industrial commission, on the ground that the school certificate was issued illegally—that is, that the second school could not certify that he had finished the fifth grade.

A uniform educational test at the issuing office would assist materially in securing uniformity in the requirements for children from different schools in the same community. But it would not by itself, of course, raise the standard except as applied to individual cases.

As for children between 16 and 17 years of age, when the legislature in 1917 decided that they should secure permits in order to work, it made no provision regarding the requirements for such permits, evidently intending that they should be the same as for the younger children. For several reasons, however, many of the older children who were already at work could not meet the school attendance and grade standards. Those who had worked before they were 16 had, of course, already met these standards, provided they had held permits

as required by law. But many of those who had gone to work after they became 16 had remained in school up to that age for the very reason that they could not meet the educational requirements for a certificate. At the same time these children could not be compelled to return to school, for the compulsory school-attendance law extended only up to the age of 16. The only authority the State had over them was contained in the provision that they must attend vocational school for four hours a week from September 1, 1917, to September 1, 1918, and eight hours a week after that date, whether they were working or not. For this reason it was not considered advisable to refuse them permits because they could not meet the educational requirements, and the industrial commission accordingly ruled that children over 16 years of age did not have to present school certificates in order to obtain permits. Though apparently justified as a transitional measure and in the absence of proper dovetailing between the permit and compulsory school-attendance laws, this situation certainly deprives the older children of the protection which was intended under the law. If all children under 17 were not only required to have permits and to attend vocational school a certain number of hours a week if they worked, but were also required to attend some school regularly every day if they did not work and to meet uniform educational requirements if they did, the older children would be as well protected as the younger.

Enforcement.

For the enforcement of its minimum-age and child-labor permit laws Wisconsin depends in part upon its methods of enforcing school attendance and in part upon industrial inspection. So far as the work is done by local school authorities it is uneven, and inspections by the industrial commission are not sufficiently frequent to produce uniformity. The compulsory vocational-school system, however, though itself furnishing a special problem of enforcement, also constitutes an unusual method of keeping track of children who have once secured permits. And the workmen's compensation law, with its severe penalty for an injury to a child employed without a permit, makes many employers unusually careful to see that no such violations occur in their establishments. The employers of Wisconsin, indeed, generally show a spirit of cooperation in obeying the law manifest in few other States.

The system of keeping children in school who are not at work fails of complete effectiveness at several points. First, the cooperation of private and parochial schools in reporting absences, though frequently given, is entirely voluntary and can not be depended upon. And whenever an absentee is not reported and followed up a violation of the compulsory school-attendance law may readily be, or become, a violation also of the child-labor law.

Second, the reporting of absences only weekly, as in Milwaukee, instead of daily, as in the other cities studied, may lead to violations of the child-labor law, especially if the child has moved before the attendance officer makes his visit, and can not be located by the officer. In the smaller cities it is common to check weekly or monthly reports of entrances and withdrawals against the daily reports of absences, but this is not done in Milwaukee.

Third, the lack of a uniform system of transfer between all schools—public, private, and parochial—also entails the loss of children to the school system without their having obtained permits to work, and any child so lost may, of course, go to work illegally. In most places in Wisconsin the keeping track of children who are transferred depends on reports between school principals and their reports of absences. The plan followed in Marinette and Madison of having the child transfer through a central office from which the truant officer can learn immediately of the cases assures a check on the child not guaranteed when the principal alone is responsible. If such a plan is impracticable in a city of the size of Milwaukee, then a report to a central office should be made from the school the child is leaving and the case should not be considered settled until a report has been received from the school which the child is supposed to enter. It is essential that officials charged with enforcing school attendance be notified of transfers of children as soon as possible; at the same time for school principals, with their many other important duties, the system should be made as simple as is consistent with effectiveness.

Fourth, in some places the cooperation between school principals and attendance officers is not sufficiently close. The custom of the attendance officer in Green Bay, for instance, of simply instructing the child to return to school and assuming that, unless he is reported absent again, he has done so, does not impress the child with the gravity of his offense or assure his return. In order to insure a working system, after the attendance officer has reported the results of his investigations to the school principal, a counter report from school principals as to a child's return to school should be made to the attendance officer. Yet this plan of counter reports is not followed in any place visited outside Milwaukee; the majority of attendance officers, after making a report to a school principal, assume, in the absence of a notification to the contrary, that the child has returned.

Fifth, the Milwaukee attendance department, although fairly well equipped with records and files, has no alphabetical file of all cases handled by it and in order to locate a child, the kind of school, whether public or parochial, common or vocational, and usually the name of the specific school attended by the child, must be known.

Furthermore, entries are not made in the record often enough to keep them up to date. An alphabetical card catalogue in which each new case is entered promptly and information regarding each case is entered daily, and an additional clerk or two to keep the files up to date, are essential to the efficiency of the work.

Sixth, in most of the smaller places visited the school census is used to prevent children who have never been enrolled in school from working illegally, but in Milwaukee it is not checked with the school records and this method of preventing the illegal employment of the most difficult of all children to control, the immigrants from other cities or other countries, is therefore lost. It is said that the time and method of enumeration have been faulty, but the former fault at least was remedied by the law of 1917, which changed the date of the census.

Seventh, in Milwaukee especially, though also in some of the other cities of the State, there are too few attendance officers; 10 officers in a city with some 80,000 children between 7 and 17 who are obliged to attend school can not adequately enforce attendance.

As for applicants for permits, in Milwaukee at least, the system of following up children who have secured school certificates and apply for permits is fairly well worked out through the daily reports of the names of children who have been granted permits made to the attendance department by the vocational school. But if the industrial commission made daily or weekly reports of refusals to the attendance department, instead of monthly reports, children who have secured school certificates but been refused permits could be more promptly returned to school.

A child, moreover, who has secured a school certificate may not apply for a permit. In all the places visited children are supposed to be dropped from the school registers as soon as they have been given their school certificates. It is assumed, evidently, that they will immediately secure permits to work and that it is therefore unnecessary to keep them longer on the school register as they will not return to school. In only three of the cities visited, however, Milwaukee, Madison, and Sheboygan, do the attendance officers receive information of the failure of a child who has thus been dropped by his school to secure a permit to work. And in Green Bay and La Crosse no central office is notified both of the granting of a school certificate and of the result of the child's application for a permit. Thus, when a child has secured a school certificate he may either complete the process and secure a permit or he may simply remain out of school or go to work on his school certificate. If the principal upon granting a school certificate drops the child's name from the register but does not include it in his report of absentees to the attendance department, there is nothing to prevent this. As a matter of fact,

during this study, school certificates, instead of permits, were returned to the office of the industrial commission on the expiration of employment even from department stores and from factories employing large numbers of children.

The use of a school certificate as a substitute for a permit to work or as an excuse to stay at home, could be prevented if the principal were compelled to keep on his register the name of each child to whom he has granted a school certificate until notified that the child has been given a permit.

Nevertheless, the breaks between leaving school and securing a permit to work are not by any means chiefly breaks between securing a school certificate and a permit. Indeed, it seems to be much more common for a child who has been out of school for a considerable length of time to go back to get a school certificate than it is for him to wait any length of time after he has secured a certificate before he applies for a permit.

The enforcement of vocational-school attendance, so far as children working in the regulated industries are concerned, is dependent on the enforcement of the certificate law, for the records of the certificate office furnish the lists of such children who should attend. But there is no similar source of information as to the other children who should be in vocational school—principally grammar-school graduates who are not going to high school, children working at home or employed in agriculture, children between 16 and 17 years of age who may be doing anything except working on permits, and illiterate children up to 21 years of age. At the date of this report the locating of children who are not at work on permits depends mainly on keeping track of children who are leaving school and finding others through the school census, and it is not only possible but probable that some of them are not attending. If all minors who are not in attendance at some full-time school were required to have permits exempting them from such attendance, it would greatly simplify the problem of locating all the children who are subject to the compulsory vocational-school attendance law.

It is probable, too, that children are often employed in domestic service without either securing permits or attending vocational school. This occupation has so recently come under the provisions of the permit law that a child may easily be employed illegally without either the child or her employer realizing the illegality. For example, a 15-year-old girl left a Milwaukee public school in April, 1917, when in the sixth grade. She stayed at home until September, 1917, when she secured employment as a domestic in a doctor's house. In February, 1918, influenced by friends, she decided to attend the vocational school. When she applied for entrance, it was discovered that she had been out of school for almost a year working without a

permit. Her school principal stated that she had been reported repeatedly to the attendance department, but no record of her absences could be found in that department.

The enrollment of children in vocational school is only part of the problem, however. Once enrolled their regular attendance is as difficult to enforce as is attendance at the common schools. The vocational school has for its aim the education of the employed child in the subjects most necessary for his future welfare. It was believed that by giving him instruction in subjects in which he was interested and in which he could see some practical bearing on his work and future career, his attendance would in a measure be assured and enforcement would be easy. In fact, children who were interviewed seemed much interested in what they were given to do in school, but the majority of them preferred to work rather than to come to vocational school. Some of the difficulty of enforcement may be due to the lapse of time between attendance periods, as a child or employer may forget the day of attendance. Then, too, school does not seem very inviting on the one half day a week which is free from work, and there is a great temptation to loaf.

The failure to assign children to classes promptly in Milwaukee not only deprives them of the advantages of the vocational school at a time when they are supposed to have such advantages—and indeed to be most in need of them—but also may result in some children being lost; for example, a child who both moves and becomes unemployed before his assignment is made. There should be no gap between the regular all-day school and the vocational school.

Keeping children in vocational school, like locating those who should attend, is an entirely different problem for the children who are working on permits and for those who are not. For the former group the system of requiring a child to make up his absences from vocational school on penalty of revocation of his permit is an effective means of securing regular attendance. The child's knowledge that he will have to make up his absences and that therefore nothing substantial is to be gained by staying away tends to bring him to school with a fair degree of regularity. For the latter group, however, the school has to depend on attendance officers, with the possibility, in case of continued absence, of resorting to prosecution of the parents. In practice, however, no greater difficulty has been encountered in securing the attendance of these children, after they have once been enrolled, than of those with permits.

The system of compelling the making up of absences is probably not, moreover, as infallible in securing attendance as is believed, and in some cases it actually encourages illegal employment without certificates. It sometimes breaks down, for example, when the child is "held up" between jobs on account of absences. In that case his

promise of employment is held at the main office of the vocational school until the absences are made up, when he is supposed to secure it again and return to the industrial commission to secure his subsequent permit. But rather than wait until he has made up his absences the child sometimes, when he can secure a job, goes to work illegally, leaving his promise of employment on file.

At one time during this study the industrial commission made an investigation of all children in Milwaukee who had applied for subsequent permits but had not yet received them because their promises of employment were in the hands of the vocational school pending the making up of absences in that school. There were 75 such children at the time, and the following statement gives the information obtained regarding them:

Total number of cases investigated	75
No information obtainable	12
Doubtful	2
Definite information obtained	61
Became 17 during investigation	1
Working for employer whose letter is on file	32
Illegally	23
Legally (with new permit)	9
Working for new employer	14
Illegally	10
Legally (with new permit)	4
Not working	14

Of the 61 children for whom definite information was obtained, 46 were working for new employers, 33 illegally and 13 legally. The 13 children who were working legally on new permits—nine for the employers whose letters were on file and four for new employers—had probably made up their absences from vocational school and secured new promises of employment. If they did not mention that earlier promises of employment had been held up and if the clerk in the continuation school, finding that their attendance records showed the absences made up, did not consult the file of "held-up" promises of employment, this could easily occur. These cases, therefore, probably mean only carelessness in keeping the records of "held-up" cases.

Nevertheless, of the 61 children concerning whom definite data were obtained, 33, or a little over one-half, were working illegally without permits, 23 for employers who had applied for permits, and 10 for others who had never attempted to secure them. In these cases the system of holding up permits between jobs not only failed to secure the making up of absences, but actually led to the children's employment without permits.

Immediate following up by attendance officers of all children who are absent from vocational school when they ought to be making up absences would have prevented this illegal employment. And

such children should be followed up regardless of whether or not they have applied for new permits. If a child knows that he must make up his absences before he can get a new permit he is very likely not to apply for one but to go to work for any employer he can find who will take him without. Even children whose permits have been revoked because of nonattendance should be followed up by attendance officers if they fail to come to school regularly, for the desire to return to a former job may not be a strong enough incentive, if a child can find a place where he is not required to have a permit, to induce him to make up his absences.

The vocational school has itself no specific legal authority to revoke permits, but if its power to secure attendance at vocational school by this method were questioned the industrial commission could appoint the vocational-school directors its deputies and invest them with the authority given it by law to revoke a child's permit if "the physical or moral welfare of such child would be best served by the revocation." Such authorization has thus far not been necessary as the vocational school authorities have accomplished their purpose without it.

Wisconsin has, in her vocational schools, a splendid opportunity to solve the problem of the unemployed child, which is so difficult in other States where only the common schools are available to meet his needs. In many places in Wisconsin, however, at the time of this study, the facilities for knowing when a child is unemployed are inadequate, and in only four of the eight cities studied is any attempt made to provide for his needs in the vocational school. In the others, for one reason or another, the authorities have made no more provision for unemployed than for employed children. In no city visited, moreover, are unemployed children regularly returned to all-day schools. Children who have been out only a short time may occasionally go back when they become unemployed, but those who have been seriously at work are entirely emancipated from the regular school system. In Milwaukee, however, the vocational school has a department for the placement of boys, and part of the work of this department is the endeavor to pursuade boys to attend school every day and not return to work until they have completed a vocational-school course.

The chief reason for lack of knowledge as to the existence of unemployment is the failure of employers in most cities to return permits to the issuing offices promptly. In some cities a new permit is issued before the old one is returned, and this practically means that no attempt is made to secure the return of a permit promptly enough for it to serve as a notification of unemployment. In others the vocational school is not notified when a permit has been returned. Before anything effective can be done in the direction of putting and

keeping unemployed children in school, issuing officers must insist on the return of the permit as soon as a child leaves an employer, and if this is to be done uniformly throughout the State the supervision of the industrial commission must be strengthened and extended.

The vocational school is not specifically required to provide for the unemployed child, as it is for the permit child. But its work is of such a character that it might with comparative ease form classes of children who are temporarily out of work. Yet in only four places visited—Sheboygan, Kenosha, Green Bay, and La Crosse—is any provision made for these children, and only in Green Bay, where the permit is issued by the vocational school and returned to it, is daily attendance of unemployed children consistently enforced. Even in Milwaukee, where permits are returned with a fair degree of regularity, the long distance between the vocational school and the homes of most working children, the lack of sufficient force in the attendance department to follow up children whose permits have been returned, and the lack of accommodations in the school have been allowed to destroy a very hopeful effort to solve this problem. Thus, in spite of the establishment of vocational schools, the unemployed child is attending school with little more regularity in Wisconsin than in States having no such schools.

Unemployed children, indeed, because their attendance is more difficult to enforce, sometimes escape even the short hours of school required of employed children. One boy in Milwaukee, for example, left a parochial school on December 17, the day he was 14 years of age. He was evidently not reported to the attendance department upon leaving, as there is no record of him in that department until the following May, five months later, when he secured a permit and worked five days. In September, four months after securing the permit, he was assigned to a class in the vocational school, but was absent 23 times from September to May of the following year and 7 times from the 1st of the next September to the 1st of October following, an absence lasting 30 weeks. According to the record he was unemployed during this entire period of a little over a year. The last report from him was in October, when the attendance department reported that he had gone to live on a farm. In short, this child had escaped the laws designed for his protection for nearly two years except when he was working for five days on a permit.

If the permit were returned promptly and if the unemployed child were then obliged to go to school every day, he would not only be given the benefits of school attendance, but would be prevented from going to work for another employer without a permit. The child who is leaving school is followed up to see that he actually secures a permit for his job, but when he has once been employed, even if for

only a few days, the regular school authorities have lost track of him and a different machinery is needed to see that he is not employed illegally in his second or later position. The chief element in this machinery is the return of the permit, and when this breaks down the child may easily go to work for a new employer without a permit.

In all States where the hours and occupations of the permit child are restricted there is a temptation for him to claim to be over permit age in order to escape these restrictions and secure a better position or higher wages, and even in Wisconsin, though his obligation to attend vocational school tends to make this much more difficult than in other States, it is sometimes done. For example, a 15-year-old boy in Kenosha, who was working for a telegraph company left its employ, but his permit was not returned. The boy went to work as a pin boy in a bowling alley, an occupation which is illegal in Wisconsin, as in most industrial States, for a child under 16 years. He told the employer he was 17, and continued to attend vocational school one-half day a week. One day when he was absent the director telephoned the telegraph company and learned that the boy had left its employ six months before. Thus only accidentally was the boy discovered working without a permit and in an illegal occupation. Another boy who had enrolled in the vocational school in Milwaukee since the previous summer was absent twice about the middle of February and was notified to appear at the office of the attendance department. When he came, he stated that he had been ill on the days of absence, but also that he had left the place where he was employed during the summer and had been working for another employer since October. His permit was still at his former employer's and he had been working four months without one, coming to vocational school regularly. If it had not been for his absence because of illness, the violation might never have been discovered. Either one of these children might also, of course, have been unemployed all these months, while attending vocational school regularly.

Even when the permit has been returned, if the child is not obliged to go to school every day, he is likely to go to work again without a permit. The woman's department of the industrial commission made a special study of unemployed children in October, 1916, and has made other similar studies at irregular intervals since then. In November, 1917, it found returned permits on file for 200 children who were supposed to be unemployed. Of these 200 children 55 were investigated. In February, 1918, the status of the children investigated was as follows:

Unemployed, staying at home	12
Working illegally without permits	10
On farms	8
At institutions	2

Moved out of town	2
Disappeared from home	3
Returned to school	3
No information obtainable	6
Irregular issuance of permit	1
Not settled, as conflicting information obtained. (Referred to attendance department, Jan. 1, 1918; no report obtained up to Feb. 8, 1918)	4
Permits reissued (without intervention of investigation)	4
Total	55

Of these 55 children, it appears 22 were violating the child-labor or school-attendance laws, 10 by working without permits and 12 by failing to attend school except for their weekly vocational-school attendance. Two children, both 15 years of age, whose permits were returned in February, 1917, had not returned for new ones at the time the results of the investigation were collected in February, 1918. One of them had been working without a permit in several places during the period and the other was unemployed until the first part of December, when he secured a position without a permit. The children actually found working without permits were obliged, as a result of the investigation, to secure them. But the 12 children found staying at home were likely at any time to start a new group of illegally employed children.

Inspection by deputies of the industrial commission is the chief method of discovering children who fall through the loopholes in the follow-up system, of preventing children who have never been in school in the State from going to work without permits, and of keeping all children from working illegally after school hours. The visits of inspectors, however, are so infrequent that a child, by changing positions occasionally, might work continually from the time he was 14 until he was 17 without securing a permit or attending vocational school. Furthermore, the failure of inspectors to report to the school authorities the names and addresses of children who are found working illegally makes it impossible to prevent future illegal employment of these same children. Little is to be gained by ordering a child who is found working illegally to go to school if the inspector has no means of knowing that he does go and the school authorities are not notified that he has been sent. Unless such notification is made immediately the child may simply secure another position in the same manner that he secured the one at which he was working when discovered by the inspector. Some system of reports should be devised which will guarantee the child's return to school.

Wisconsin has, however, two unusual weapons for the enforcement of her child-labor laws, first, the power in prosecuting of bringing civil instead of criminal action, and, second, the heavy penalty possible under the workmen's compensation act in case of injury to a child

who is illegally employed. It is probable that as this provision of the workmen's compensation law becomes better known among employers it will act as an even greater deterrent to the illegal employment of children than at the time of this report. Both these weapons hit the employer's pocketbook and if used on all possible occasions are capable of making violations of the child-labor law so financially unprofitable that employers will themselves exercise great care to prevent their occurrence.

Summary.

The centralization in the State industrial commission of primary authority and responsibility over the administration of the child-labor laws gives that commission power to insure enforcement of existing legislation. The commission, moreover, through its authority to make rules and regulations, has unusual power to interpret this legislation. The laws themselves, however, are essentially weak in several particulars, notably in their failure to require school attendance of children between 16 and 17 years of age who must have permits and attend vocational school, in their low educational standard for going to work, and in their failure to require definitely a physical examination as a prerequisite to obtaining a permit. Moreover, because of failure of the industrial commission to exercise fully its supervisory powers, the laws are not uniformly enforced throughout the State. In part this failure is due to the fact that the attention of the commission has been given to the administration of other new legislation, especially the workmen's compensation and safety laws; in part it has been due to the practical impossibility of bringing about all at once adequate enforcement of all the changes recently made in the labor laws of the State; and in part it has been due to lack of adequate funds for the large mass of work assigned to the commission.

Two unique features of the Wisconsin plan of regulating child labor, not yet touched upon in the conclusion of this report, deserve special praise. The first is the system of vocational continuation schools, the most complete existing in any State in this country. These schools have become such an integral part of the regulation of the child labor in Wisconsin that, though in their methods they are still frankly experimental, the desirability of their existence is no longer in question. The second is the apprenticeship system over which, as over the permit system, the industrial commission has absolute and complete control. Wisconsin is the only State in the Union which has created by law a modern apprenticeship system and, though many difficulties have to be overcome, the ultimate ideal of a combination of shop and vocational school training may prove the solution of the problem of adjusting young persons to useful places in the industrial system.

APPENDIX.

LAWS RELATING TO EMPLOYMENT CERTIFICATES.

In effect April 1, 1918.

[All references are to 1917 statutes with 1918 amendments, additions, etc.]

Note.—[The duties and powers relating to the enforcement of labor laws, previously exercised by the commissioner of labor, factory inspectors, etc., were transferred by Statutes, chapter 110a, section 2394-54, to the industrial commission and its deputies. In every case the new enforcing authority has been indicated by an insertion in brackets in the text, the former enforcing powers being omitted.]

EDUCATIONAL REQUIREMENTS.

COMPULSORY SCHOOL AND VOCATIONAL SCHOOL ATTENDANCE.

Children from 7 to 14; from 14 to 16 if not regularly employed; penalty.—Any person having under his control any child between the ages of seven and fourteen years, or any child between the ages of fourteen and sixteen years not regularly and lawfully employed in any useful employment or service at home or elsewhere, shall cause such child to be enrolled in and to attend some public, parochial, or private school regularly (regular attendance for the purpose of this statute shall be an attendance of twenty days in each school month, unless the child can furnish some legal excuse), in cities of the first class during the full period and hours of the calendar year (religious holidays excepted) that the public, parochial, or private school in which such child is enrolled may be in session; in all other cities not less than eight school months; and in towns and villages not less than six school months in each year, and all children subject to the provisions of this act [secs. 40.73, 40.74] shall be enrolled in some public, parochial, or private school within one school month after the commencement of the school term in the district in which such children reside, except that in cities of the first class such children shall be enrolled at the time of the opening of the school which they will attend (and the word "term," for the purpose of this act, shall be construed to mean the entire time that school is maintained during the school year); provided that this section shall not apply to any child not in proper physical or mental condition to attend school, who shall present the certificate of a reputable physician in general practice to that effect, nor to any child who lives in country districts more than two miles by the nearest traveled road from the schoolhouse in the district where such child resides, except that children between the ages of nine and fourteen living between two and three miles from school by the nearest traveled road shall attend school regularly at least sixty days during the year; provided that if transportation is furnished by the district this exemption as to distance shall not apply, nor shall this section apply to any child who shall have completed the course of study for the common schools of this State or the first eight grades of work as taught in State graded or other graded schools of Wisconsin, and can furnish the proper diploma, certificate, or credential showing that he has completed one of said courses of study, or its equivalent. Instruction during the required period elsewhere than at school, by a teacher or instructor selected by the person having control of such child shall be equivalent to school attendance, provided that such instruction received elsewhere than in school be at least substantially equivalent to instruction given to chil-

dren of like ages in the public, parochial, or private school where such children reside. Any person who shall violate the provisions of * * * [sec. 40.73] shall upon conviction thereof be punished by a fine of not less than five dollars nor more than fifty dollars, together with costs of prosecution, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court, for each offense. It shall be the duty of the district attorney and his assistants to prosecute in the name of the State all violations of the provisions of * * * [sec. 40.73] * * * When in any proceedings under this section there is any doubt as to the age of any child, a verified baptismal certificate or duly attested birth certificate shall be produced and filed in court. In case such certificates can not be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child or first school enrollment to be found shall be admissible as evidence thereof. [Statutes, ch. 40, sec. 40.73(1).]

Prosecution.—Prosecutions for violation of * * * [sec. 40.73] may also be brought in the juvenile court in and for the county in which such violations occur, and said court is hereby granted full and concurrent jurisdiction thereof. [Statutes, ch. 40, sec. 40.73(2).]

Children from 14 to 16 until Sept. 1, 1918, and after that date children from 14 to 17, to attend vocational schools; conditions.—Until September first, 1918, any person between the ages of fourteen and sixteen, unless indentured as an apprentice, as provided in section 2377, and after that date any person between the ages of fourteen and seventeen, living within two miles of the school of any town, or within the corporate limits of any city or village and not physically incapacitated, who is not required by * * * [sec. 40.73(1)] to attend some public, private, or parochial school, and who is not attending a free high school or equivalent of a high school, must either attend some public, private, or parochial school, or attend for at least eight hours a week for at least eight months and for such additional months or parts thereof as the other public schools of such city, town, or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, a vocational school, provided such school, or schools are maintained according to the provisions of sections 41.13 to 41.20, in the town, village, or city in which his parents or guardians reside. This subsection shall apply only to persons between the ages herein specified living in towns, villages, and cities maintaining schools as provided in sections 41.13 to 41.20. [Statutes, ch. 40, sec. 40.73(3).]

Penalty—parent, etc.—Any parent or guardian failing to comply with the provisions of this act [secs. 40.73, 40.74] shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars or by imprisonment in the county jail not less than five days or more than thirty days, and in case of conviction for a second or any subsequent offense shall be punished by both such fine and imprisonment. [Statutes, ch. 40, sec. 40.73(6).]

Enforcement—appointment and duties of truant officers.—(*a*) In all cities of the first class the board of education or any board having similar powers, shall appoint ten or more truant officers; in all cities of the second and third classes, such board shall appoint one or more truant officers, and in all cities of the fourth class the chief of police and the police officers may be truancy officers, whose duties it shall be to see that the provisions of * * * [sec. 40.74] are enforced. (*b*) When of his personal knowledge, or by report or complaint from any resident of the city, or by report or complaint as provided herein, a truant officer believes that any child is unlawfully and habitually absent from elementary school, vocational school, or any other school which the minor is by law compelled to attend, provided the minor is not otherwise receiving instruction as provided in subsection (1) of section 40.73, he shall immediately investigate and render all service in his power, to compel such child to attend some public, parochial, or private school which the person having control of the child shall designate, or if over fourteen and under sixteen years of age to attend school or become regularly employed at home or elsewhere, and upon failure he shall serve a written notice as required in * * * [sec. 40.74(4)] and proceed as hereinafter provided against the person having charge of such child. And in all towns and villages the sheriff of the county, his undersheriff and deputies shall be the truant officers, and it shall be the duty of all truant officers named in this subsection to enforce the provisions of this section as provided herein. [Statutes, ch. 40, sec. 40.74(1).]

Enforcement—powers of truant officers.—Any truant officer within this State shall have power to visit factories, workshops, mercantile establishments and other places of employment in their respective localities and ascertain whether any minors are employed therein contrary to law. They may require that the age and school certificates and lists of minors who are employed in such factories, workshops, mercantile establishments and other places of employment, shall be produced for their inspection, and they shall report all cases of such illegal employment to the school authorities of their respective cities, towns, villages, or districts and to the [industrial commission]. Such truant officer shall receive no compensation from the State for performing such services. [Statutes, ch. 40, sec. 40.74(2).]

Enforcement—duties of teachers, etc.; penalty.—(*a*) It shall be the duty of the school clerk of every school district, the clerks of boards of education, and the clerks of subdistricts, or other officers whose duty it is to take the school census under the law, at the time of taking the school census of their respective districts or cities, to make out three copies of such census reports, on blanks to be furnished by the State superintendent, and send one of such copies by mail, or otherwise, to the proper superintendent on or before the fifteenth day of July of each year and at the time of the opening of school in his district, he shall deliver, with the register, a copy of such census report to the teacher employed in said district, and if the school consists of two or more departments the copy shall be placed in the hands of the principal.

(*b*) In case the district includes within its boundaries, territory lying in two or more counties it shall be the duty of the clerk of such district to make out separate copies of the census reports for each part of said joint district, and forward the same to the proper superintendents: *Provided*, That in all cities having a population of two thousand or more the clerk of the board of education or other officer, whose duty it is to take the school census shall not be required to furnish copies of the census returns to the county superintendent, city superintendent or teachers. Said clerks of boards of education and other officers who shall have the care and custody of the school census returns, shall have their offices open at all reasonable hours, and allow and assist superintendents, teachers, and truant officers to examine and secure information from the school census reports on file in their offices, that may, in any way, aid in the enforcement of the provisions of this act [secs. 40.73, 40.74].

(*c*) All teachers in public schools, except teachers in high schools, shall at the request of the proper superintendent, while school is in session report to him. Said report shall show * * * the names and ages of all children enrolled in their respective schools between the ages of seven and fourteen and fourteen and sixteen, the names and post-office addresses of the parents or other persons having control of such children, the number of the district and the name of the town, city, village, and county in which said children reside, the distance such child or children reside from the schoolhouse in the district in which they live by the nearest traveled road, the number of days each such child was present and the number of days such child was absent during each month and such other reports requested by him, said reports to be made on blanks to be furnished by the county, district, or State superintendent.

(*d*) It shall be the duty of every school clerk, or the clerk of the board of education to deliver to the teachers in the public schools a sufficient number of blanks as described above, to supply said teachers for one school year: *Provided*, That when there shall be enrolled and in attendance at parochial or private schools, children residing in a county or counties other than the one in which the schoolhouse is located, the teachers in such parochial or private schools may make the reports hereinbefore described to the county, district, or city superintendent of the county, or the city in which the children between the ages of seven and fourteen and fourteen and sixteen so attending, reside: *Provided further*, That in districts that include within their boundaries territory lying in two or more counties, or districts joint with cities having separate superintendents, it shall be the duty of the public school teachers in such joint districts to make separate reports as provided herein to the county, district, or city superintendent of the county or city in which the children between the ages of seven and fourteen and fourteen and sixteen so attending reside: *And provided*, That the teachers in cities of two thousand population or more shall not be required to make the report provided herein, except when called upon to do so by the proper county or city superintendent.

(*e*) All teachers of private and parochial schools shall keep a record embodying all the data enumerated in this section, and such record shall be open to the inspection of all truant officers specified in this act, at any and all reasonable times: *And provided,* That when called upon by any truant officer, or superintendent, the teachers in private or parochial schools may furnish in writing on blanks furnished by the truant officer or superintendent the above-mentioned data in regard to any child or children between the ages of seven and fourteen and fourteen and sixteen who claim, or who are claimed to be in attendance upon said school; and every teacher in a public school shall, and every teacher in a private or parochial school may promptly notify the proper truant officer of any child whose attendance is habitually irregular: *Provided,* Such irregularity is not excused by any provision of this act.

(*f*) Any officer or teacher in a public school who shall fail or neglect to make the reports required by this section as required, or any teacher in a private or parochial school who shall fail to keep a record as required in this section shall be subject to a forfeiture of not less than five nor more than twenty-five dollars for each such failure or neglect, said forfeiture to be sued for by any voter of the district where such officer resides, or where such teacher is employed, and recovered in the same manner other forfeitures are sued for and recovered under the Wisconsin statutes; one half of the amount of the forfeiture to be paid to the voter bringing the action and the other half to be paid into the school district treasury of the district where such offender resides. [Statutes, ch. 40, sec. 40.74(3).]

Enforcement—duties of superintendents; names of truants to be reported to industrial commission; duties of truant officers.—(*a*) It shall be the duty of the county, district, and city superintendents, upon receiving the reports and information as provided in the preceding sections, to compare carefully the reports of attendance and enrollment, with the reports of the last school census on file in his office, and ascertain therefrom the names of all children who are not complying with the provisions of sections 40.73 and 40.74, and it shall be the duty of such superintendents to report the names of such children, together with the names and addresses of the parents or those having control of such children to the [industrial commission] at Madison, upon blanks furnished for that purpose, and to the proper truant officer of the county, district, or city. The truant officer shall immediately upon receipt of such report, or when he obtains information of delinquencies, notify by registered mail, or by the service of notice in the same manner as provided for the service of summons in a civil case in a justice court, the parent or the person having control of such child or children, to cause such child or children to be sent to some public, parochial, or private school within five days from the date notice is deposited, properly addressed in the post office, if notice is served by registered mail, or five days from the date of the personal service of said notice.

(*b*) The notice shall inform the parent or other person in parental relation that the law requires that all children between the ages of seven and fourteen, and between the ages of fourteen and sixteen, if not regularly employed as provided by sections 1728a to 1728j, inclusive, are to be in regular attendance at some school as provided in * * * [sec. 40.73(1)]. It shall be the duty of all truant officers, after having given the notice hereinbefore described, to determine whether the parent or other person in parental relation has complied with the notice, and in case of failure to so comply, he shall immediately notify the [industrial commission] of such failure, and within three days after having knowledge of or having been notified thereof, make complaint against said parent or person in parental relation having the legal charge and control of such child or children, before any justice of the peace in the county, where such party resides. * * * [Statutes, ch. 40, sec. 40.74(4).]

Enforcement—duties of superintendents, truant officers, etc.; reports to industrial commission.—Each county and city superintendent of schools shall report to the industrial commission and to the proper truant officer within ten days after the close of each month, commencing with the month of October and concluding with the month of May in each year, the name of each child residing in the county, district, or city under his supervision who during said month has not complied with the provisions of * * * [sec. 40.73(1)] of the Statutes, and the name and post-office address of the parent or guardian of such child. If any county or city superintendent has no names of delinquent children to report for any month as provided in this section, it shall be the duty of such superintendent promptly to notify the industrial commission of

that fact. It shall be the duty of each county and city superintendent of schools to require suitable monthly reports from the teachers under his jurisdiction in order to assist such superintendent in preparing the aforesaid reports. Immediately upon serving the notice as provided in * * * [secs. 40.74(1), 40.74(4)] upon the parent or guardian of any child, it shall be the duty of the truant officer to notify the teacher of such child of such service. The return of the child to school shall be promptly reported by the teacher to the truant officer and superintendent. It shall be the duty of each truant officer to make a report each month to the industrial commission, showing the action taken by him in the cases of delinquency reported to him by the superintendent. Blanks for reports by superintendents to the industrial commission and to the truant officer shall be furnished by the industrial commission. [Statutes, ch. 40, sec. 40.74(6).]

Penalty for superintendent of schools and truant officers.—Any superintendent of schools or any truant officer who violates or fails to comply with any of the provisions of * * * [sec. 40.74] shall be subject to a forfeiture of not less than five nor more than twenty-five dollars for each such offense, which on complaint of the industrial commission may be recovered against such superintendent or truant officer in an action in debt brought by the attorney general before any court of competent jurisdiction. [Statutes, ch. 40, sec. 40.74(7).]

SCHOOL CENSUS.

Enumeration of children from 4 to 20.—It shall be the duty of the district clerk, between the tenth and twenty-fifth days of July in each year, excepting in cities of the first class where the school census shall be taken between March first and June first of each year, to make and transmit to the county or city superintendent, a written report bearing date as of the thirtieth day of June, or the thirtieth day of May in cities of the first class, of such year, signed by him and verified by his affidavit, showing:

First. The number, names, and ages of children, male and female designated separately, over the age of four and under the age of twenty years residing in the district, and the names of their parents, guardians or other persons with whom such children resided, respectively, on the last day of May or June preceding. * * * [Statutes, ch. 40, sec. 40.21(1).]

CIGAR SHOPS AND CIGAR FACTORIES.

HOURS OF LABOR.

Eight hours a day, 48 a week, under 18.—No person under eighteen years of age shall be employed or permitted to work in a cigar shop or a cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week. [Statutes, ch. 73a, sec. 1636–106.]

Penalty.—Any person violating any provision of sections 1636–101 to 1636–109, inclusive, shall be punished by fine not exceeding twenty-five dollars and no less than ten dollars for the first offense, and by fine not exceeding fifty dollars, and no less than twenty-five dollars for the second and each following offense. [Statutes, ch. 73a, sec. 1636–108.]

Enforcement.—The [industrial commission] shall have full power and it shall be [its] duty to enforce all the provisions of sections 1636–101 to 1636–109, inclusive * * *. [Statutes, ch. 73a, sec. 1636–109.]

MANUFACTURING, MECHANICAL, AND MERCANTILE ESTABLISHMENTS, ETC.

HOURS OF LABOR FOR GIRLS.

Definition of terms.—The following terms as used in sections 1728–1 to 1728–4, inclusive, shall be construed as follows:

(1) The term "place of employment" shall mean and include any manufactory, mechanical, or mercantile establishment, laundry, restaurant, confectionery store, or telegraph or telephone office or exchange, or any express or transportation establishment.

(2) The term "employment" shall mean and include any trade, occupation or process of manufacture, or any method of carrying on such trade or occupa-

tion in which any female may be engaged, or for any place of employment, as herein defined.

(3) The term "employer" shall mean and include every person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment or place of employment, as herein defined.

(4) The terms "order," "general order," "special order," "safe," "safety," and "welfare" shall be construed as defined in section 2394–41 of the Statutes. [Statutes, ch. 83, sec. 1728–1.]

Industrial commission to issue orders regulating the hours of labor for females; penalty for violation; provisional schedule of 10 hours a day, 55 a week, for day work, and 8 hours a night, 48 a week, for night work; 1 hour for meals each day or night.—No female shall be employed or be permitted to work in any place of employment or at any employment for such period or periods of time during any day, night or week, as shall be dangerous or prejudicial to the life, health, safety or welfare of such female. It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classification, and to issue general or special orders fixing a period or periods of time, or hours of beginning and ending work during any day, night or week, which shall be necessary to protect the life, health, safety or welfare of any female, or to carry out the purposes of section 1728–1 to 1728–4, inclusive, of the Statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394–41 to 2394–70, inclusive [creating and defining powers of industrial commission relating to orders concerning safety, etc.] of the Statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1728–1, 1728–2, 1728–3, and 1728–4 of the Statutes, and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394–41 to 2394–70, inclusive, of the Statutes, and the penalties therein shall apply to and be imposed for any violation of sections 1728–1, 1728–2, 1728–3, and 1728–4 of the Statutes. Until such time as the industrial commission shall so investigate, ascertain, determine and fix, and shall issue general or special orders thereon, the periods of time specified in the attached schedule (see below) shall be deemed to be dangerous or prejudicial to the life, health, safety or welfare of females.

SCHEDULE.

At day work, more than ten hours in any one day, or more than fifty-five hours in any one week. At night work, more than eight hours in any one night, or more than forty-eight hours in any one week. Day work is work done between six o'clock a. m., and eight o'clock p. m., of the same day: *Provided*, That employment not more than one night in the week after eight o'clock p. m. shall not be considered night work. Night work is work done between eight o'clock p. m. and six o'clock a. m. of the following day. Less than one hour during each day or night for dinner or other meals. [Statutes, ch. 83, sec. 1728–2.]

Hours to be posted; exceptions.—Every employer shall post in a conspicuous place in each of the several departments, in or for which women are employed, a list on a printed form furnished by the industrial commission, stating the names and hours required of each woman during each day of the week, the hours of commencing and stopping work, and the period allowed for dinner or other meals. Such list need not be posted where time records are kept for inspection by the said commission for a period of at least six months prior to such inspection or where any other substitute equally effective for the enforcement of sections 1728–1 to 1728–4, inclusive, is approved by the commission. [Statutes, ch. 83, sec. 1728–3.]

Enforcement: evidence of violation.—The employment of any female in any such employment or place of employment, as defined in section 1728–1, at any time other than those of the posted hours of labor, as hereinbefore provided for, shall be prima facie evidence of a violation of this act [s 1728–1 to 1728–4]. Every day for each female employed, and every week for each female employed, during which any employer shall fail to observe or to comply with any order

of the commission, or to perform any duty enjoined by sections 1728–1 to 1728–4, inclusive, of the Statutes, shall constitute a separate and distinct offense. [Statutes, ch. 83, sec. 1728–4.]

ANY GAINFUL OCCUPATION.

EMPLOYMENT CERTIFICATE.

Permits required from 14 to 17; issued by industrial commission or persons designated by said commission.—No child between the ages of fourteen and seventeen years unless indentured as an apprentice, as provided in section 2377 of the Statutes, shall be employed, required, suffered or permitted to work at any time in any factory, or workshop, store, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service, or the delivery of any merchandise, or at any gainful occupation, or employment, directly or indirectly, or, in cities wherein a vocational school is maintained, in domestic service other than casual employment in such service, unless there is first obtained from the industrial commission, or from a judge of a county, municipal, or juvenile court designated by the industrial commission where such child resides, or from some other person designated by said commission, a written permit authorizing the employment of such child in such employment within such time or times as the said industrial commission or a judge or other person designated by said commission may fix; providing, that such times shall not conflict with those designated in subsection 1 of section 1728c. [Statutes, ch. 83, sec. 1728a.1.]

DANGEROUS, INJURIOUS, AND IMMORAL OCCUPATIONS.

MINIMUM AGE AND HOURS OF LABOR.

Industrial commission to classify occupations, etc., and to issue orders prohibiting the employment of minors and females; penalty for violation; night work in specific occupations provisionally prohibited under 21.—No employer shall employ, require, permit or suffer any minor or any female to work in any place of employment, or at any employment dangerous or prejudicial to the life, health, safety or welfare of such minor, or such female, or where the employment of such minor may be dangerous or prejudicial to the life, health, safety or welfare of other employees or frequenters. It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classifications of employments, and places of employment, minors and females, and to issue general or special orders prohibiting the employment of such minors or females in any employment or place of employment dangerous or prejudicial to the life, health, safety or welfare of such minor or such female, and to carry out the purposes of sections 1728a to 1728j, inclusive, of the Statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394–41 to 2394–70, inclusive [creating and defining powers of industrial commission relating to orders concerning safety, etc.], of the Statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1728a to 1728j, inclusive, of the Statutes; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394–41 to 2394–70, inclusive, of the Statutes; and the penalties therein shall be applied to and be imposed for any violation of sections 1728a to 1728j, inclusive, of the Statutes. Until such time as the said commission shall so investigate, ascertain, determine and fix the classifications provided in this section, the employments and places of employment designated in the following schedule shall be deemed to be dangerous or prejudicial to the life, safety, health or welfare of minors under the ages specified, or of females, or dangerous or prejudicial to the life, health, safety or welfare of other employees or of frequenters, where such minor may be employed. The terms "place of employment," "employment," "employer," "employee," "frequenter," "deputy," "order," "local order," "general order," "special order," "welfare," "safe," and "safety," as used in this section, shall be construed as defined in section 2394–41 of the Statutes.

Schedule of employments or places of employment dangerous or prejudicial to the life, health, safety or welfare of minors, or children under the ages specified, or to frequenters, or to females:

(a) Minors under twenty-one years of age:
In cities of the first, second, and third class, before six o'clock in the morning and after eight o'clock in the evening of any day, as messenger for a telegraph or messenger company in the distribution, transmission or delivery of messages or goods. * * * [Statutes, ch. 83, sec. 1728a.2.]

ANY GAINFUL OCCUPATION.

MINIMUM AGE.

Employment under 14 prohibited except as provided in section 1728a.—No child under the age of fourteen years shall be employed, required, suffered or permitted to work at any time in any factory, manufacturing establishment or workshop, store, hotel, restaurant or bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service, delivery of merchandise or at any gainful occupation or employment, directly or indirectly, except as provided in * * * [sec. 1728a]. [Statutes, ch. 83, sec. 1728a.3.]

Employment under 14 prohibited; exceptions from 12 to 14 in mercantile establishments, etc., during vacation; permits required; no educational requirements during vacation.—No child under the age of fourteen years shall be employed, required, permitted or suffered to work at any gainful occupation or employment at any time except that during the vacation of the public or equivalent school in the town, district or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, mercantile establishment, warehouse, telegraph, telephone or public messenger service in the town, district or city where it resides and not elsewhere: *Provided,* That it shall have first obtained a permit in the same manner and under the same conditions set forth for employment during the regular session of the school, except that for such vacation permit no proof of educational qualification shall be necessary. [Statutes, ch. 83, sec. 1728a.4.]

Court decision.—The prohibition is absolute and does not permit the work to be done under a permit from the commissioner of labor or other officer, and the employment in violation of this section is negligence per se.—Sharon *v.* Winnebago Furniture Co., 141 Wis. 185, 124 N. W. 299 (1910).

EMPLOYMENT CERTIFICATES AND RECORDS.

Contents of permits.—The permit required by section 1728a of the Statutes shall contain the signature of the director of the vocational school where the child is to attend and state the name, the date and place of birth of the child, and describe the color of hair and eyes, the height and weight, and any distinguishing facial marks of such child, and that the papers required in * * * [sec. 1728a–3.2] have been duly examined, approved and filed. [Statutes, ch. 83, sec. 1728a–3.1.]

Age and school records and promise of employment required.—The following evidence, records and papers shall be filed before such permit is issued:

(1) Such evidence as is required by the industrial commission showing that such child is at least fourteen years of age. The industrial commission shall formulate and publish rules and regulations governing the proof of age of minors who apply for labor permits, and such rules and regulations shall be binding upon all persons authorized by law to issue such permits.

(2) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the aforementioned persons, a certificate of the clerk of the school board, showing that such child is more than fourteen years of age, and stating also the date of the birth of such child, and the number of years it has attended school. Such certificate shall contain the further statement that such child has attended the public school, or some other school having a substantially equivalent course, as required by law, within the twelve months next preceding the date of such certificate or next preceding the fourteenth birthday of such child; that such child is able to read and write simple sentences in the English language, and is familiar with the fundamental operations in arithmetic up to and including fractions and that it has received during such one-year period instruction in

spelling, reading, writing, English grammar and geography; or in lieu of such statement relative to its educational attainments, that such child has passed successfully the fifth grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least seven years. It shall be the duty of such superintendent, principal or clerk to issue certificate upon receipt of any application in behalf of any child entitled thereto.

(3) A letter written on such regular letterhead or other business paper used by the person, stating the intention of such person, firm, or corporation to employ such child, and signed by such person, firm, or corporation, or by some one duly authorized by them. [Statutes, ch. 83, sec. 1728a–3.2.]

REGULATED OCCUPATIONS.

ENFORCEMENT.

Powers of truant officers, police officers, etc., in enforcing sections 1728a to 1728j.—For the purposes of sections 1728a to 1728j, inclusive, * * * any * * * truant officer, any police officer or any private citizen may make complaint of the violation of any provisions of sections 1728a and 1728j, inclusive. [Statutes, ch. 83, sec. 1728a–4.1.]

Duties of industrial commission.—When complaint is made by truant officer, police officer or any private citizen to the [industrial commission], the [said commission] shall investigate or cause to be investigated such complaint, and if pursuant to any such investigation, a violation of any of the provisions of sections 1728a to 1728j, inclusive, shall be found, the [industrial commission] shall prosecute or cause to be prosecuted any such violation. [Statutes, ch. 83, sec. 1728a–4.2.]

FACTORIES, MERCANTILE ESTABLISHMENTS, WORKSHOPS, ETC.

EMPLOYMENT CERTIFICATES AND RECORDS.

Statements of actual employment required; records to be kept by employers; permits to be returned to issuing office.—Every person, firm or corporation, agent or manager of any firm or corporation, employing minors in any factory or workshop, store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service within this State, in addition to filing the certificate of intention to employ with the [industrial commission], shall file with the officer signing such permit, a statement of actual employment of such minor, the date of employment, and that the necessary permit has been duly received and filed, shall keep said permits on file in the same place where such minor is employed, and subject at all times to the inspection of the [industrial commission], and shall post a list of said employees with said information at or near the principal entrance to the factory, or other building where such children are employed. It is further provided, that upon the termination of employment of any minor, said employer shall return within twenty-four hours the permit for employment of such minor to the person and place, designated by the [industrial commission] with a statement of reasons for the termination of said employment. [Statutes, ch. 83, sec. 1728a–6.1.]

Special inspection where children under 18 are employed.—Every person, firm, or corporation, desiring to become the employer of children under the age of eighteen years, shall file with the [industrial commission] a statement of this fact, in order that a special inspection of his factory, workshop, bowling alley, store, hotel or mercantile establishment, restaurant, bakery, laundry, telegraph, telephone or public messenger service may be made or caused to be made by the [industrial commission]. [Statutes, ch. 83, sec. 1728a–6.2.]

EDUCATIONAL REQUIREMENTS.

COMPULSORY EVENING AND VOCATIONAL SCHOOL ATTENDANCE.

Illiterate minors over 17 not to be employed where school exists unless attending public evening or vocational school; illiteracy defined.—No person, firm, or corporation shall employ an illiterate minor over seventeen years of age in any city, village, or town in which a public evening school or vocational school

is maintained, unless such minor is a regular attendant at the public evening school or vocational school. An illiterate minor within the meaning of this section is a minor who can not read at sight and write legibly simple sentences in the English language. Attendance of four hours per week at the public evening school or vocational school shall be deemed regular attendance within the meaning of this section. [Statutes, ch. 83, sec. 1728a–11, as amended by acts of 1918, special session, ch. 2.]

Responsibility of parents, etc.—No parent, guardian, or custodian shall permit a minor over seventeen years of age to be employed in violation of section 1728a–11. [Statutes, ch. 83, sec. 1728a–12, as amended by acts of 1918, special session, ch. 2.]

Weekly attendance records to be filed with employer.—Any minor required by section 1728a–11 to attend an evening school or vocational school shall furnish to his employer each week during its session a record showing that he is a regular attendant at the evening school or vocational school. The employer shall file all records of attendance in his office and no minor, subject to sections 1728a–11 to 1728a–16, inclusive, shall be employed unless the records of attendance or absence for valid cause, during the previous week, be on file. [Statutes, ch. 83, sec. 1728a–13, as amended by acts of 1918, special session, ch. 2.]

Exemption; industrial commission may permit employment if physician certifies child's health is endangered by attendance.—Upon presentation by a minor of a certificate signed by a registered practicing physician, showing that his physical condition, or the distance necessary to be traveled, would render the required school attendance, in addition to his daily labor, prejudicial to his health, the industrial commission may in its discretion authorize his employment for such period as it may determine. [Statutes, ch. 83, sec. 1728a–14, as amended by acts of 1918, special session, ch. 2.]

Penalty for employer.—Any person, firm, or corporation, agent or manager of any corporation, who whether for himself or for such firm or corporation, or by himself or through agents, servants, or foremen, shall violate or fail to comply with any of the provisions of sections 1728a–11 to 1728a–14, inclusive, of the statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars for each offense. Any corporation which by its agents, officers, or servants shall violate or fail to comply with any of the provisions of sections 1728a–11 to 1728a–14, inclusive, shall be liable to the same penalty which may be recovered against such corporation in action for debt or assumpsit, brought before any court of competent jurisdiction. [Statutes, ch. 83, sec. 1728a–15, as amended and renumbered by acts of 1918, special session, ch. 2.]

Penalty for parent, etc.—Any parent or guardian who suffers or permits a minor to be employed, or suffered or permitted to work in violation of sections 1728a–12 to 1728a–13 of the Statutes shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars. [Statutes, ch. 83, sec. 1728a–16, as renumbered by acts of 1918, special session, ch. 2.]

FACTORIES, WORKSHOPS, MERCANTILE ESTABLISHMENTS, MESSENGER SERVICE, ETC.

EMPLOYMENT CERTIFICATES AND RECORDS.

Lists required under 17; contents.—Every person, firm, or corporation, agent or manager of any firm or corporation employing minors in domestic service coming within the provisions of subsection 1 of section 1728a or in any factory or workshop, store, office, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone, or public messenger service within this State shall keep a register in the place where such minor is employed, and subject at all times to the inspection of any factory inspector, or assistant factory inspector, or truant officer, in which register shall be recorded the name, age, date of birth and place of residence of every child employed, permitted, or suffered to work therein, under the age of seventeen years, except as provided by section 2377, for indentured apprentices. [Statutes, ch. 83, sec. 1728b.1.]

Permits required under 17; issued by industrial commission or person designated by said commission.—No person, firm, or corporation, agent or manager of any firm or corporation shall hire or employ, permit, or suffer to work in any

domestic service, coming within the provisions of subsection 1 of section 1728a, mercantile establishment, factory or workshop, store, office, hotel, restaurant, bakery, laundry, telegraph, telephone, or public messenger service, any child not indentured as an apprentice as provided in section 2377, under seventeen years of age, unless there is first provided and placed on file in such mercantile establishment, factory, workshop, store, office, hotel, restaurant, bakery, laundry, telegraph, telephone, or public messenger service office, or other place of employment included herein, a permit granted by the industrial commission or by any judge or person designated by said commission as provided in section 1728a. [Statutes, ch. 83, sec. 1728b.2.]

ANY GAINFUL OCCUPATION.

HOURS OF LABOR AND HOURS OF ATTENDANCE AT VOCATIONAL SCHOOLS.

Eight hours a day, 48 a week, 6 days a week, and night work prohibited, under 16; 30 minutes for midday meal under 16; farm and domestic work excepted.—No child under the age of sixteen years shall be employed, required, permitted, or suffered to work at any gainful occupation, other than domestic service or farm labor, for 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 six o'clock in the evening, nor more than six days in any one week. A dinner period of not less than thirty minutes shall be allowed during each day. During such dinner period the power shall be shut off from machinery operated by children, and no work shall be permitted. Provided nothing in sections 1728a to 1728j, inclusive, shall be construed to interfere with the employment of children as provided in sections 1728a–1 and 1728u of the Statutes. [Statutes, ch. 83, sec. 1728c.1.]

Hours to be posted.—Each employer shall post in a conspicuous place, in each of the several departments in or for which minors are employed, a list on a printed form furnished by the [industrial commission], stating the names, ages, and the hours required of each child during each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begin and end. [Statutes, ch. 83, sec. 1728c.2.]

Reduction of hours required from 14 to 16 to allow attendance at vocational schools; number of hours required.—Whenever any day vocational school shall be established in any town, village, or city in this State for minors between the ages of fourteen and sixteen, working under permit as now provided by law, every such child residing or employed within any town, village, or city in which any such school is established, shall attend such school in the daytime not less than eight hours per week for at least eight months in each year and for such additional months or parts thereof as the other public schools of such city, town, or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, subject to the provisions of subsection (3) of section 40.73, until such child becomes sixteen years of age, and every employer shall allow all minor employees over fourteen and under sixteen years of age a reduction in hours of work of not less than the number of hours the minor is by this section required to attend school. [Statutes, ch. 83, sec. 1728c–1.1.]

Total number of hours at work and at school not to exceed legal maximum hours of labor; exceptions.—The total number of hours spent by such minors at work and in the beforementioned schools shall together not exceed the total number of hours of work for which minors over fourteen and under sixteen years of age may by law be employed, except when the minor shall attend school a greater number of hours than is required by law, in which case the total number of hours may be increased by the excess of the hours of school attendance over the minimum prescribed by law. [Statutes, ch. 83, sec. 1728c–1.2.]

Reduction of hours to coincide with class times.—Employers shall allow the reduction in hours of work at the time when the classes which the minor is by law required to attend, [sic] are held whenever the working time and the class time coincide. [Statutes, ch. 83, sec. 1728c–1.3.]

Penalty for violation of section 1728c–1.—Any violation of * * * [sec. 1728c–1] shall be punished as is provided in the case of violation of section 1728a of the Statutes. [Statutes, ch. 83, sec. 1728c–1.4.]

ALL REGULATED OCCUPATIONS.

ENFORCEMENT.

Duties and powers of industrial commission.—It shall be the duty of the industrial commission to enforce all the provisions of the Statutes regulating or relative to child labor, and to prosecute violations of the same before any justice of the peace or other court of competent jurisdiction in this State. It shall be the duty of the said industrial commission and truant officers, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by sections 1728a to 1728j, inclusive. The industrial commission, for the purpose of the enforcement of sections 1728a to 1728j, inclusive, shall have the power of truant officers to enforce all legal requirements relating to school attendance. [Statutes, ch. 83, sec. 1728d.1.]

Jurisdiction.—The justices of the peace in the various counties of the State of Wisconsin shall have criminal jurisdiction of actions brought for violations of all statutes regulating or relative to child labor, notwithstanding any statute depriving such justices of the peace in any county of such jurisdiction. Nothing contained herein, however, shall deprive the municipal courts and other courts of record of concurrent jurisdiction, nor shall anything contained herein be construed to give justices of the peace in cities of the first class jurisdiction of such actions. [Statutes, ch. 83, sec. 1728d.2.]

ANY GAINFUL OCCUPATION.

EMPLOYMENT CERTIFICATES AND RECORDS.

Refusal of permits; physical fitness.—The industrial commission or judge or other person designated by the commission under section 1728a, may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they may be employed. They may also refuse to grant a permit if, in their judgment, the best interests of the child would be served by such refusal. [Statutes, ch. 83, sec. 1728e.1.]

Method of issuing; records of issuing office.—All permits provided for under sections 1728a to 1728j, inclusive, shall be issued upon blanks furnished by the [industrial commission] and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the [industrial commission], together with a detailed statement of the character and substance of the evidence offered prior to the issue of such permit. Such statement so forwarded shall be upon blanks furnished by the [industrial commission], and shall contain such details as to such evidence, and shall fully reveal its character and substance as indicated in such blank. [Statutes, ch. 83, sec. 1728e.2.]

Revocation of permits.—Whenever it shall appear to the [industrial commission] that any permit has been improperly or illegally issued, or that the physical or moral welfare of such child would be best served by the revocation of the permit, [said commission] may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such child and the child holding such permit of such revocation. [Statutes, ch. 83, sec. 1728e.3.]

Exception: agricultural pursuits.—Nothing contained in sections 1728a to 1728j, inclusive, shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child. [Statutes, ch. 83, sec. 1728e.4.]

REGULATED OCCUPATIONS.

DEFINITIONS.

Certain terms used in sections 1728a to 1728j.—The words "manufacturing establishment," the word "factory," or the word "workshop," as used in sections 1728a to 1728j, inclusive, shall each be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned, or assorted, stored or packed, in whole or in part, for sale, for wages, or directly or indirectly, for gain or profit. [Statutes, ch. 83, sec. 1728g.]

ALL REGULATED OCCUPATIONS.

PENALTIES.

Illegal employment or hindering inspector, etc.; employer.—Any person, firm, or corporation, agent or manager of any firm or corporation who, whether for himself or for such firm or corporation, or by himself or through agents, servants or foremen, shall employ, require, suffer, or permit any person to work in any employment prohibited under the provisions of section 1728a, or hinders or delays the [industrial commission], or truant officers, or any or either of them, in the performance of their duties, or refuses to admit or locks out any such officers from any place required to be inspected by said sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than two hundred dollars for each offense, or imprisoned in the county jail not longer than thirty days. [Statutes, ch. 83, sec. 1728h.1.]

Liability for penalties.—Any corporation which, by its agents, officers, or servants violates or fails to comply with any of the provisions of the sections specified in subsection 1 shall be liable to the above penalties, which may be recovered against such corporations in action for debt or assumpsit brought before any justice of the peace or other court of competent jurisdiction. [Statutes, ch. 83, sec. 1728h.2.]

Failure to return permits to issuing office.—Any person, firm, or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation, or by himself or through agents, servants or foremen fails to return the employment permit of any child in violation of section 1728a–6, shall be liable in action to such child whose permit is not returned, for two dollars for each day during which such failure continues. [Statutes, ch. 83, sec. 1728h.4.]

Failure to produce permits or presence of minor to be evidence of employment.—The failure of any person, firm, or corporation, agent or manager of any firm or corporation, to produce for inspection to the [industrial commission], [or] truant officers, the employment permit hereinbefore described, shall be prima facie evidence of illegal employment of minor before any justice of the peace or other court of competent jurisdiction. The presence of any minor in any factory, workshop, place of employment, or in or about any mine, or the presence of any minor at any time other than those on the posted hours of labor, as hereinbefore provided, or in any establishment employed at any work listed as dangerous or forbidden employments, shall be prima facie evidence of the employment of such child. [Statutes, ch. 83, sec. 1728h.5.]

Permitting employment; parent, etc.—Any parent or guardian who suffers or permits a child to be employed, at any gainful occupation, directly or indirectly, or suffered or permitted [sic] to work in violation of sections 1728a to 1728j, inclusive, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars, or by imprisonment [be imprisoned] in the county jail for not longer than thirty days. [Statutes, ch. 83, sec. 1728i.]

ENFORCEMENT.

Proof of age in court proceedings.—When in any proceeding in any court under sections 1728a to 1728j, inclusive, there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed with the court. In case such certificates can not be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof. [Statutes, ch. 83, sec. 1728j.]

ALL OCCUPATIONS—EDUCATIONAL REQUIREMENTS.

COMPULSORY VOCATIONAL SCHOOL ATTENDANCE AND HOURS OF LABOR.

Attendance until September 1, 1918, of children from 16 to 17 where schools exist; reduction of hours to allow attendance.—Until September first, 1918, whenever a vocational school shall be established according to the provisions of sections 41.13 to 41.21, in any town, village, or city, any minor not indentured

as an apprentice as provided in section 2377 of the Statutes, or not regularly attending any other recognized school, between the ages of sixteen and seventeen, residing or working in such town, village, or city, shall attend such school in the daytime not less than four hours per week for at least eight months in each year and for such additional months or parts thereof as the other public schools of such city, town, or village are in session in excess of eight during the regular school year, or the equivalent, as may be determined by the local board of industrial education. Every employer shall allow all such minor employees a reduction in hours of work of not less than the number of hours the minor is by this section required to attend school. Whenever the working time and the class time coincide, such reduction in hours of work shall be allowed at the time when the classes which the minor is by law required to attend are held. [Statutes, ch. 83, sec. 1728o–2.1.]

Attendance after September 1, 1918, of children from 16 to 17 where schools exist; reduction of hours to allow attendance.—From and after September first, 1918, whenever a vocational school shall be established according to the provisions of sections 41.13 to 41.21, in any town, village, or city, any minor not indentured as an apprentice as provided in section 2377 of the Statutes, or not regularly attending any other recognized school, between the ages of sixteen and seventeen, residing or working in such town, village, or city, shall attend such school in the daytime not less than eight hours per week for at least eight months, and for such additional months or parts thereof as the other public schools of such city, town, or village are in session in excess of eight during the regular school year, or the equivalent, as may be determined by the local board of industrial education. Every employer shall allow all such minor employees a reduction in hours of work of not less than the number of hours the minor is by this section required to attend school. The total hours of schooling and employment for boys over sixteen and under seventeen years of age shall not exceed fifty-five hours per week. Whenever the working time and the class time coincide, such reduction in hours shall be allowed at the time when the classes which the minor is by law required to attend are held. [Statutes, ch. 83, sec. 1728o–2.2.]

Penalty for violation of section 1728o–2.—Any violation of this section in a case involving a minor in employment shall be punished as is provided in the case of violation of the provisions of section 1728a of the Statutes, and any violation in a case involving a minor not in employment shall be punished as is provided in the case of violating the provisions of section 40.73. [Statutes, ch. 83, sec. 1728o–2.3.]

ALL OCCUPATIONS.

MINIMUM WAGE.

Indenture of minors in trade industries.—"All minors working in an occupation for which a living wage has been established for minors, and who shall have no trade, shall, if employed in an occupation which is a trade industry, be indentured under the provisions of * * * [s. 2377] of the Statutes." [Statutes, ch. 83, sec. 1729s–8.1.]

Definition.—"A 'trade' or a 'trade industry' within the meaning of this act [s. 1729s–1 to 1729s–12, inclusive], shall be a trade or an industry involving physical labor and characterized by mechanical skill and training such as render a period of instruction reasonably necessary. The industrial commission shall investigate, determine, and declare what occupations and industries are included within the phrase a 'trade' or a 'trade industry'." [Statutes, ch. 83, sec. 1729s–8.2.]

APPRENTICESHIP.

Definition; apprentice.—The term "apprentice" shall mean any minor, 16 years of age or over, who shall enter into any contract of service, express or implied, whereby he is to receive from or through his employer, in consideration for his services in whole or in part, instruction in any trade, craft, or business. [Statutes, ch. 110, sec. 2377.1.]

Definition; indenture; record of indenture.—Every contract or agreement entered into by an apprentice with his employer shall be known as an indenture; such indenture shall be in writing and shall be executed in triplicate, one copy of which shall be delivered to the apprentice, one to be retained by the

employer, and one to be filed with the industrial commission of Wisconsin at Madison. [Statutes, ch. 110, sec. 2377.2.]

Period of indenture.—Any minor, 16 years of age or over, may, by the execution of an indenture, bind himself as hereinafter provided for a term of service not less than one year. [Statutes, ch. 110, sec. 2377.3.]

Signatures to indenture.—Every indenture shall be signed:

(1) By the minor.

(2) By the father; and if the father be dead or legally incapable of giving consent or has abandoned his family, then

(3) By the mother; and if both the father and mother be dead or legally incapable of giving consent, then

(4) By the guardian of the minor, if any.

(5) If there be no parent or guardian with authority to sign, then by two justices of the peace of the county of the residence of the minor, or by a member of the industrial commission of Wisconsin or a deputy thereof.

(6) By the employer. [Statutes, ch. 110, sec. 2377.4.]

Contents of indenture.—Every indenture shall contain:

(1) The names of the parties.

(2) The date of the birth of the minor.

(3) A statement of the trade, craft, or business which the minor is to be taught, and the time at which the apprenticeship shall begin and end.

(4) An agreement stating the number of hours to be spent in work, and the number of hours to be spent in instruction. Until the minor reaches the age of eighteen years, his period of instruction shall be not less than five per week or the equivalent, and his total number of hours of instruction and service shall not exceed fifty-five per week.

(5) An agreement as to the processes, methods, or plans to be taught, and the approximate time to be spent in each process, method, or plan.

(6) A statement of the compensation to be paid the apprentice.

(7) An agreement that a certificate shall be given the apprentice at the conclusion of his indenture, stating the terms of indenture. [Statutes, ch. 110, sec. 2377.5.]

Compensation; school attendance and penalty.—The employer shall pay for the time the apprentice is receiving instruction at the same rate per hour as for services. Attendance at school shall be certified by the teacher in charge, and failure to attend school shall subject the apprentice to a penalty of loss of compensation for three hours for every hour such apprentice shall be absent without good cause. [Statutes, ch. 110, sec. 2377.6.]

Overtime permitted over 18; compensation.—An apprentice over eighteen years of age may be allowed to work overtime not to exceed thirty hours in any one month. Overtime shall be considered all time over ten hours in any one day, and in case the hours of labor are limited in the particular craft, industry, or business, and as to the particular employer, to less than ten hours, overtime shall be figured as all time in any one day in excess of such limitation. For overtime the apprentice shall receive one and one-half times the rate per hour provided in his contract for regular time. [Statutes, ch. 110, sec. 2377.7.]

Penalty for violation of indenture.—If either party to an indenture shall fail to perform any of the stipulations thereof, he shall forfeit not less than one dollar nor more than one hundred dollars, such forfeiture to be collected on complaint of the industrial commission of Wisconsin, and paid into the State treasury. Any indenture may be annulled by the industrial commission of Wisconsin upon application of either party and good cause shown. [Statutes, ch. 110, sec. 2377.8.]

Industrial commission to investigate, classify, and issue orders fixing terms of indenture; method of procedure; penalties.—It shall be the duty of the industrial commission of Wisconsin, and it shall have power, jurisdiction, and authority, to investigate, ascertain, determine, and fix such reasonable classifications and to issue rules and regulations, and general or special orders as shall be necessary to carry out the intent and purposes of section 2377 of the statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate, or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394–41 to 2394–70, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of

section 2377 of the statutes: and every order of the said industrial commission of Wisconsin shall have the same force and effect as the orders issued pursuant to said sections 2394–41 to 2394–70, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violations of section 2377 of the statutes, excepting as to the penalties provided in subsection 8 of section 2377. [Statutes, ch. 110, sec. 2377.9.]

School authorities to cooperate with commission, etc., in furnishing instruction.—It shall be the duty of all school officers and public school teachers to cooperate with the industrial commission of Wisconsin and employers of apprentices to furnish, in a public school or any school supported in whole or in part by public moneys, such instruction as may be required to be given apprentices. [Statutes, ch. 110, sec. 2377.10.]

Invalidation of contracts.—The provisions of section 2377 shall not be construed as invalidating any contract of apprenticeship entered into before July 1, 1915. [Statutes, ch. 110, sec. 2377.11.]

WORKMEN'S COMPENSATION.

DEFINITIONS.

Employee.—The term "employee" as used in sections 2394–1 to 2394–31, inclusive, shall be construed to mean:

* * * * * * *

(4) Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, all helpers and assistants of employees, whether paid by the employers or employee, if employed with the knowledge, actual or constructive, of the employer, and also including minors * * * of permit age or over (who, for the purposes of section 2394–8, shall be considered the same and shall have the same power of contracting as adult employees), but not including any person whose employment * * * is not in the usual course of the trade, business, profession, or occupation of his employer. [Statutes, ch. 110a, sec. 2394–7.]

UNLAWFUL EMPLOYMENT OF MINORS.

Treble compensation; liability for increased compensation.—Where liability for compensation under sections 2394–3 to 2394–31, inclusive, exists, the same shall be as provided in the following schedule:

* * * * * * *

(6) Compensation and death benefits, as provided in sections 2394–3 to 2394–31, inclusive, shall, in the following cases, be treble the amount otherwise recoverable.

(*a*) If the injured employee be a minor of permit age and at the time of the accident is employed, required, suffered, or permitted to work without a written permit issued pursuant to section 1728a.

(*b*) If the injured employee be a minor of permit age, or over, and at the time of the accident is employed, required, suffered, or permitted to work at prohibited employment.

A permit unlawfully issued by an officer specified in section 1728a, or unlawfully altered after issuance, without fraud on the part of the employer, shall be deemed a permit within the provisions of this subsection.

(7) In case of liability for the increased compensation or increased death benefits * * * included in subsection (6) of this section, the liability of the employer shall be primary and the liability of the insurance carrier shall be secondary. In case proceedings are had before the commission for the recovery of such increased compensation or increased death benefits the commission shall set forth in its award the amount and order of liability as herein provided. Execution shall not be issued against the insurance carrier to satisfy any judgment covering such increased compensation or increased death benefits until execution has first been issued against the employer and has been returned unsatisfied as to any part thereof. Any provision in any insurance policy undertaking to guarantee primary liability or to avoid secondary liability for such increased compensation or increased death benefits shall be void. [Statutes, ch. 110a, sec. 2394–9.]

ALL REGULATED OCCUPATIONS.

ENFORCEMENT.

Definitions.—The following terms as used in sections 2394–41 to 2394–71 of the statutes, shall be construed as follows:

(1) The phrase "place of employment" shall mean and include every place, whether indoors or out or underground and the premises appurtenant thereto where either temporary [temporarily] or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is directly or indirectly, employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.

(2) The term "employment" shall mean and include any trade, occupation, or process of manufacture, or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged, except in such private domestic service or agricultural pursuits as do not involve the use of mechanical power.

(3) The term "employer" shall mean and include every person, firm, corporation, agent, manager, representative or other person having control or custody of any employment, place of employment or of any employee.

(4) The term "employee" shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go or work or be at any time in any place of employment.

(5) The term "frequenter" shall mean and include every person, other than an employee, who may go in or be in a place of employment under circumstances which render him other than a trespasser.

(6) The term "deputy" shall mean and include any person employed by the industrial commission designated as such deputy by the commission, who shall possess special, technical, scientific, managerial or personal abilities or qualities in matters within the jurisdiction of the industrial commission, and who may be engaged in the performance of duties under the direction of the commission, calling for the exercise of such abilities or qualities.

(7) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission, or any other determination arrived at or decision made by such commission.

(8) The term "general order" shall mean and include such order as applies generally throughout the State to all persons, employments, or places of employment, or all persons, employments, or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(9) The term "local order" shall mean and include any ordinance, order, rule or determination of any common council, board of aldermen, board of trustees, or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the industrial commission has jurisdiction.

(10) The term "welfare" shall mean and include comfort, decency and moral well-being.

(11) The term "safe" or "safety" as applied to an employment or a place of employment or a public building, shall mean such freedom from danger to the life, health, safety or welfare of employees or frequenters, or the public, or tenants, and such reasonable means of notification, egress and escape in case of fire, as the nature of the employment, place of employment, or public building will reasonably permit.

(12) The term "public building" as used in sections 2394–41 to 2394–71 shall mean and include any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three or more tenants.

(13) The term "owner" shall mean and include every person, firm, corporation, State, county, town, city, village, manager, representative, officer, or other person having ownership, control or custody of any place of employment or public building, or of the construction, repair or maintenance of any public building, or who prepares plans for the construction of any place of employment or public building. Said sections 2394–41 to 2394–71, inclusive, shall apply, so far as consistent, to all architects. [Statutes, ch. 110a, sec. 2394–41.]

Employers to furnish information.—Every employer and every owner shall furnish to the commission all the information required by it to carry into effect the provisions of sections 2394–41 to 2394–71, inclusive, and shall make specific answers to all questions submitted by the commission relative thereto. [Statutes, ch. 110a, sec. 2394–50.1.]

Duties and powers of industrial commission.—Any commissioner or deputy of the commission may enter any place of employment or public building, for the purpose of collecting facts and statistics, examining the provisions made for the health, safety and welfare of the employees, frequenters, the public or tenants therein and bringing to the attention of every employer or owner any law, or any order of the commission, and any failure on the part of such employer or owner to comply therewith. No employer or owner shall refuse to admit any commissioner or deputy of the commission to his place of employment or public building. [Statutes, ch. 110a, sec. 2394–50.3.]

Duties and powers of the industrial commission.—It shall also be the duty of the industrial commission, and it shall have power, jurisdiction and authority:

* * * * * * *

(2) To administer and enforce, so far as not otherwise provided for in the statutes, the laws relating to child labor, laundries, stores, employment of females, licensed occupations, school attendance, * * * manufacture of cigars, * * * and all other laws protecting the life, health, safety and welfare of employees in employments and places of employment.

* * * * * * *

(9) To establish and conduct free employment agencies, to license and supervise the work of private employment offices, to do all in its power to bring together employers seeking employees and working people seeking employment * * *. [Statutes, ch. 110a, sec. 2394–52.]

Duties and powers relating to labor laws transferred to the industrial commission.—All duties, liabilities, authority, powers and privileges heretofore or hereafter conferred and imposed by law upon the commissioner of labor and industrial statistics, deputy commissioner of labor and industrial statistics, factory inspector, woman factory inspector, assistant factory inspectors and bakery inspector, are hereby imposed and conferred upon the industrial commission and its deputies. [Statutes, ch. 110a, sec. 2394–54.1.]

Duties and powers of factory inspectors transferred to the industrial commission.—All laws relating or referring to the commissioner of labor and industrial statistics, and the deputy commissioner of labor and industrial statistics, except those laws relating or referring to their appointment and qualification and to their membership or service on the industrial accident board and all laws relating or referring to the factory inspector, the woman factory inspector, assistant factory inspectors and the bakery inspector, shall apply to and be deemed to relate and refer to the industrial commission, so far as the said laws are applicable. [Statutes, ch. 110a, sec. 2394–54.2.]

Orders of industrial commission.—All orders of the industrial commission in conformity with law shall be in force, and shall be prima facie lawful; and all such orders shall be valid and in force, and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose, pursuant to the provisions of section 2394–69 of the statutes, or until altered or revoked by the commission. [Statutes, ch. 110a, sec. 2394–55.]

General penalty; duties of State, county, and city officers.—If any employer, employee, owner, or other person shall violate any provisions of sections 2394–41 to 2394–55, inclusive, of the statutes, or shall do any act herein prohibited in sections 2394–41 to 2394–71,[1] inclusive, or shall fail or refuse to perform any duty lawfully enjoined, within the time prescribed by the commission, for which no penalty has been specifically provided, or shall fail, neglect or refuse to obey any lawful order given or made by the commission, or any judgment or decree made by any court in connection with the provisions of sections 2394–41 to 2394–71,[1] inclusive, for each such violation, failure or refusal, such employer, employee, owner or other person shall forfeit and pay into the State treasury a sum not less than ten dollars nor more than one hundred dollars for each such offense. It shall be the duty of all officers of the State, the counties and municipalities, upon request of the industrial commission, to enforce in their respective departments, all lawful orders of the industrial commission, in so far as the same may be applicable and consistent with the general duties of such officers. [Statutes, ch. 110a, sec. 2394–70.]

[1] The section 2394–71 apparently referred to was repealed by Acts of 1913, ch. 772, sec. 71.

EDUCATIONAL REQUIREMENTS.

VOCATIONAL SCHOOLS.

Organization of State board of vocational education.—There is hereby created a State board of vocational education. The board shall consist of nine appointive members to be appointed by the governor, three of whom shall be employers of labor, three of whom shall be skilled employees other than those who have employing or discharging power, and three of whom shall be practical farmers. The State superintendent of education and a member of the industrial commission to be selected by the commission shall be ex officio members of this board. A majority of said board shall constitute a quorum. [Statutes, ch. 41, sec. 41.13(1).]

Appointment of members of State board.—In the first appointments the governor shall designate three members to serve for two years, three members to serve for four years, and three members to serve for six years, from the first day of July of the year in which the appointments are made. Each such group of three members shall consist of one employer, one employee, and one farmer. All appointments thereafter shall be for six years except appointments to fill vacancies, which shall be for the unexpired portion of the term. [Statutes, ch. 41, sec. 41.13(2).]

Duties of State board.—Said board: (*a*) Shall have control over all State aid given to vocational schools; (*b*) shall meet quarterly and at such other times as may be found necessary; (*c*) shall elect its own officers; (*d*) shall report biennially; (*e*) may employ a director of vocational education and assistants for the development and supervision of the work of vocational education, and all accounts for such salaries shall be certified by the secretary of said board to the secretary of State; (*f*) shall inaugurate and determine the organization, plans, scope and development of vocational education in the State. [Statutes, ch. 41, sec. 41.13(3).]

Provisions of Smith-Hughes Act accepted.—The provisions of the act of Congress, approved February 23, 1917, (Public No. 347, 64th Congress) entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," are hereby accepted. The State board of vocational education is designated as the board for the State of Wisconsin to cooperate with the Federal board of vocational education in the execution of the provisions of the United States act and is hereby empowered with full authority so to cooperate. The State treasurer is hereby designated custodian of all funds allotted to this State from the appropriations made by said act, and he shall receive and provide for the proper custody and disbursement of the same in accordance with said act. [Statutes, ch. 41, sec. 41.13(4).]

Name of schools.—Schools created under sections 41.13 to 41.21 shall be known as vocational schools. * * * The law relating to agricultural schools and the Plattenele mining trade school shall remain unaffected by said sections. [Statutes, ch. 41, sec. 41.14(1).]

Method of filling positions.—All positions except that of director of vocational education shall be filled by civil service examination. [Statutes, ch. 41, sec. 41.14(2).]

Organization of local boards of industrial education.—In every town or village or city of over five thousand inhabitants there shall be, and in towns, cities and villages of less than five thousand inhabitants there may be a local board of industrial education, whose duty it shall be to establish, foster and maintain vocational schools[2] for instruction in trades and industries, commerce and household arts in part-time-day, all-day, and evening classes and such other branches as are enumerated in section 41.17. Said board may take over and maintain in the manner provided in sections 41.13 to 41.21 any existing schools of similar nature. [Statutes, ch. 41, sec. 41.15(1).]

Members of local boards.—Such board shall consist of the city superintendent of school ex officio or the principal of the high school ex officio, if there be no city superintendent, of the president or chairman of the local board charged

[2] The following 31 cities were maintaining such schools on April 1, 1918: Appleton, Beaver Dam, Beloit, Chippewa Falls, Cudahy, Eau Claire, Fond du Lac, Grand Rapids, Green Bay, Janesville, Kenosha, La Crosse, Madison, Manitowoc, Marinette, Marshfield, Menasha, Menominee, Milwaukee, Neenah, Oshkosh, Racine, Rhinelander, Sheboygan, South Milwaukee, Stevens Point, Superior, Two Rivers, Waukesha, Wausau, and West Allis.

with the supervision of the schools in case there be neither of the above-mentioned officers, and four other members, two employers and two employees, who shall be appointed by the local board charged with the supervision of the schools and who shall serve without pay. [Statutes, ch. 41, sec. 41.15(2).]

Terms of appointive members of local boards.—The term of the appointive members of the local boards of industrial education shall be two years from the first of January of the year in which they are appointed; provided, however, that in the first appointment two members shall be appointed who are to serve for only one year from the first of January of the year in which they are appointed. All subsequent appointments shall be for two years, except appointments to fill vacancies, which shall be for the unexpired portion of the term. [Statutes, ch. 41, sec. 41.15(3).]

Officers of local boards; powers.—The local board of industrial education shall elect its officers from its membership, a chairman and a secretary. The local boards of industrial education, with the cooperation of the State board of vocational education, shall have general supervision of the instruction in the local schools created under sections 41.13 to 41.21. [Statutes, ch. 41, sec. 41.15(4).]

State aid.—No State aid shall be granted to schools created under sections 41.13 to 41.21 without the approval of the local board of industrial education. No money appropriated by the city, town, or village for these schools shall be spent without the approval of the local board of industrial education. [Statutes, ch. 41, sec. 41.15(5).]

Qualifications of teachers and other employees.—The teachers in the schools created under sections 41.13 to 41.21 shall be employed and their qualifications determined by the local board of industrial education, subject to the approval of the State board of vocational education; and, subject to such approval, the said local board may employ such other technical advisors and experts or highly trained, experienced and skilled individuals as may be necessary for the proper execution of the duties devolving upon it by law and fix their compensation. For office work in connection with the administration of the schools under its control the said local board, whenever it deems advisable, may employ and fix the compensation of any students of any school under its supervision for such length of time as it may deem for the best interest of such students and of any such school. [Statutes, ch. 41, sec. 41.15(6).]

Powers of local boards.—This board shall have power to purchase all machinery, tools and supplies, and purchase or lease suitable grounds or buildings for the use of the schools under its supervision; to rent to others any portion of such buildings and grounds not presently needed for school purposes; and to erect, improve or enlarge buildings for the use of said schools. Existing school buildings and equipment shall be used as far as practicable. All conveyances, leases and contracts shall be in the name of the city, and all property, real or personal, acquired by said city for the use of said schools under the supervision of the board of industrial education shall belong to the city. [Statutes, ch. 41, sec. 41.15(7).]

Powers of local boards.—The board is empowered to make contracts with the extension division of the University of Wisconsin to give instruction in such branches as the department may offer, when in the judgment of the local board such instruction can be secured to better advantage than by local provision. [Statutes, ch. 41, sec. 41.15(8).]

Vocational schools to be established upon petition.—Whenever twenty-five persons qualified to attend a vocational school file a petition therefor with the local board of industrial education the board shall establish such school or schools or provide other facilities as authorized in sections 41.13 to 41.21. [Statutes, ch. 41, sec. 41.15(9).]

Estimated expense for maintenance of vocational schools.—The local board of industrial education of every city, village, or town shall report to the common council, or in case of cities having commission form of government to the commission, or to the village or town clerk at or before the first day of September in each year, the amount of money required for the next fiscal year for the support of all the schools established or to be established under sections 41.13 to 41.21, in said city, village, or town, and for the purchase of necessary additions to school sites, building operations, fixtures, and supplies. [Statutes, ch. 41, sec. 41.16(1).]

Tax for support of vocational schools.—There shall be levied and collected in every city, village, or town, subject to taxation under sections 41.13 to 41.21, a tax upon all taxable property in said city, village, or town, at the same time

and in the same manner as other taxes are levied and collected by law, which together with the other funds provided by law and placed at the disposal of said city, village, or town for the same purpose, shall be equal to the amount of money so required by said local board of industrial education for the purposes of said sections. [Statutes, ch. 41, sec. 41.16(2).]

Rate of tax.—The rate of tax levied for the purposes of sections 41.13 to 41.21, in any town, village, or city shall not in any one year exceed three-fourths mill for the maintenance of all schools created under said sections. [Statutes, ch. 41, sec. 41.16(3).]

Use of tax.—The said taxes for the purpose named in this section shall be in addition to all other special and general taxes levied for town, village, or city purposes and shall be for the use and support of schools established under sections 41.13 to 41.21. [Statutes, ch. 41, sec. 41.16(4).]

Qualifications of teachers and courses of study.—The qualifications of teachers and the courses of study in these schools shall be approved by the State board of vocational education, and shall include English, citizenship, physical education, sanitation and hygiene and the use of safety devices, and such other branches as the State board of vocational education shall approve. [Statutes, ch. 41, sec. 41.17(1).]

Substitution of courses.—The local board of industrial education may allow pupils attending any school established under sections 41.13 to 41.21, who have had courses equivalent to any of those offered, to substitute other work therefor. [Statutes, ch. 41, sec. 41.17(2).]

Requirements for admission of pupils.—The schools established under sections 41.13 to 41.21 shall be open to all residents of the cities, towns, and villages in which such schools are located, of fourteen years of age or over who are not by law required to attend other schools, and to all persons over fourteen years of age employed in said cities, towns, or villages but who are residents of other municipalities maintaining vocational schools; provided that no such person who is a resident of any municipality maintaining vocational schools, shall be received in or admitted to classes in any such school in any other municipality, except upon presentation to the authorities of such school of the written approval of the local board of industrial education having charge of such school in the municipality wherein such person resides. Any city, town, or village maintaining vocational schools as provided in sections 41.13 to 41.21, that shall, as herein provided, admit to the privileges of such schools persons employed in such municipalities, but who are residents of other municipalities maintaining vocational schools, is empowered to collect tuition for the schooling of such nonresident persons, from the municipality in which the parents or guardians of such persons reside, in the same manner and at the same rate of tuition as is provided for the collection of tuition for nonresident pupils in section 41.19. Any person over the age of fourteen who shall reside in any town, village, or city not having a vocational school as provided in said sections, and who is otherwise qualified to pursue the course of study may with the approval of the local board of industrial education in any town, village, or city having a school established under said sections, be allowed to attend any school under their supervision. Such persons shall be subject to the same rules and regulations as pupils of the school who are residents of the town, village, or city in which the school is located. [Statutes, ch. 41, sec. 41.18.]

Nonresident tuition fees.—The local board of industrial education is an thorized to charge tuition fee for nonresident pupils not to exceed fifty cents per week. On or before the first day of July in each year the secretary of the local board of industrial education shall send a sworn statement to the clerk of the city, village, or town from which any such person or persons may have been admitted. This statement shall set forth the residence, name, age, and date of entrance to such school, and the number of weeks' attendance during the preceding year of each such person at the school. It shall show the amount of tuition which under the provisions of this act the town, city, or village is entitled to receive an account of each and all such pupils' attendance. This statement shall be filed as a claim against the town, village, or city where such pupil resides and allowed as other claims are allowed. [Statutes, ch. 41, sec. 41.19.]

Charges for material consumed.—Students attending any school under sections 41.13 to 41.21, may be required to pay for all material consumed by them in their work in such school at cost prices or in lieu thereof the school board may establish a fixed sum to be paid by each student in each course, which

sum shall be sufficient to cover, as nearly as may be, the cost of the material to be consumed in such course; any manufactured articles made in such school and that may accumulate shall be disposed of at their market value at the discretion of the school board, and the proceeds shall be paid to the local treasurer for the fund of the local board of industrial education. [Statutes, ch. 41, sec. 41.20.]

Repeal; application of act.—All acts and parts of acts conflicting with any provisions of sections 41.13 to 41.21 are repealed in so far as they are inconsistent therewith. Provided, however, nothing in this act shall be construed to interfere in any manner with trade schools established under sections 41.04 to 41.12, and amendments thereof,[3] unless the school board of any such city or school district shall by a majority vote adopt the provisions of sections 41.13 to 41.21, and shall proceed in the manner provided for, for every town, village, or city of over five thousand inhabitants, as provided in said sections. [Statutes, ch. 41, sec. 41.21.]

Appropriation.—There is appropriated from the general fund to the State board of vocational education, annually, on July first, not to exceed one hundred fifty thousand dollars, to carry into effect the provisions of sections 41.13 to 41.21. Of this there is allotted:

(1) Annually beginning July 1, 1917, not to exceed ten thousand two hundred fifty dollars, for the administrative expenses of the board. Of this there is allotted:

(*a*) To each appointed member of the board a compensation of one hundred dollars per year and actual and necessary traveling expenses.

(*b*) Such sums as may be necessary for office supplies.

(*c*) The director of vocational education and all other employees of such board shall receive such compensation as shall be fixed by the board, and shall be entitled to receive their actual and necessary traveling expenses incurred in the discharge of their official duties. Such compensation and expenses shall be charged to the appropriation to the State board of vocational education.

(2) The remainder shall be distributed for State aid for vocational schools established and maintained pursuant to subsection (1) of section 41.15 and any school once granted such State aid shall be entitled thereto as long as the character of its work meets with the approval of the State board of vocational education, as follows:

(*a*) On the first day of July in each year the secretary of the local board of industrial education of each city, town, or village maintaining such a school or schools shall report to the State board of vocational education the cost of maintaining the same; the character of the work done; the number, names, and qualifications of the teachers employed; and such other information as may be required by the said board.

(*b*) If it appears from such report that such school or schools have been maintained pursuant to law, in a manner satisfactory to the State board of vocational education, the said board shall certify to the secretary of State, in favor of the several local boards of industrial education, amounts equal to one-half the amount actually expended, respectively, for maintenance of such school or schools and salaries for instruction and supervision; but not to exceed, exclusive of Federal aid in any one year, twenty thousand dollars for any city of the first class, or ten thousand dollars for any other city, town, or village. If the aggregate of such amounts exceeds the available funds of this appropriation, the State board of vocational education shall deduct from each an equal proportion so as to reduce their aggregate to the amount of the available funds.

(*c*) On receipt of such certificates the secretary of State shall draw his several warrants accordingly, payable to the treasurers of the cities, towns, and villages, respectively. [Statutes, ch. 20, sec. 20.33.]

Appointment of subordinates.—Except as expressly provided by law, the * * * State board of vocational education * * * [is] authorized to appoint, subject to the State civil service law in cases where the provisions thereof are intended to apply, and subject to the approval of such other officer or body as prescribed by law, such deputies, assistants, experts, clerks, stenographers, or other employees as shall be necessary for the execution of their functions, and to designate the titles, prescribe the duties, and fix the compensation of such subordinates. [Statutes, ch. 20, sec. 20.73(1).]

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[3] These sections empower the school board of any city or school district containing a city to establish trade schools for children over 14 as part of the public-school system.

FORMS USED IN THE ADMINISTRATION OF CHILD-LABOR LAWS.

[The words in italics are as entered by hand on the blank forms, but all names and addresses, except those of some of the officials, are fictitious. Lines inclosed in brackets [] are interpolated and do not appear in the forms as used.]

[**Form 1.** See p. 22.]

Form B–5.

INDUSTRIAL COMMISSION, MADISON, WIS.

Industrial Commission of Wisconsin, in accordance with section 1728–6 of the statutes.

STATEMENT OF EMPLOYMENT OF MINOR.

(To be filed with the officer issuing permit.)

To Mrs. *Elsie E. Essman:*
(Officer issuing permit.)

I hereby notify you that I employed *Edward Jacobs*, on the *13th* day of *Dec.*, 1916, to work at *pasting, soling dept.*, in _____, Wisconsin, and that the necessary permit has been received and filed.
(Name of child.) (Occupation.) (Name of place.)

Dated at *Milwaukee*, Wisconsin, this *13th* day of *Dec.*, 1916.

(Signed) *D. Cohen Boot & Shoe Co.*
(Employer.)

(Forms used in the administration of employment certificate laws.)

[**Form 2.** See p. 33.]

EMPLOYER: READ THIS PERMIT!

INDUSTRIAL COMMISSION OF WISCONSIN—MADISON.

Child labor permit—14 to 17 years.

Whereas *George Marks*, accompanied by his—her *parent*,
(Name of child.) (Child under 16 must be accompanied by parent, guardian, or custodian.)

whose name is *Jacob Marks* and address is No. *10, Fourth Ave.*, city of *Milwaukee*, Wisconsin, has made application for a labor permit, and it appearing that said child is of *male* sex and *white* color and was born at *West Allis*, State of *Wis.*, on *Dec. 10, 1903*, as shown by *baptismal certificate.*
(Here state character of proof of age; as birth certificate, etc.)

(If it is necessary to use a physician's certificate as proof of age, use the following form: Physical age of this child is _____ as shown by the certificate of a physician as required by the regulations.)

That he—~~she~~ has *blue* eyes and *brown* hair, and is *4* feet, *7* inches tall and weighs *102* pounds and has the following distinguishing facial marks _____ and that the papers required by subsection 2 of section 1728a–3 of the statutes have been duly examined, approved and filed; now, therefore, in accordance with the power vested in me by law, I hereby permit him—~~her~~ to be employed AT LAWFUL WORK by *D. Cohen Boot and Shoe Co.*, for the periods per
(Name of employer.)

day and per week permitted by law until *Dec. 10, 1920.*

Dated at *Milwaukee* this *12th* day of *February*, 1918.

Mrs. E. E. Essman,
Issuing Officer.
Robert L. Cooley,
Director of Vocational School.

George Marks.
(Signature of child. Not necessary if child is over 16.)

TO THE EMPLOYER—IMPORTANT.

Permitted hours of labor: Children under 16 years of age may not be employed before 7 o'clock in the morning nor after 6 o'clock in the evening, with a dinner period of not less than 30 minutes, during which dinner period the power must be shut off from machinery operated by children and no work permitted. All such children must attend a day vocational school, if such a school has been established in the place where they reside or work, for at least 8 hours per week. Time at school and work together must not exceed 8 hours a day or 48 hours a week; and no child under 16 may be employed more than 6 days in any week.

Until Sept. 1, 1918, the law governing the hours of labor of children between 16 and 17 is the same as for adults of their sex, except that such children must

attend vocational school at least four hours per week. After Sept. 1, 1918, such children must attend the vocational school 8 hours per week; and the time at school and work together must not exceed 55 hours per week, or 48 hours per week for girls employed at permitted night work.

Caution: Chapter 674 of the Laws of 1917 requires that children under 17 years of age must have labor permits before they may be lawfully employed.

Do not employ any minor, whether he has a permit or not, at any of the prohibited employments named in section 1728a of the statutes. A list of these employments is printed on the back of this permit. Read the list!

The penalty for violation of the Child Labor Law is a forfeiture of from $10 to $100 for each offense.

If a child is injured while employed in violation of law, he is entitled, under the compensation law, to triple compensation and the employer is primarily liable for the payment of the extra compensation. The insurance carrier pays in such cases only when the employer is unable to do so. Liability insurance does not cover injuries received in unlawful employment.

This permit must be kept on file by the employer in the place of employment as long as the child remains in his employ. At the expiration of the employment, he must return it to *Industrial Commission, 809 M'n'fr's Home Bldg., Milwaukee, Wis.*, within twenty-four hours, with a statement of the reasons for the termination of employment.

To the issuing officer: This permit must be issued in duplicate and one copy, together with statement of evidence on which it was issued, must be sent to the industrial commission at Madison.

[On the back of this form is a list of employments prohibited to children under 21, under 18, under 16, and between 12 and 14 years of age.]

[**Form 3.** See p. 33.]

Not recorded in court house. Bapt. cert. submitted. Help support. Brother-in-law came to office.

EMPLOYER: This certificate is NOT a labor permit and does NOT authorize employment of the child.

INDUSTRIAL COMMISSION OF WISCONSIN.
(MADISON.)

SCHOOL CERTIFICATE FOR CHILD-LABOR PERMIT.

(This certificate must be filled out by the superintendent or principal of the school last attended by the child or, in their absence, by the clerk of the school board.)

(This certificate must be filed with the official who issues the labor permit.)

Name of school *Center Street.* Location *Center and First.* Date *Jan. 29,* 1918.

This is to certify that I am the (principal) (superintendent) of the school attended by (school clerk)

Walter Movanski, who lives at No. *1208 Center* Street, in *Milwaukee,* Wisconsin.

I certify that the records of this school show that *he* is more than fourteen years of age, date of birth being given as *April 3,* 190*3*, and place of birth as *Milwaukee, Wis.* This child has attended school ------ years, and has completed the *6B* grade.

Educational attainments of this child: I certify that this child has fulfilled the educational requirements numbers *1* and *2 and 4* indicated below (see 1, 2, 3, 4) which I have checked (X). Do not check any requirement which has not been fulfilled.

X Requirement No. 1. This child has attended the public school or a school other than a public school having a course of study substantially equivalent to the course of study in the public schools, as required by law, during the twelve months next preceding his—her—fourteenth birthday, or preceding the date of this certificate, and has received during such one-year period, instruction in spelling, reading, writing, English, grammar, and geography and is able to read and write simple sentences in the English language and is familiar with the fundamental operations in arithmetic, up to and including fractions.

X Requirement No. 2. This child has successfully passed the fifth grade in a public school.

Requirement No. 3. This child has successfully passed the fifth grade in a school other than a public school, having a course of study substantially equivalent to the course of study in the public schools.

X Requirement No. 4. This child has attended school at least 7 years.

To the School Official:

Do you recommend that this child be granted a labor permit? *Yes.*

Why? *I promised to help child if he would remain in school until February and he has done so.*

Did you try to persuade the parents to keep this child in school? *Yes.*

What reason did they give for not doing so? *Needed help.*

(Signed) *Jas. Remke,*
Principal, Superintendent, or School Clerk.

Important. The official who signs the above certificate will kindly give the following data regarding the child:

1. Color of eyes, *blue.* 2. Color of hair, *black.* 3. Height, *5* feet *5* inches. 4. Weight of child, *100.* 5. Any distinguishing facial marks, *no.*

This is to certify that I have examined Walter Movanski and recommend that a labor permit be recommended to him.

E. Mann, M. D.

[**Form 4.** See p. 41.]

INDUSTRIAL COMMISSION OF WISCONSIN.

CHILD LABOR PERMIT INDEX.

Milwaukee. (City.) File No. ------

Adamczyk, Walter. (Name of child.) *July 20, 1920.* (Will be 17 years old.) *1060 4th Ave.* (Address of child.) *July 20, 1903.* (Date of birth.)

B. C. (Evidence of age.) *Galicia, Austria.* (Country of birth.) *Help support.* (Reasons for working.) *Parochial.* (Kind of school last attended.)

7. (No. years in school.) *7.* (Grade finished.) *Laborer.* (Occupation of father.)

Name of employer and industry	Occupation of child	CK.	Date beginning	Permit returned
Western Union	*Messenger*	.....	*1—7—18*	*1—25—18*
Absinthe Chocolate Co.	*Carrying*	.....	*2—3—18*	

[**Form 5.** See p. 46.]

No. *41.14.*
Classes *M. P. 15.*

Name, *Grasik, Annie.*
Address, *20 Detroit St.*
Permit issued, *Sept. 9, 1917.* Will be 17 yrs. *Mar. 7, 1919.*
Finished *6A* grade, *Detroit St.* school *June 26, 1917.*
Assigned, *Sept., 1917.* Attended------times.
Assigned----------Attended------times.
Assigned----------Attended------times.

Absence 1917—1918	Disp.	Cr.	Remarks	Absence 191—191—	Disp.	Cr.	Remarks	Absence 191—191—	Disp.	Cr.	Remarks
		P. M.									
11—30	.....	*2—13*	*Family sick with*	.....	.....	.....	.....	.....	.....	.....	.....
12—7	.....	*2—16*	*typhoid. Ex-*	.....	.....	.....	.....	.....	.....	.....	.....
2—1	.....	.....	*cused for 2*	.....	.....	.....	.....	.....	.....	.....	.....
			mos. A. D.								
			report								

[**Form 5 (reverse).**]

Employed by:	Address:
9/9/17. J. C. Texture Co----------	*305 Mnfr's Home Bldg.*
9/10/17. Wisconsin Candy Co----------	*217 Broadway*
10/6/17. F. Meyer & Son Clo. Co----------	*B'dwy & Buffalo.*
10/26/17. Unemployed.	

[**Form 6.** See p. 50.]

J. D. Beck, Chairman.
E. E. Witte, Secretary.

Fred M. Wilcox.

Geo. P. Hambrecht.

STATE OF WISCONSIN.

INDUSTRIAL COMMISSION OF WISCONSIN.

MADISON.

Feb. 10, 1918.

To the Deputy of the Industrial Commission,
Milwaukee, Wis.

Dear Sir: In response to request by *Gerald Gronik* I hereby certify that in my opinion it is desirable to issue permit to above child to be employed after school hours and on Saturdays, *his* standing in school being such as to allow *him* to do this without impairing in any way the results of *his* work in this school.

Respectfully yours,

H. E. Meyer,
Principal.

Residence: *637 Mitchell St.*
Date of birth: *Jan. 20, 1903.*

[**Form 7.** See p. 58.]

INDUSTRIAL COMMISSION OF WISCONSIN.

MADISON, WISCONSIN.

PHYSICIAN'S CERTIFICATE OF AGE.

_____, Wisconsin, _____, 19____
(City.) (Date.)

This certifies that I have examined _____ and submit the following report: (1) _____ inches; (2) _____ pounds; (3) _____; (4) _____
(Name of child.) (Height.) (Weight.) (Other evidence of physical age.) (Physical age.)

(5) _____
(Evidence of disease.)

Physician _____
(Signature.)

(6) Official position _____
(Physician signing must be a public-health or a public-school physician.)

DIRECTIONS TO EXAMINING PHYSICIAN.

1. A child must be 56 inches in height and weigh 80 pounds to be certified as having reached the physical age of 14 years; and must be 57 inches in height and weigh 85 pounds to be certified as having reached the physical age of 16 years.

The minimum standards given are far below the average, yet a few children of 14 and 16 who are naturally very short and who are yet normal may fall below these standards. Therefore, the following exception to the rule given may be made:

Exception.—When in the opinion of the examining physician the child is 14 or 16 years of age, and after a thorough examination the child is found to be in good health and well nourished and all organs are found to be normal, the child may be certified as being 14 years of age, although falling slightly below the standard given above. But in no case may a child be certified as 14 years of age who is less than 54 inches in height or weighs less than 75 pounds; nor may any child be certified as 16 years of age who is less than 56 inches in height and weighs less than 80 pounds.

Height should be recorded to the nearest quarter inch. Measurements should be taken with the child wearing shoes.

2. Weight should be recorded to the nearest quarter of a pound. The child should be weighed in clothing equivalent to ordinary winter indoor clothing. Hats and outside coats should be removed. Care should be exercised that no heavy objects are carried in the clothing in order to increase the apparent weight.

3. Other evidence of physical age.—Enter here any other evidence besides the height and weight in support of the opinion of the physician as to the physical age of the child.

4. Physical age.—Enter here the apparent age of the child in the opinion of the physician.

5. Evidence of disease.—Enter here any evidence of disease found on physical examination, such as malnutrition, defective teeth, enlarged tonsils, tuberculosis, etc.

If the child is apparently in good health and all organs are normal, enter here: None.

6. Official position.—Enter here title of physician, as for instance: "County health officer," "School physician employed by board of education," etc.

[**Form 8.** See p. 74.]

D _____ C _____ No. _____
Permit expires _____ 191____

Do not write above this line.

REGISTRATION BLANK.

Name _____
Address _____ 191____
Age _____ Birthday _____
Father's name _____
For whom are you going to work? _____
What trade or work do you want to follow to earn a living when a man? _____
_____
In what school shop or department do you want to work while attending the Continuation School? (See other side.)
First choice _____ Second choice _____
What school did you last attend? _____
What grade did you finish? _____

[On the reverse of this form is printed the following list of subjects: Automobile; bakery; bookkeeping; carpenter; cabinet making; concrete work; drafting; electrical; machinist; masonry; painting; pattern making; printing; plumbing; power plant; sheet metal work; shoe making; steam engineering; steam fitting; stenographer; store clerking; tin smithing.]

[Form 9 (first page). See p. 75.]

INDUSTRIAL COMMISSION OF WISCONSIN.

APPRENTICE INDENTURE.

This indenture, made in triplicate this _____ day of _____, 19__ between *Smith Textile Company*, hereafter called the first party, and *Robert Jones*, a minor born *Feb. 1, 1900*, of *2216 State St., Milwaukee*, Wisconsin, and *John Jones (father)*, hereafter called the second parties:
(Date of birth.) (Street and number.) (Name of parent or guardian.)

Witnesseth, that the first party agrees to take the said minor into its employ and service as an apprentice to teach him the trade of *knitting machine adjuster*, as per Exhibit A.[1]

That the second parties agree that the said minor shall diligently and faithfully work for and serve the said first party during the full term of apprenticeship.

The apprenticeship shall begin on the *7th* day of *March, 1918*, and shall be for a period of *4* years. The length of year, the compensation for the term of apprenticeship, and the processes, methods or plans to be taught shall be as per Exhibit A.

It is mutually agreed that until the minor's eighteenth birthday the total number of hours work in any one week shall not exceed fifty-five (55) and that at least five (5) of such hours or its equivalent[2] shall be devoted by said minor to school instruction.

(This clause shall not be construed to prevent school instruction after the minor's eighteenth birthday if both parties agree to the continuation of the same.)

Any indenture may be annulled by the Industrial Commission of Wisconsin upon application of either party and good cause shown.

At the completion of the apprenticeship the said minor shall receive a certificate stating the terms of his indenture.

In witness whereof, the parties have caused this indenture to be signed as required by chapter 133 of the laws of Wisconsin, 1915.[3]

Robert Jones. (Seal.)
(Apprentice.)

Smith Textile Co.,
(Name of firm or corporation.)

John Jones. (Seal.)
(Parent or Guardian.)

By *Fred Smith, Sec'y.*

[Page 2 of the indenture (omitted) contains the apprenticeship law.]

[Form 9 (third page). See p. 75.]

EXHIBIT A.

Notice.—No apprenticeship indenture will be legal which does not have this exhibit filled out as indicated below (chap. 133, laws of Wisconsin, 1915).

Extent of period of apprenticeship.—(Here must be stated the length of time to be served, and, wherever the trade can determine, the exact length of each apprenticeship year.)

Four (4) years—each year to consist of 278 days.

Schedule of processes to be worked.—(Here must be stated the processes, methods or plans to be taught and the approximate time to be spent at each process, method or plan—to conform to the character of the individual trade.)

First year: Under the supervision of a knitting machine adjuster. Oiling machines; repairing machine belts; repairing transfer cups; cleaning machines and cylinders; inspecting and repairing needles and removing defective needles; familiarizing himself with yarns and supplying same; assisting in operating knitting machines.

Second, third and fourth years: Under the supervision of a knitting machine adjuster. Employment at adjusting knitting machines including operations required in the first year.

During the period of apprenticeship, the apprentice shall perform such other miscellaneous services pertaining to his trade as the first party may require and as may be necessary in order to qualify the apprentice in the trade of a knitting machine adjuster.

Compensation to be paid.—The apprentice shall receive in wages:

The following are the minimum rates of wages:

First year	*First period (139 days)*	*10c an hour.*
	Second " " "	*12c an hour.*
Second year	*First period (139 days)*	*14c an hour.*
	Second " " "	*16c an hour.*
Third year	*First period (139 days)*	*18c an hour.*
	Second " " "	*20c an hour.*
Fourth year	*First period (139 days)*	*23c an hour.*
	Second " " "	*26c an hour.*

Special provisions.—These to be stated here or on following page. *Upon the satisfactory completion of the employment at the end of the aforesaid period of four (4) years, consisting of 278 days in each year, the first party shall pay to the apprentice a bonus of one hundred ($100) dollars; at the same time, in addition to the payment of this bonus, the apprentice shall receive from the first party a certificate of apprenticeship under the seal of the Industrial Commission of the State of Wisconsin, according to law. All wages and the bonus, which shall be payable under the agreement, shall be paid by the first party directly to the apprentice.*

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[1] Exhibit A is to be filled out on page 3 of this form.

[2] To meet the peculiar requirements of certain trades special arrangements for schooling may be made through the Industrial Commission of Wisconsin.

[3] A copy of the law forming the basis upon which this indenture is made and governing all matters not expressed in this contract is hereto attached.

[**Form 10.** See p. 86.]

BOARD OF INDUSTRIAL EDUCATION.

CITY OF MILWAUKEE.

You are hereby notified to report for enrollment at the Central Continuation School _____ afternoon at 1.00 o'clock in Room _____

The school is located in the Manufacturers' Home Building, at the foot of Mason Street, adjoining the river.

Attendance at the Continuation School is required by law of boys and girls between the ages of 14 and 17 not attending any other school in the daytime. Failure to attend regularly will result in the cancellation of the permit issued by the factory inspector, if working on a permit. Persons in employment and not requiring a permit, who fail to attend, will be prosecuted and punished as is provided for in the statutes of the State of Wisconsin.

R. L. COOLEY, Director.

Bring this card with you.

[**Form 11.** See p. 88.]

Milwaukee, Wis., _____

Your daughter was absent from Continuation School to-day. This absence must be made up, or a satisfactory explanation furnished, before she returns to work. If this is not done at once her permit will be cancelled. Notice to this effect was sent to her employer to-day.

It is expected that you either: (1) Send the girl to school at once, or (2) if she is sick send a doctor's certificate, or (3) if her absence is due to any good reason, call at the office, or write about it.

H. R. PESTALOZZI,
Supervisor of Attendance,
Deputy Industrial Commission.

Office hours,
Manufacturers' Home Building:
10.30 to 11.30 a. m.
1.30 to 3.00 p. m.

[**Form 12.** See p. 88.]

Milwaukee, Wis., _____

FOR YOUR INFORMATION.

(No reply expected.)

_____, a minor under seventeen years of age, employed by you under a permit, was absent from the Continuation School to-day.

The parents have been informed that unless this absence is made up immediately, or a satisfactory explanation furnished, the permit will be cancelled.

Assuming that you may be interested in this, we are sending you this card for your information.

H. R. PESTALOZZI,
Supervisor of Attendance,
Deputy Industrial Commission.

Manufacturers' Home Building.
Phone Main 4000.

[**Form 13.** See p. 88.]

CENTRAL CONTINUATION SCHOOL,

MANUFACTURERS' HOME BLDG.

Your permit has been revoked. You are now unemployed and according to law must attend some school daily, in the morning and afternoon. Call at this office, Manufacturers' Home Building, foot of Mason St., eighth floor, and explain.

H. R. PESTALOZZI.

Bring this postal and the attendance card.

[**Form 14.** See p. 97.]

WOMEN'S DEPARTMENT—INDUSTRIAL COMMISSION OF WISCONSIN.

City _____ Date _____ Inspector _____
Establishment _____ Products or business _____
Official _____ Address _____
No. of women _____ No. of children: 16–17 _____ 14–16 _____ Total _____
Hours of labor:
Women: Normal {Spread_____ Meal per_____ Busy {Spread_____ Meal per_____ Children 14–16 {Spread_____ Meal per_____
Occupations of women _____
(No. in each)
Orders issued _____
Suggestions made _____
Name of woman supervisor_____ Remarks _____

Send original to Madison, copy to Women's Department, Milwaukee.

ORDERS AND RESOLUTIONS OF THE INDUSTRIAL COMMISSION OF WISCONSIN RELATING TO THE EMPLOYMENT OF CHILDREN.

1. Educational requirements for children between 16 and 17 years of age. On August 13, 1917, the commission adopted the following resolution:

"*Whereas*, there are doubtless many children in employment between sixteen and seventeen years of age who can not satisfy the educational requirements of section 1728c–1,

"*And whereas*, under the laws of this State such children can not be required to attend any school other than a continuation school for four hours per week,

"Therefore, *Be it resolved:*

"That the industrial commission construes chapter 674, laws of 1917, to the effect that the legislature did not contemplate any educational requirements for the granting of permits to children between sixteen and seventeen years of age."

2. Rules regarding proof of age to be furnished by children between 14 and 17 years of age who apply for labor permits, adopted by the commission August 28, 1917, and published in the official State paper on August 31, 1917, and effective September 1, 1917:

PROOF OF AGE THAT MUST BE FURNISHED BY CHILDREN 14 TO 16 YEARS OF AGE WHO APPLY FOR LABOR PERMITS.

Persons designated by the industrial commission to issue child-labor permits under the authority of the statutes shall require the child desiring employment to make application for the permit in person, accompanied by its parent, guardian, or custodian, and shall receive, examine, and approve documentary evidence of age showing that the child is 14 years of age or over, which evidence shall consist of one of the following-named proofs of age, to be required in the order herein designated, as follows:

(*a*) A birth certificate or attested transcript thereof issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(*b*) A record of baptism or a certificate or attested transcript thereof showing the date of birth and place of baptism of child.

(*c*) A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the records of the births in the family of the child are preserved, or other documentary evidence satisfactory to the industrial commission or such person as the commission may designate, such as a passport showing the age of the child, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy; provided that such other satisfactory documentary evidence has been in existence at least one year prior to the time it was offered in evidence; and provided further that a school record or a parent's, guardian's, or custodian's affidavit, certificate, or other written statement of age shall not be accepted except as specified in paragraph (*d*).

(*d*) A certificate signed by a public-health physician or public-school physician, specifying what in the opinion of such physician is the physical age of the child; such certificate shall show the height and weight of the child and other facts concerning its physical development revealed by such examination and upon which the opinion of the physician as to the physical age of the child is based. A parent's, guardian's, or custodian's certificate as to the age of the child and a record of age as given on the register of the school which the child first attended, or in the school census, if obtainable, shall be submitted with the physician's certificate showing physical age.

The officer issuing the permit for a child shall require the evidence of age specified in subdivision (*a*) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file evidence that the evidence of age required by the preceding subdivision or subdivisions can not be obtained.

NOTE.—In addition to the proof of age the certificate of education and letter from the employer stating his intention to employ the child as provided in section 1728a–3 must be furnished by the child before the permit is issued.

PROOF OF AGE THAT MUST BE FURNISHED BY CHILDREN 16 TO 17 YEARS OF AGE WHO APPLY FOR LABOR PERMITS.

1. A minor 16 to 17 years of age may apply for a labor permit either in person or by mail.

2. Until further notice from the industrial commission minors 16 to 17 years of age may furnish any one of the proofs of age specified for minors 14 to 16, provided that the proof furnished shall be satisfactory to the person designated by the commission to issue permits.[1]

NOTE.—No certificate of education is required to be furnished by children above 16 years to procure a permit.

3. Child-labor permits for agricultural pursuits. On September 8, 1917, the commission adopted the following resolution:

"*Resolved*, That the industrial commission construes chapter 674, laws of 1917, to have not repealed subdivision (4) of section 1728e, and that permits are not required to be procured by children employed in agricultural pursuits."

The attorney general has since given his opinion sustaining the commission in its interpretation.

4. Discontinuance of form "Statement of Employment of Minor" (Form B–5). On October 8, 1917, the commission adopted the following resolution:

"*Whereas*, The industrial commission now requires all child-labor permits to be sent to the employer at whose place of employment the child is permitted to work, and

"*Whereas*, No useful purpose is now served by requiring employers to file with the issuing officers a statement to the effect that they have employed the minor to whom a permit was granted, therefore,

"*Be it resolved*, That the use of the 'Statement of Employment of Minor' (Form B–5) be discontinued."

7. Physical examination for children in Milwaukee. On January 7, 1918, the commission adopted a resolution expressing its position upon physical examination for children in the city of Milwaukee. This is stated clearly in the bulletin which the superintendent of schools of Milwaukee sends to its principals, the quotation being from the bulletin of March 7, 1918:

"The following statement defined the position of the industrial commission relative to physical examination of children who apply for labor permits and embodies the only action taken by the commission on this subject. For these reasons we suggest that you run this statement in your next circular and that you cancel M 1 (8) and M 17 (2) as not authorized by the commission and not accurately stating its position in this matter:

"Physical Examination of Children Who Apply for Labor Permits.—The school certificate, which is one of the papers that must be furnished for a labor permit, contains the following question to be answered by the school official who signs the certificate: 'Do you recommend that this child be granted a labor permit? ————.' The commission will assume that the school official has satisfied himself that the child is physically fit to enter industry before recommending that a permit be granted. As a means of so satisfying himself before making a recommendation, he may require the child to present to him a certificate of health either from the health officer of the school board or the health department of the city, or some other duly qualified physician in regular practice.

"The commission reserves the right to refuse a permit if the best interests of the child seem to require it even though its issuance is recommended by the school official, but no permit will be issued against such recommendation unless after due hearing the commission or its deputy permit officer in Milwaukee is convinced that the permit should be issued. This plan refers to children under 16 years of age."

The parochial school people of Milwaukee have indicated their willingness to adopt the same policy with reference to physical examinations for children, but do not appear as yet to have done anything tangible toward carrying out this policy.

[1] A regulation issued April 4, 1918, adds the following proviso: "And provided further that proofs shall be furnished in the order named in the regulations relative to proofs of age of minors 14 to 16 in so far as this is reasonably possible."

8. Resolution adopted by the industrial commission of Wisconsin at its meeting on March 11, 1918, relating to the employment of minors in bowling alleys, liquor establishments, drug stores, hotels, restaurants, boarding and rooming houses:

Whereas, Subsection 1 of section 1728e of the statutes, as amended by chapter 674, laws of 1917, provides that the industrial commission and the persons designated by it to issue child-labor permits, may refuse to grant a permit if the best interests of the child would be served by such refusal; therefore,

Be it resolved, That no permit shall hereafter be granted for the following employments or places of employment:

(1) Minors under seventeen years of age in bowling alleys.

(2) All minors under seventeen years of age in or about any brewery, distillery, liquor bottling establishment, barroom, saloon, saloon dining room or restaurant, beer garden, any place in connection with a saloon or a similar place of any name, or in or about any dance hall, pool room, hotel, store other than a drug store, or similar place of any name in which strong, spirituous or malt liquors are made, bottled, sold, served or given away.

(3) All minors under fourteen years of age in any drug store, and all minors under sixteen years of age in any drug store which has a Government license for the sale of strong, spirituous or malt liquors.

(4) Female children under seventeen years of age in any hotel, restaurant, boarding or rooming house.

(5) Male children under sixteen years of age in any hotel.

O