

**KANSAS LABOR LAWS AND  
LAWS ESPECIALLY  
AFFECTING THE EMPLOYMENT  
OF LABOR (ANNOTATED)**

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Kansas Labor Laws and Laws Especially Affecting the Employment of Labor (Annotated) by  
Richard E. McIntosh

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**RICHARD E. MCINTOSH**

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OF LABOR (ANNOTATED)**



*Kansas, Laws*

# KANSAS LABOR LAWS

AND

UNIV. OF  
CALIFORNIA

LAWS ESPECIALLY AFFECTING THE EMPLOY-  
MENT OF LABOR

(ANNOTATED)

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Compiled for State Department of Labor and Industry

BY

RICHARD E. MCINTOSH

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JANUARY, 1918

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## PREFACE.

The large number of laws in the General Statute book of the state of Kansas, and the consequential unwieldy size of the volume, make it inconvenient for use by those who are interested only in the laws relating to one subject. Especially is this true of the labor laws, as portions of many statutes having a more or less direct bearing upon the relationship between employer and employee are scattered through the entire book, on account of their closer relation to other general subjects, and are therefore easily overlooked by the layman who is honestly trying to comply with the labor laws of the state.

In the work of law enforcement the Department of Labor and Industry has found that in many cases the law is unintentionally violated because of the failure of the offending parties to know or properly understand the requirements of the statutes. Some employers are found also who take advantage of the fact that their employees do not know of the protection offered by the laws, and who deliberately ignore their legal obligations.

To meet this situation and to place within the reach of every employer and worker the opportunity to familiarize himself with the laws affecting labor, this book has been prepared and a sufficient number printed for free distribution to those interested therein.

An effort has been made to include in a small and conveniently arranged volume all the laws relating to the employment of labor and to the relationship between employer and employee in the state of Kansas, including the latest labor laws and amendments, arranged and indexed so as to make them readily accessible.

It is the present intention of the department to issue a supplement to this volume at the close of the next and succeeding sessions of the legislature, containing such changes and additions as are made necessary by new acts that are passed from time to time.

In the preparation of this book the department feels that it has been fortunate in securing the services of Mr. Richard E. McIntosh, of the Topeka bar, the compiler of the General Statutes of Kansas for 1915. His experience in having so recently compiled all of the statutes of the state has peculiarly fitted him for the work of compiling this volume, and should insure its completeness and accuracy.

In presenting to the public this compilation of labor laws of the state of Kansas we hope it will accomplish the purpose for which it is intended, and that it will assist both employers and workers to become familiar with the requirements of the statutes and thus result in a better compliance therewith.

P. J. MCBRIDE,  
*Commissioner of Labor.*

TOPEKA, KAN., JANUARY, 1918.

## COMPILER'S NOTE.

This book contains the laws in force in the state of Kansas pertaining to the employment of labor. Some acts which do not relate especially to labor, particularly criminal statutes, have been included for the reason that there appeared to be some phase of the operation of the act which was of interest to employers or to employees.

The amendments to the workmen's compensation act, passed at the 1917 session of the legislature, as well as all other new acts and amendments affecting labor, have been included.

The digest at the head of each section, the digest of sections at the beginning of each chapter or article, and the alphabetically arranged index covering the whole book, should make it possible for any one to turn to the law relating to any given proposition.

The sections which have been construed by the supreme court of Kansas (up to January 1, 1918) are followed by a note showing the construction placed upon them and citing the pertinent cases. Reference is also made to cases decided by the supreme court of the United States affecting the construction or constitutionality of acts printed herein.

The punctuation of the original acts has been followed. The boldface digest of each section is the work of the compiler and forms no part of the act as passed by the legislature.

The acts contained herein will of course remain unchanged until another session of the legislature. Federal acts have not been printed in full, but exhaustive notes have been inserted covering the substance of such as are of particular importance in Kansas.

RICHARD E. MCINTOSH.

TOPEKA, KAN., JANUARY, 1918.

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# KANSAS LABOR LAWS.



## CHAPTER 1.—CONSTITUTIONAL PROVISIONS.

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| <p>11. People have right to assemble, etc., and petition for redress of grievances.</p> <p>2. Right of trial by jury.</p> <p>3. Slavery and involuntary servitude prohibited; exception.</p> <p>4. Habeas corpus, when right to writ suspended.</p> <p>5. Bailable offenses; fines; cruel or unusual punishment.</p> | <p>10. Trial; defense of accused; witnesses; speedy public trial; impartial jury; former jeopardy.</p> <p>7. Liberty of the press; free speech; libel.</p> <p>8. No person to be transported; conviction not to work corruption of blood.</p> <p>9. Imprisonment for debt.</p> <p>10. Remedy for injuries by due course of law; justice without delay.</p> |
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### SECTIONS OF BILL OF RIGHTS.

§ 1. People have right to assemble, etc., and petition for redress of grievances. The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances. [G. S. 1915, § 107.]

§ 2. Right of trial by jury. The right of trial by jury shall be inviolate. [G. S. 1915, § 109.]

Verdict of jury must be verdict of each individual juror. *Bowman v. Wheaton*, 2 K. A. 581.

Superadded conditions of recognizance not cause for dismissal on appeal. *City of Kansas City v. Hescher*, 4 K. A. 782.

Applied only to cases so triable at common law. *Kimball et al. v. Connor et al.*, 3 K. 414. Municipal court try without jury when jury obtainable on appeal. *City of Emporia v. Volmer*, 12 K. 822.

In action for recovery of money, jury may be demanded. *Board of Education v. Scoville*, 12 K. 17.

Duty of courts to enforce right observance of statutes. *The State v. Snyder*, 20 K. 306. Where no jury in first instance, right on appeal inviolate. *In re Rolfe, Petitioner*, 20 K. 761.

Power of legislature limited by provisions of bill of rights. *Atchison Street Rly. Co. v. Mo. Pac. Rly. Co.*, 21 K. 665.

Not entitled to trial by jury for violating city ordinance. *The State, ex rel., v. City of Topeka*, 26 K. 85.

Appeal to court with jury must be without unreasonable restrictions. *In re Jahn, Petitioner*, 55 K. 697.

Twelve jurors necessary in trial on felony charge. *The State v. Simons*, 61 K. 752.

Trial in police court without jury does not violate section. *In re Edie Kinsel*, 64 K. 3.

Right to jury of twelve may be waived in misdemeanors. *The State v. Wells*, 69 K. 792. Section not violated by jury of four in lunacy inquest. *The State v. Linderholm*, 84 K. 603.

§ 3. Slavery and involuntary servitude prohibited; exception. There shall be no slavery in this state; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted. [G. S. 1915, § 110.]

Act requiring work on roads to pay poll tax, valid. *In re Dasser, Petitioner*, 85 K. 684. Does not prohibit labor on streets for poll taxes. *The State, ex rel., v. City of Topeka*, 86 K. 85.

Ordinance permitting employment of city prisoners on streets held valid. *City of Topeka v. Bentwell*, 53 K. 20.

§ 4. Habeas corpus, when right to writ suspended. The right to the writ of habeas corpus shall not be suspended, unless the public safety requires it in case of invasion or rebellion. [G. S. 1915, § 112.]

§ 5. Bailable offenses; fines; cruel or unusual punishment. All persons shall be bailable by sufficient sureties except for capital offenses

where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. [G. S. 1915, § 113.]

Confinement five to twenty-one years for rape, not unconstitutional. *The State v. White*,

44 K. 512. As hard labor in penitentiary, not cruel or unusual punishment. *The State v. White*, 44 K. 514.

Fine and jail sentence held not cruel or unusual punishment. *Ratliff v. Stock-yards Co.*, 74 K. 16.

Confinement when unable to pay fine and costs, not violative. *In re Ellis*, 78 K. 370.

Crimes committed when penalty is death, amended afterwards, not bailable. *In re Schneck*, 78 K. 210.

Defendant, after conviction of felony, is entitled to bail. *In re Truskett*, 83 K. 877.

**§ 6. Trial; defense of accused; witnesses; speedy public trial; impartial jury; former jeopardy.** In all prosecutions, the accused shall be allowed to appear and defend in person or by counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face, and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense. [G. S. 1915, § 114.]

Second trial at defendant's request, held not twice in jeopardy. *The State v. McCord*, 3 K. 242.

Juror who has formed any opinion is not impartial juror. *The State v. Medlicott*, 9 K. 279.

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Territory attached to judicial district becomes part of district. *In re Holcomb, Petitioner*, 21 K. 638.

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Not error to retain juror, truth of whose opinion conceded. *The State v. Wells*, 28 K. 322.

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Not error to order expert examination of person of defendant. *A. T. & S. F. Rld. Co. v. Thul*, 29 K. 474.

State may not treat trial of misdemeanor as mere preliminary. *In re Donnelly, Petitioner*, 30 K. 197.

Entitled to jury on appeal if not in first instance. *In re Rolfs, Petitioner*, 30 K. 760.

Error to convict of offense not contemplated when information filed. *The State v. Brooks*, 33 K. 713.

Information held to comply with letter and spirit hereof. *The State v. Whisner*, 35 K. 276.

"All prosecutions" held to mean for violating state laws only. *The State, ex rel., v. City of Topeka*, 36 K. 87.

Right to argument of counsel cannot be denied to defendant. *The State v. Verry*, 36 K. 420.

Conviction on one count precludes later trial as to others. *The State v. McNaught*, 36 K. 627.

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