HON. CARL E. STEEB, *Secretary, Board of Control of Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—You have submitted abstracts prepared and certified by G. M. Osborne, attorney, purporting to cover the title to 5017 acres of land in Nile and Union townships in Scioto county, owned by the Peebles Land Company, which it is understood your board desires to purchase under the provisions of section 1177-10a of the General Code and the act found in 109 O. L., p. 314. Said premises are more fully described in said abstracts and a deed submitted by the Peebles Land Company, which are enclosed herewith. The abstracts have been supplemented at the suggestion of this department.

An examination has been made and while a number of irregularities have been found in the early transfers, it is my opinion that said abstracts, with the supplements thereto, show a sufficient title to said premises to be in the name of the Peebles Land Company, free from encumbrances, excepting the taxes for the last half of 1921 in the sum of $313.31, which are unpaid and a lien; also the taxes for the year 1922, which became a lien on said premises on April 10th of this year.

You have also submitted a deed executed by the Peebles Land Company which in my opinion is sufficient, when accepted and delivered, to convey the interest of said grantor to the state. Under the terms of this deed it will be the duty of said grantor to pay the taxes for the last half of 1921, and it will be the duty of your board to pay the taxes for the year 1922 when they become payable.

You have further submitted Encumbrance Estimate No. 5627, which contains the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in the sum of $25,085.00 to cover said purchase. Said encumbrance estimate is enclosed herewith.

The deed should be recorded in Scioto county and then filed with the abstracts in the office of the Auditor of State.

Respectfully,
JOHN G. PRICE,
Attorney-General.

3248.

COMPULSORY EDUCATION LAW—CHILDREN EMPLOYED IN ONION FIELDS—WHEN SUCH EMPLOYMENT IS A VIOLATION OF LAW—UNLAWFUL TO EMPLOY CHILD UNDER FOURTEEN YEARS OF AGE—EXCEPTION.

Where children between the ages of 6 *and* 15 *are employed during the vacation of the public schools in weeding by hand fields planted to vegetables such as onions, such employment constitutes a violation of sections* 12976, 7765, 7766-6, 7766-9, and 7770-2 *of the General Code, and other sections relating generally to the employment of minors of school age as amended in* 1921. *It is unlawful to employ a child under* 14 *years of age at any time except for irregular service not involving confinement nor continuous physical strain, nor more than four hours work in any day or twenty-four hours in any week, such work to be interrupted with rest or recreation periods. The application of various other statutes relating to the employment of minors in industry to such state of facts considered.*

COLUMBUS, OHIO, June 21, 1922.

Department of Industrial Relations, HON. PERCY TETLOW, *Director, Columbus, Ohio.*

GENTLEMEN:—This department is in receipt of your recent letter attaching a copy of report made by the Chief of the Division of Workshops, Factories and Public Buildings, Department of Industrial Relations, made after investigation of child labor conditions in what are known as the onion marshes located in Hardin county, Ohio. This department has on its files a copy of an earlier report relating to a similar condition in Medina county.

Said report states, among other things, that large numbers of children, ranging in age from six to sixteen years of both sexes, are employed on said marshes during the growing season in weeding onions by hand. So far as ascertained by the investigators, no written or other form of contract respecting hours of labor, wages, etc., has been entered into in the employment of these children. Many of the workers are migratory, coming into the fields from remote localities, both within and without the state. In many instances where the parents accompany the children or live in the neighborhood, the employment arrangement is made between the father and the employer.

One of the important legal questions involved in said report is this: Whether the laws of Ohio prohibit the employment of children on said marshes, and if so, to what extent?

The first group of positive statutes relative to employment conditions occurring in the General Code is that found in the chapter relating to the chief inspector of workshops and factories, sections 980 to 1037 inclusive of the General Code. In this chapter are regulations respecting the hours of labor of females and sanitary conditions in places where females are employed. None of these sections need be quoted. It is sufficient to state that they relate only to employment in workshops and factories and in certain enumerated other places and occupations; but that the enumeration does not cover places or occupations such as those above described.

Chapter 11 of the penal code deals with offenses against minors. Section 12968 found therein prohibits the employment of children under fourteen years of age in certain occupations, principally for the purpose of public exhibition, but this section contains the following language:

> "Whoever * * * employs, * * * apprentices, gives away, lets out or otherwise disposes of a child, under the age of fourteen years for or * * * in a business exhibition or vocation injurious to the health or dangerous to the life or limb of such child or causes, procures or encourages such child to engage therein, * * * or has such child in custody for any of such purposes, shall be fined * * *."

To the extent that it could be shown beyond a reasonable doubt that the employment of children under the conditions of employment above described is injurious to their health, a prosecution under this section would lie. It would have to be shown, however, for the purposes of this section that the employment is necessarily and inevitably injurious to the child. Doubtless, the physique of the particular child could be taken into consideration, so that in some cases this section might be available, but it is doubtful whether it could be successfully used as the predicate of wholesale prosecutions.

Section 12970 provides for punishment of a parent or guardian of a child under the age of sixteen years who unlawfully or negligently fails to furnish it necessary and proper food, clothing or shelter. This section will be considered in connection

with a considerable group of which it is a part, dealing with the neglect or abandonment of minor children by those responsible for their maintenance, care and support. It is possible that some of the cases investigated and to which the report filed in your department refers, may provide legal foundation for proceedings under this and other similar sections.

Section 12972 is very similar to section 12968, except that the age is sixteen years, and instead of the words being "vocation injurious to the health" they are "permits such child to be placed in such a position or engage in employment whereby its life or limb is in danger, its health likely to be injured or its morals likely to be impaired or depraved." This section punishes both the employer and the legal custodian of the child, and it makes no difference whether an age and schooling certificate has been obtained. Collings-Taylor Co. vs. American Fidelity Co., 96 O. S. 123. This section, according to section 12973, is to be enforced by the state inspector of workshops, factories and public buildings. This group of sections is a little more liberal than section 12968. It requires proof only that the employment of the child is *likely* to injure its health.

In this same connection section 13002 should be mentioned. This section, after enumerating certain employments in which no child under the age of sixteen years is permitted to work, concludes with the following:

> "Nor in any other occupation dangerous to the life and limb, or injurious to the health or morals of such child."

This is followed by section 13003 which provides as follows:

> "The state board of health may, from time to time, after a hearing duly had, determine whether or not any particular trade, process of manufacture or occupation in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the common pleas court from any such determination."

In view of the express provisions of section 12972, no particular attention need be given at this time to the last provision of section 13002. The provision of section 13003 is of interest in connection with the matter of administrative procedure, and is reserved for comment until that matter is reached herein.

There is no other section of positive law dealing with the particular employment as such. Comment on those referred to may be summed up by the statement that the question as to whether or not the employment of a particular child in work of the kind above described is likely to injure its health (section 12973) is a question of fact for the trier of the facts to ascertain. That is to say, in the absence of administrative action authoritatively classifying this occupation as a prohibited one, it cannot be said as a matter of law that it is illegal to employ child labor in such pursuits as such; and that the prosecution under the sections referred to would have the burden of convincing the jury or the magistrate beyond a reasonable doubt as to the probable effect of such labor upon the health or morals of the particular child with respect to whose employment the prosecution was instituted. Opinion

evidence would be admissible on the issue of health from witnesses qualified as experts on that point. With respect to morals, however, it is difficult to see how any evidence in the nature of conclusions of fact could be relevant on this issue. Moreover, it must be pointed out that the question of housing conditions, etc., could not enter into the prosecutions under these sections so far as the issue of morals is concerned; for it is the occupation of pulling weeds that is to be considered in this connection and not the housing conditions in the field.

Another important group of sections embodying some rules of positive law are those providing for compulsory education, and regulating the employment of minors of school age with that end in view. Some of the penal sections which constitute a part of this code are found in the chapter from which the group above discussed is taken. The first of these which deserves attention is section 12976 which provides as follows:

> "Whoever employs a minor under eighteen years of age before exacting from such minor the age and schooling certificate, or age and pre-employment card required by law, or fails to keep such certificate or card on file, or fails to return to the superintendent of schools or his authorized representative such certificate or card or give notice of the non-use thereof within two days from such minor's withdrawal or dismissal from his service, or continues to employ a minor under eighteen years of age after his age and schooling certificate or card is void, or refuses to permit an attendance officer or other person mentioned in section 7765, General Code, to examine such certificate or card, or refuses to permit such attendance officer or person to observe the conditions under which minors under eighteen years of age are employed, or refuses to permit under reasonable regulations such attendance officer or persons to make inquiry of minors or persons supposed by such officer or persons to be under eighteen years of age in regard to matters pertaining to their age, employment or schooling, shall upon conviction be fined not less than twenty dollars, nor more than fifty dollars."

This section was put in its present form by an amendment found in 109 O. L. 397. Formerly the section applied only

> "during the time a public, private or parochial school is in session in the school district in which such minor resides,"

and related only to the employment of

> "a minor over the age of fourteen and under the age of sixteen years who cannot read and write the English language."

The changes made by this amendment are radical. It now applies as well during vacation periods as during the time when schools are in session in the district where the minors reside. It now applies to the employment of all minors under the age of eighteen years. In order to get its full meaning, however, it is necessary to refer to other sections to see what the "age and schooling certificate, or age and pre-employment card required by law" are. These matters are regulated by section 7765 and succeeding sections of the General Code as amended 109 O. L. 381. These sections provide in part as follows:

> "Sec. 7765. No minor of compulsory school age shall be employed or be

in the employment of any person, company or corporation unless such minor presents to such person, company or corporation the proper age and schooling certificate, or age and pre-employment card as a condition of employment. Such employer shall keep the same on file in the establishment where such minor is employed or in the office of the business or in the residence in or about which such minor is employed for inspection by attendance officers, probation officers, the superintendent of schools, or inspectors or other employes of the industrial commission or the board of state charities of Ohio, or representatives of the district board of health or state department of health.

Such certificate or an over age certificate or age and pre-employment card shall be conclusive evidence for such employer of the age of such minor and so long as in force of the employer's right to employ such minor the minor's right to engage in such occupations as are not denied by law to minors of the age and sex stated in such certificate, except that a limited or special certificate is confined to particular employments.

Notice to the school authorities that the child has left the employ of an employer shall render void from that date the age and schooling certificate or age and pre-employment card filed with such employer, insofar as it shall permit the further employment of such child."

"Sec. 7765-2. Notwithstanding the provisions of sections 7765 and 12993, General Code, a child may be employed in irregular service not forbidden by sections 13001, 13002 or 13007-3, General Code, without holding an age and schooling certificate.

Irregular service shall be interpreted to mean service not forbidden by federal child labor laws which (a) does not involve confinement, (b) does not require continuous physical strain, (c) is interrupted with rest or recreation periods, and (d) does not require more than four hours of work in any day or twenty-four hours in any week. The health commissioner of the district, in which employment is afforded to any child shall determine whether the employment involves confinement or requires continuous physical strain so that it cannot be deemed irregular service within the meaning of this section."

(It is clear that the employment under investigation cannot be classified as "irregular service" regardless of the action of the local health commissioner, because they obviously do require more than four hours of work in any day or twenty-four hours in any week).

"Sec. 7766. An age and schooling certificate may be issued only by the superintendent of schools and only upon satisfactory proof that the child to whom the certificate is issued is over sixteen years of age and has satisfactorily passed a test for the completion of the work of the seventh grade, provided that residents of other states who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service.

Any such age and schooling certificate may be issued only upon satisfactory proof that the employment contemplated by the child is not prohibited by any law regulating the employment of such children; and when the employer of any minor for whom such age and schooling certificate shall have been issued shall keep such age and schooling certificate on file as pro-

vided by law, the provisions of section 6245-2, General Code, shall not apply to such employer in respect to such child while engaged in an employment legal for a child of the given sex and of the age stated therein.

Age and schooling certificate forms shall be formulated by the superintendent of public instruction, and except in cases otherwise specified by law must be printed on white paper. Every such certificate must be signed in the presence of the officer issuing it by the child in whose name it is issued. Blank certificates shall be furnished by the superintendent of public instruction upon request."

From this section it is apparent that an age and schooling certificate cannot be issued at all unless the child is over sixteen years of age, and that the necessity for having such a certificate applies to residents of other states who work in Ohio. This being the case it would seem unnecessary to pursue the age and schooling certificate further, though it is to be observed that by section 7766-1 very drastic requirements are imposed upon such age and schooling certificates. However, we are brought back again to substantially the same inquiry by section 7766-6 which authorizes the issuance of vacation certificates in the following language:

"The superintendent of schools may issue a vacation certificate to a boy or girl under eighteen years of age and over fourteen years of age which shall permit him to be employed within the restrictions of other statutes during the summer school vacation up to August 25th, in occupations not forbidden by sections 13001, 13002 or 13007-3, General Code, to children of his age and sex, regardless of what schooling he has completed, but before such certificate is issued the requirements prescribed in section 7766-1 with relation to health, written pledge of employment, and proof of age must be complied with. Such vacation certificate shall be printed on blue or blue-tinted paper and the word 'vacation' shall be printed or stamped across its face; such certificate shall include a statement of the school and grade in which the child is enrolled. Such certificates must be returned to the superintendent of schools by employers within the same period and under the same penalties as regular age and schooling certificates and may be revoked by the superintendent of schools at any time because of the physical condition of the child or other sufficient cause.

If a child who desires a vacation age and schooling certificate secures only a limited health certificate the word 'limited' shall be written or stamped across the face of the vacation certificate and the limited vacation certificate shall be on blue or blue-tinted paper; in which case the certificate shall show to what employment it is limited."

Of this section the following observations may be made: First, a vacation certificate can only be issued to a boy or girl over fourteen years of age. Second, this vacation certificate must be issued subject to the requirements of section 7766-1.

Thus far then there is no authority for the issuance of any permissive certificate in the case of a child under fourteen years of age, regardless of the character of the employment. In the second place, children between fourteen and sixteen years of age may not have a regular age and schooling certificate at all, but may have a vacation certificate on the same terms that an age and schooling certificate is issued. These terms prescribed by section 7766-1 are as follows:

"The superintendent of schools shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed:

(1) The written pledge or promise of the person, partnership or corporation to legally employ the child, to permit him to attend school as provided in section 7767, General Code, and to return to the superintendent of schools the age and schooling certificate of the child or give notice of the non-use thereof within two days from the date of the child's withdrawal or dismissal from the service of that person, partnership or corporation, giving the reasons for such withdrawal or dismissal.

(2) The school record of the child, properly filled out and signed by the person in charge of the school which the child last attended; giving the recorded age of the child, his address, standing in studies, rating in conduct, and attendance in days during the school year of his last attendance, and if that was not a full year, during the preceding school year.

(3) Evidence of the age of the child as follows:

(Here follow four alternative methods of authenticating the age of the child, which need not be quoted in full).

Section 7766-9 of the General Code provides for another form of age and schooling certificate designated as the "special" certificate, in the following language:

"A special age and schooling certificate which shall permit a child to be employed during the hours that the school to which the holder is assigned is not in session, other than the summer vacation, * * *"

It will not be necessary to quote the remainder of this section because it is apparent that a special age and schooling certificate cannot authorize employment during the summer vacation; whereas, it is assumed from the statement of facts that the children in question are all employed during the summer vacation.

But section 12976 also refers to the "age and pre-employment card required by law." This is provided for by section 7770-2 of the General Code, as follows:

"Any boy above sixteen years of age employed at the time this act goes into effect, or who had been employed before that date and after reaching the age of sixteen years, and who under former laws was not required to hold an age and schooling certificate for such employment shall be granted by the superintendent of schools an 'age and pre-employment card' which shall exempt him from the provisions of this act except that he shall be required to attend part-time school or class until he reaches the age of eighteen, the same as those holding age and schooling certificates, if such part-time continuation schools or classes are in operation in the district wherein he resides, and he and his parents, guardian or other person in charge of him shall be liable to like prosecutions and penalties upon his failure to do so."

This section obviously has no application to the facts under investigation because it is stated that the children employed in the weeding processes are under sixteen years of age, and that many of them are girls.

Section 7771 of the General Code provides as follows:

"The attendance officer shall institute proceedings against any officer, parent, guardian, person, partnership or corporation violating any provision

of the laws relating to compulsory education and the employment of minors, and otherwise discharge the duties described herein, and perform such other service as the superintendent of schools or board of education of the district by which he is employed may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce the provisions of the above mentioned laws.

He shall be furnished with copies of the enumeration in each school district in which he serves and of the lists of pupils enrolled in the schools and shall report to the superintendent discrepancies between these lists and the enumeration.

The attendance officer and assistants shall co-operate with the industrial commission of Ohio in enforcing the conditions and requirements of the laws of Ohio relating to the employment of minors. The attendance officer shall furnish upon request such data as he and his assistants have collected in their reports of children from six to eighteen years of age and also concerning employers to the industrial commission of Ohio and upon request to the superintendent of public instruction. He must keep a record of his transactions for the inspection and information of the superintendent of schools and the board of education; and shall make reports to the superintendent of schools as often as required by him. The superintendent of public instruction shall have power to prescribe forms for the use of attendance officers in the performance of their duties. The blank forms and record books or indexes shall be furnished to the attendance officers by the boards of education by which they are employed."

Under this section it becomes the primary duty of the attendance officer to enforce the group of sections which have just been quoted, but the right of the Industrial Commission of Ohio to co-operate in the enforcement of those provisions which relate to the employment of minors is recognized.

Section 12978 of the General Code provides as follows:

"Failure to produce for lawful inspection the age and schooling certificate or card as provided by law or the record as provided in section 12998, General Code, shall be prima facie evidence of the illegal employment or service of the child whose certificate or card is not so produced or whose record is not so correctly kept."

The purport of this section is obvious.

It seems clear from an examination of the foregoing sections that since the adoption of the amendments of 1921 to the compulsory education law, the employment of a child under fourteen is simply illegal, regardless of the character of the employment in which he is engaged. Doubtless, this section is not intended to regulate, and does not regulate or impose conditions on purely domestic employments within the family relation; so that a parent or person who stands in the place of a parent, may not be amenable to such laws for employing his own children; but it is equally clear that the statutes do apply to commercialized and industrial employment of the kind under investigation.

It is therefore the opinion of this department that prosecutions could be successfully instituted, in theory at least, in all cases where minors under the age of fourteen years are employed in this kind of labor; that similarly successful prosecutions might be instituted in case of the employment of a child over fourteen years of age and under sixteen years of age without a vacation certificate; and

similarly like prosecutions might be instituted in cases where children over the age of sixteen and under the age of eighteen have been employed without a regular age and schooling certificate.

In this connection section 12981 vests final jurisdiction to try offenders under section 12976 in mayor's, justices of the peace, police judges and judges of the juvenile courts. Section 12982-1 expressly authorizes an inspector of the Industrial Commission of Ohio to make the complaint. Section 12984 makes the second offense punishable by fine and imprisonment, and later sections provide the machinery for impaneling a jury in the prosecution of such offenders. Section 13007-10 of the General Code makes each day of illegal employment of a minor after reasonable notice served on the employer by a factory inspector or other officer a separate offense.

In case it is found that age and schooling certificates have been issued to these children in violation of law the punishment is provided by section 12979 which punishes the person charged by law with the issuance of such certificates. Section 12980 punishes the failure or refusal to give information necessary for the execution of the laws relating to the employment of children. Section 12987 prescribes and punishes the offense on the part of the minor of making a false statement of age for the purpose of evading the law relative to the employment of minors.

In the event, however, that the minor is under eighteen years of age the charge under this section must be brought against him in the juvenile court as a delinquent child.

Section 12998 requires the employer to keep posted at his headquarters two complete lists of the names and ages of all children under eighteen years of age.

Section 13007-1 authorizes the factory inspector or attendance officer or other officer charged with the enforcement of the laws relating to the employment of minors to demand of any employer in or about whose establishment a person apparently under the age of eighteen years is employed or permitted to work and whose employment certificate is not filed, that such employer shall furnish him satisfactory evidence that the minor is in fact over eighteen years of age, which evidence is to be the same as that required upon the issuance of an age and schooling certificate. Failure of the employer to produce such evidence is deemed a violation of the law relating to the employment of minors.

Section 13007-7 makes it the duty of factory inspectors, etc., to file the proper affidavits before courts having jurisdiction without prejudice to the right of any other person to make and prosecute such complaints.

Section 13007-9 is a general penal section covering certain offenses for which no penalties are prescribed.

This completes the catalogue of penal provisions dealing with the employment of children generally without respect to the occupation in which they are employed. It will be observed that these laws have been radically changed and drastically extended by the amendments of 1921. In the opinion of this department these sections afford grounds for prosecution as above stated, in numerous cases wherein prior to their enactment or amendment in 1921, such prosecution would have been impossible.

Before completing the list of sections of positive law which may be involved, attention should be called to section 12991 of the General Code which punishes the offense of employing a minor without agreeing with him as to the wages or compensation he shall receive, and without furnishing him with written evidence of such agreement, and, on or before each pay day, with a statement of the earnings due and the amount thereof to be paid to him. The inspectors seem to have found some evidence of violation of this section.

All the sections hereinbefore commented upon are exceptions to, inconsistent with, or subsequent in point of time to that provision of the workmen's compensation law, section 1465-93 which provides that "a minor shall be deemed *sui juris* for the purpose of this act."

Another question which arises here is as to the jurisdiction of the juvenile court to try these offenses. Section 1645, juvenile court law, defines a dependent child so as to include one "who is given away or disposed of in any employment * * *, occupation or vocation contrary to any law of the state." Without going into a detailed discussion of the juvenile court law, it is sufficient to state that it is primarily to provide proper guardianship for delinquent, neglected and dependent children by terminating the parental right of custody. To this extent it is obvious that the prosecution of an employer under the laws that have been referred to would not be inconsistent with the citation of the child and its parents or guardians on the ground of dependency.

Section 1654 provides for the punishment through the juvenile court of the offense of contributing to the delinquency or neglect of a minor. In view of the express and supplementary provisions of the statutes punishing violation of the laws relative to the employment of minors, it is not believed that the jurisdiction of the juvenile court is exclusive. That is to say, when a parent or employer participates in the unlawful employment of a child under sixteen or under fourteen as the case may be, such facts would constitute a violation of section 1654 of the General Code, and also of some of the sections above referred to enacted in 1921. The offenses are apparently distinct offenses; but without attempting to decide here the question as to whether a conviction of one could be pleaded in bar of a prosecution for another, it is sufficient to state that the juvenile court has not exclusive jurisdiction, but the prosecutions may also be brought before justices of the peace, mayors and police judges in proper cases.

Having established the existence of what seem to be ample provisions of positive law for the correction of the evils that are alleged to exist, it seems scarcely necessary to go extensively into the further question as to the administrative procedure by which enforcement of said provisions of law may be had, especially in as much as to do so would involve some repetition. For example, reference has already been made to the provisions of section 13003 authorizing the state board of health to pronounce an occupation as such injurious or dangerous to the health or morals of children under sixteen years of age. This was supplemented in 1921 by section 13007-4 which is of similar purport except that the age is eighteen years instead of sixteen years. Under this section it would be possible to proscribe the employment of minors under the age of eighteen years if the state board of health (state department of health) should come to the conclusion that the occupation of pulling weeds is injurious, and the Common Pleas Court on appeal should confirm that determination. The functions of the state department of health in this behalf would be discharged by the public health council. See sections 1235 and 154-44 of the General Code.

You also refer to the provisions of section 871-22 of the General Code, under paragraphs 3 to 8, both inclusive, whereof, the Industrial Commission (see section 154-45 G. C.) is authorized to adopt certain administrative regulations having force of law. These provisions will be briefly examined:

Paragraph 3 of the section authorizes the commission

> "to declare and prescribe what hours of labor, safety devices, safeguards, or other means or methods of protection are best adapted to render the em-

ployes of every employment * * * safe, and to protect their welfare as required by law or lawful orders."

It is not believed that this paragraph is broad enough to authorize the Industrial Commission to make orders in cases of this kind.

Paragraph 4 authorizes the commission to

"fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards, and other means or methods of protection * * * as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employes in employment and places of employment."

It is not believed that this paragraph is broad enough to reach the situation under consideration, in as much as the standards, orders, etc., referred to therein must relate to the adoption of safety devices, safeguards or other means or methods of protection. Absolute prohibition of the employment of minors in a given industry would not be such as "other means or methods of protection" as is contemplated here.

Paragraph 5 relates to the construction, repair and maintenance of places of employment and does not apply.

Paragraph 6 authorizes the Commission to ascertain and determine such reasonable classifications of persons, employments and places of employment as shall be necessary to carry out the provisions of this act.

While this language is somewhat broader, it is felt that it does not authorize the commission to act in cases of this character.

Paragraphs 7 and 8 need not be considered, as one of them relates to the establishment of rules for the internal government of the industrial commission, and the other to the mediation and conciliation of industrial disputes.

It is therefore believed that section 871-22 is not available in the cases under consideration.

In this opinion an effort has been made to epitomize all the law that may have any bearing upon the facts alleged to have been discovered by the investigations of the Departments of Industrial Relations and Health. It is possible that some provisions may have been overlooked. It will be understood that the opinion does not undertake to pass upon facts which may be involved or to state positively the application of any of the above mentioned sections to any particular circumstances that may be found to exist. The opinion is intended to serve as a guide to the Department of Industrial Relations in the adoption of any policy which that department may see fit to pursue. This department, of course, will co-operate with the Department of Industrial Relations in the enforcement of the laws which have been discussed, reserving, however, the necessary privilege of examining into the merits of each contemplated prosecution.

It might be added that in so far as immoral conditions may be discovered, the provisions of the juvenile court law would seem to afford the proper remedy. Without quoting the sections, it is sufficient to state that in case an adult is charged with contributing to the delinquency of a minor child, it must first be proved that the minor child is actually delinquent.

It may also be said that this opinion has not dealt with the various provisions of the criminal code punishing the offense of non-support of children by parents.

Respectfully,
JOHN G. PRICE,
Attorney-General.