

Student Work

8-12-1931

Social Legislation in Nebraska

Charles Evans White

The Municipal University of Omaha

Follow this and additional works at: <https://digitalcommons.unomaha.edu/studentwork>

Recommended Citation

White, Charles Evans, "Social Legislation in Nebraska" (1931). *Student Work*. 2209.
<https://digitalcommons.unomaha.edu/studentwork/2209>

This Thesis is brought to you for free and open access by DigitalCommons@UNO. It has been accepted for inclusion in Student Work by an authorized administrator of DigitalCommons@UNO. For more information, please contact unodigitalcommons@unomaha.edu.



SOCIAL LEGISLATION IN NEBRASKA

By

Charles Evans White, B.A., B.S., L.L.B.

No 28 - Aug 12, 1931

No 870 - February 16, 1932
OLD ROOM

Submitted in Partial Fulfillment
of the Requirements for the Degree
of Master of Arts
in the
Department of Sociology
of the
Municipal University of Omaha
1931

*Approved
by
J. E. Sullivan
and J. H. J. Snider
2/23/31*

10649-15

UMI Number: EP73751

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



UMI EP73751

Published by ProQuest LLC (2015). Copyright in the Dissertation held by the Author.

Microform Edition © ProQuest LLC.

All rights reserved. This work is protected against unauthorized copying under Title 17, United States Code



ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

CONTENTS

CHAPTER	PAGE
INTRODUCTION	4
I TERRITORIAL LEGISLATION	8
Types of legislation; Offenses against chastity; The marriage laws; Divorce laws; Laws relating to morals; Criminal abortion; Rape; Paupers; Defectives; Kidnapping; Infants' crimes; Liquor laws; Vagrants.	
II PUBLIC WELFARE	13
Welfare board; members, duties; Medical affairs; Dentists license and revocation; Nurses; County board of health; Infectious diseases and their regulation; Venereal diseases; Sanitary rules; The common drinking cup; Quarantine; Maternity home and lying-in hospitals; vital statistics; Birth certificates; Death certificates; The Board of Public Welfare in Metropolitan cities.	
III CHILD WELFARE	19
Child Welfare bureau; Duties of child Welfare bureau; Children's Code commission; Duties of Children's Code commission; Boys' and Girls' Industrial school; Committing pupils to schools and their release; Enticing or hiding of inmates; Juvenile court; Dependent and neglected children, Maintenance and custody of dependent and neglected children, Home of dependent children, Disposition and placing of delinquent children; Visitation of children; Cruelty to children; Infants not to be placed in jail; Maternity homes and disposition of infants; Pregnant women not to be placed in poor house; Mothers' pension; amount of pension; Conditions of relief; Relief terminates; Pension committee; Abandonment; Obtaining pension fraudulently; Adopting children; School attendance; Kinds of work and working hours of children; Work	

Replacement 5-28-75
 lift

CONTENTS

CHAPTER		PAGE
	permits for children; Supervision by Board of Charities and Correction; Board of Visitation; Debauching children; Debauching a youth; Harboring minors in houses of ill-fame; Power to search for children; Billiard and pool halls; Tobacco and cigarettes; Age of consent; Child stealing; Delinquent minors wards of state; School for the deaf and blind; All deaf and blind eligible.	
IV	DEPENDENTS	33
	The Board of Control of state institutions; Institutions under control of the board; Duties of the board; The care of the poor; Poor house and poor farm; The care of destitute Pregnant women; Paupers; Care of minor dependents; Soldiers and Sailors home; Management of home.	
V	DEFECTIVES	38
	Defectives; Sterilization of defectives; Examination of inmates; Examining board; Consent for operation required; Operation explained and performed.	
VI	DELINQUENTS	40
	Penal institutions; Employment of prisoners; Earnings of convicts and credits; Good time allowance; Indeterminate sentence; Classes of prisoners; The education of prisoners; Reformatories for women of first offense and inmates; Woman's industrial home.	
VII	PENSIONERS	44
	Pensions; Firemen's pension; Widow and minor children; Volunteer firemen; Police pension; retirement and widows; Disabled policemen, their widows and orphans.	

CONTENTS

CHAPTER	PAGE
VIII LABOR	46
<p>Department of labor; Hours of female labor; Seats and rest room for female workers; Protection of workingwomen; Sending females to homes of ill-repute; Employers' liability law; Compensation by action of law; Employers under the law; Defenses not allowed; Elective compensation; Method of election; Waiver of election; When compensation begins; Medical and hospital care; Compensation schedule; Dependents; Who are dependents.</p>	
IX PUBLIC SAFETY	52
<p>Fire protection; Factories; Schools; Theatres; Hotels; Rooming houses; Fire laws enforced by Department of Trade; Road laws; Drunken drivers; Department of public works controls roads; Minors; Drunkards; Local Authorities; Poisons and sale thereof; Advertising and sale of secret drugs.</p>	
X PUBLIC MORALS	55
<p>Prize fighting and boxing contests; Sabbath breaking; Desecration of Decoration Day; Profanity; Indecent exposure and obscene language; Selling obscene literature; Immoral shows; Prostitution; Gambling; Liquor laws; Abortion; Rape; Abduction; securing illicit intercourse; Incest and pandering.</p>	
XI DOMESTIC RELATIONS	61
<p>Marriage contract; Void marriages; Grounds for divorce; Divorce Decree; Custody of children.</p>	
XII CONCLUSION	63
APPENDIX	67

SOCIAL LEGISLATION IN NEBRASKA

Social legislation or those enactments which have the betterment of living conditions for their primary purpose is as old as civilization itself, although for many centuries it was only preventive in its nature. A movement for social justice came with the birth of religious freedom and political liberty. The subject was first approached in a scientific manner in 1911 when the Reader's Guide to periodical literature made the first separate topic of social as distinguished from legislation in general.

Previous to this time, individualism was at its height. Many noted men in the government advocated and established a policy of laissez faire. It was presumed that the output of each man working for his own interest would result in the greatest good for all, and that competition would prevent avarice. Manufacturers imbued with the spirit of commercialism and money making, when left without restraint, ignored all respect for life in their factories until women and children were required to work from 10 to 16 hours daily under very

unsanitary conditions for very little pay. Wages fell below starvation levels, and many men were pauperized. All types of exploitation were common, and the moral degeneration of our entire social fabric resulted.

These conditions finally brought about an awakening. Social consciousness began to appear. Our leading universities began to make investigations. Individualism became tempered with humanitarianism. Through the constant agitation of various organizations, the idea that the social purpose of government is the preservation of the equality of opportunity and the protection of the weak and helpless from exploitation, was established. Social legislation which is symbolic of the progress of public concern relating to social conditions was enacted.

The purpose of this monograph is to show the development of social legislation in Nebraska. In this study we include only those acts that are indicative of the progress of the social welfare without making any effort to show the cause, effect or value of any laws. In making this study it was found that social progress in Nebraska

kept pace with that of national progress.

Social legislation in Nebraska came about gradually until 1915. Before that time very little was done of a constructive nature. Laws were enacted largely to meet immediate needs or approaching crises. A great step forward was taken in 1919 when the children's code commission was enacted.

During the last decade the proper solution of social problems has occupied the public mind. Corporation heads, workmen, scholars, ministers, teachers, reformers and legislators all sense the needs of social reforms. Laws are constantly being added to our statutes that will make it more nearly possible for all of our people to share in the values of civilization, thus enabling them to enjoy the greatest possible self-realization consistent with their native endowments.

It was most convenient to use the statutes³ and year books of Nebraska for this work. The omission of many temporary changes in our laws and short lived experiments is evident. Public education, although of social concern, was not in-

cluded because it constitutes a field in itself. The study of the penal institutions was also limited to such phases as have a direct relation to society in general.

For convenience the field of social legislation in Nebraska has been divided into the following parts: Public Welfare, Child Welfare, Dependents, Defectives, Delinquents, Pensioners, Labor, Public Safety, Public Morals and Domestic Relations.

CHAPTER I

TERRITORIAL LEGISLATION

TYPES OF
SOCIAL
LEGISLATION

The revised statutes of the territory of Nebraska in 1866 showed that some social legislation had been enacted. However the sparse population and the leading industries of agriculture and grazing made few legislative demands. There were no labor disputes to be solved, no industrial accidents demanding compensation, and no child labor questions to be settled. Defectives as a rule did not survive the rigors of frontier life. There were no sanitary problems and the science of medicine had not developed enough to be applied to public welfare. Most of the social laws of this period related to the regulation of individual conduct. Such acts as murder, man-slaughter, dueling, perjury, mahem and assault were recognized and punished.

OFFENSES
AGAINST
CHASTITY

Offenses against chastity, such as rape, bigamy, adultery, kidnapping, sodomy, and incest were deemed infamous. Those found guilty of such offenses were disqualified for holding any office of honor, profit or trust in the territory, of voting or of serving on juries.¹

THE
MARRIAGE
LAWS

The marriage relation, divorce, and alimony received due consideration at an early date. The age of marriage was fixed at 18 for males and 16 for females. Licenses to marry were not issued, if either party was one fourth or more colored, to idiots, to the insane or to those related by blood. The marriage ceremony was legally performed by any judge or minister of the gospel. The time and place of the ceremony had to be recorded within three months.²

DIVORCE
LAWS

Divorces were granted for impotency, bigamy, adultery, desertion for two years, imprisonment for a term of three or more years, habitual drunkenness after marriage, and extreme cruelty. Six years residence was required unless the marriage was solemnized within the territory. When a divorce was granted to the husband because of adultery committed by the wife, the husband obtained the title to his wife's personal estate and a life estate in her real property. The husband was bound to pay for his divorced wife's subsistence at the discretion of the court.³

LAWS RELAT-
ING TO THE
MORALS OF
THE COMMUN-
ITY

Bigamy, adultery, fornication, incestuous marriages, lascivious cohabitation, gambling houses, public indecency, houses of ill fame, and the dis-

tribution of obscene literature were also forbidden.⁴

CRIMINAL
ABORTION

The administration of poison to produce an abortion was punishable by imprisonment in the penitentiary from three to five years.⁵

RAPE

Carnal knowledge of a girl under 10 by a male over 14 years of age with or without consent, and carnal knowledge of any female against her will were punished by imprisonment from one year to life.⁶

PAUPERS

Parents, grand-parents, children, brothers and sisters were legally required to support any of their kin who were unable to earn a livelihood because of bodily infirmity, idiocy, lunacy or any other unavoidable cause, if they were able to do so. It was provided in the law that any person who refused to care for dependent relatives should be fined \$10.00 for such care except when a person became a pauper because of intemperance or bad conduct. In such a case the pauper was entitled to receive support only from parent or child. It was also provided that the poor without relatives capable of supporting them should be cared for by the county. The county commissioners were author-

ized to establish a poor house when they saw fit to do so.⁷

DEFECTIVES

Of the defectives, the insane was the only class to receive special attention. Insanity could be charged by any citizen and determined by the probate court. The governor of the territory was authorized, and required to make arrangements with Iowa or other neighboring states for the admission of its insane into their hospitals for treatment, upon such terms as may seem just.⁸

KIDNAPPING

Forcibly stealing a child or woman and transferring them to another state or enticing colored folks for the purpose of selling them as slaves carried a penalty of seven years in the penitentiary.⁹

INFANTS'
CRIMES

Infants under the age of ten years, idiots, and lunatics were not held liable for crime. Married women, when acting under the coercion of their husbands were likewise free from liability for their crimes.¹⁰

LIQUOR
LAWS

The sale of liquor was regulated by license which was issued annually for fees ranging from \$25.00 to \$50.00. Such fees were placed in the school fund. The sale of liquor to infants and

Indians was forbidden.¹¹

VAGRANTS

Beggars, prostitutes, simps, and idle persons living in taverns, beer houses, outhouses, barns or the market place were classed as vagrants.¹²

It may be readily seen that the greater portion of social legislation during the territorial days was enacted to meet certain emergencies.

Nebraska was admitted into the Union as a state in 1867, and a constitution was adopted in 1885.

CHAPTER II

PUBLIC WELFARE

The Nebraska Conservation and Public Welfare commission composed of five members was established by the legislature in 1913. It is the duty of this board to inquire into the entire system of Public charities, correctional institutions such as jails, infirmaries, public hospitals, asylums, reformatories and industrial schools in order to develop and maintain institutions best suited to the education, health and reformation of their inmates. The department of Public Welfare also has general supervision over matters relating to public health, sanitation and the medical colleges of state, and may make such rules and regulations as are necessary. The findings of the various social organizations of the state are to be compiled and published from time to time for the benefit of the citizens. The members of this board serve without pay. However they may secure such help with or without compensation as may be necessary. This board recommends such legislation as in their judgment will best serve the welfare of our people.

(Note:- References refer to 1922 Statutes unless otherwise stated.)

WELFARE
BOARD

MEMBERS

DUTIES

The license to practice medicine, pharmacy, optometry osteopathy, etc. are granted by the department of Public Welfare¹⁴ and may likewise be revoked for unprofessional conduct, procuring or abetting criminal abortion, for betrayal of professional secrets of a patient, for dividing fees with other doctors or in any way injuring the morals of the public.¹⁵

DOCTORS
LICENSE
AND
REVOCATION

The legislature of 1919 provided that applicants for the practice of dentistry should be examined by a committee of five dentists, appointed by the board of public welfare. A dentist's license may be revoked for conviction of crime involving the moral turpitude and for gross ignorance and general incompetence.¹⁶ Dentists must register with the board every year.¹⁶

DENTISTS
LICENSE AND
REVOCATION

Girls 22 years of age who have completed at least two years of high school and three years in a training school for nurses may be registered by the department.¹⁷

NURSES

In 1901 the legislature gave the various county commissioners the authority to create a county board of health to regulate and control infectious diseases. This board is composed of the

COUNTY
BOARD OF
HEALTH

sheriff, who is the quarantine officer, a physician of the county and the county superintendent of schools, who is the secretary. It is the duty of this board to make such rules and regulations as are necessary to safeguard the health of the people, prevent nuisances and unsanitary conditions, and to enforce the same thruout the county except in incorporated cities and villages. Incorporated cities and villages have similar boards to enforce their health laws.¹⁸

INFECTUOUS
DISEASES AND
THEIR REGU-
LATION.

Syphilis, gonorrhoea, and chancroid were designated as venereal diseases and declared contagious, infectious, communicable and dangerous to public health by the legislature of 1919.¹⁹ The same law also gives the department of public welfare authority to make such rules in relation to venereal diseases as are deemed necessary to safeguard the public.²⁰

VENEREAL
DISEASES

The Department of Public Welfare established a division of Venereal Diseases which cooperates with the United States Health Service in the study and control of this menace. Persons suspected of being afflicted with venereal diseases are to be isolated and treated. Inmates of public or pri-

DIVISION
FOR STUDY
OF VENEREAL
DISEASES
COOPERATING
WITH THE
UNITED
STATES
HEALTH
SERVICE.

vate institutions are not to be released without examination and cure, if infected. It is unlawful for physicians or health officers to issue certificates of freedom from venereal diseases to be used for immoral purposes. The State Bacteriological Laboratory at Lincoln is authorized to make the necessary tests for venereal diseases free of charge for physicians of Nebraska.²¹

Any time it is deemed necessary the department may adopt special quarantine and sanitary regulations to meet emergencies. All necessary health rule expenses are to be paid by the city, village or county for and within which the same have been incurred.²²

The use of the common drinking cup was forbidden on all trains, railroad stations, Public buildings, schools, colleges and all places of a public nature by the legislature in 1915.²³

All officers, county, city and village boards of health must enforce such quarantine and sanitary rules as may be adopted by the Department of Public Welfare.²⁴ The following diseases must be reported and are subject to quarantine: Asiatic Cholera, Yellow Fever, Small Pox, Scarlet Fever,

SANITARY
RULES

THE COMMON
DRINKING
CUP

QUARANTINE

Diphtheria, Typhus Fever and Typhoid Fever.²⁵

A law regulating maternity homes and lying in hospitals was passed in 1911. This law provides that any person who keeps for care or treatment within a period of six months, more than one woman during pregnancy except women related by blood, or who keeps at any one time two or more infants under two years of age unattended by parent or guardian unless they are of blood relation shall be deemed to maintain a maternity home, and must be licensed. This law does not include incorporated institutions.²⁶

In 1915 the legislature passed a law providing for the efficient registration of births and deaths. The law also provides that official records of reportable diseases must be kept and that all available means to create interest throughout the state in the solution of health problems should be used.²⁷

The physician or other person in attendance when a child is born in this state or the parent or superintendent of the institution in which the child may have been born must file a birth certificate with the local registrar within ten days.²⁸

MATERNITY
HOMES AND
LYING-IN
HOSPITALS

VITAL
STATISTICS

BIRTH
CERTIFICATES

The undertaker or person in charge of funerals must obtain and file death certificates showing the cause of death and file the same with the department of public welfare.²⁹

The legislative session of 1913 provided for a Board of Public Welfare in Metropolitan cities. The members of this board, five in number, serve without pay and have authority to establish a uniform system of recreation, supervise commercial amusements, establish free employment bureaus, provide free legal aid for the poor, and establish municipal farms and workhouses. It is also the duty of this board to investigate the causes of poverty, delinquency, crime and disease and to promote the general welfare in the city.³⁰

DEATH
CERTIFICATES

THE BOARD OF
PUBLIC
WELFARE IN
METROPOLITAN
CITIES

CHAPTER III
CHILD WELFARE

The industrial revolution, the introduction of mechanical devices, specialization in industry and the corresponding migration of our population to large industrial centers created many new problems in relation to the welfare of children. When most of our people lived very simply in rural communities we were not conscious of the tremendous struggles of child life. The increase in the complexities of our social and economic structure brought to the surface such problems as child labor, infant mortality, recreation, the innocent suffering of the children of poor parents and delinquent children.

The people of Nebraska recognized the need of legislation to improve the social condition under which their children lived. In 1919 the legislature established a Child Welfare Bureau to work in conjunction with the Superintendent of Public Instruction.³¹

It is the duty of this bureau to organize, make rules and regulations for a supervised system of recreation and aid communities in obtain-

ing suitable play grounds and equipment. This bureau also endeavors to lessen and to prevent penal trials and punishment of children. It endeavors to equalize opportunities for the children of Nebraska and to be a unifying agency through which the state may cooperate with the various individuals and organizations on matters relating to the welfare of children.³²

The governor was also instructed to appoint "The Children's Code Commission" composed of not less than 5, and not more than 15 residents of Nebraska specifically qualified by training and experience to deal with problems relating to child welfare in Nebraska.³³

"The Children's Code Commission of the Child's Welfare Bureau shall be independent in its organization but shall cooperate with the workers in the bureau." It is the duty of this commission to make a detailed study of all the conditions affecting children in Nebraska in relation to existing laws, and to recommend such new legislature to the Governor and the legislature as are deemed wise and necessary.³⁴

UTIES OF
CHILD
WELFARE
BUREAU

CHILD'S
CODE
COMMISSION

UTIES OF
THE CHILD-
REN'S CODE
COMMISSION

A school for delinquent girls was established at Geneva and one for boys at Kearney in 1901.

BOYS AND
GIRLS
INDUSTRIAL
SCHOOLS

These schools were organized for the purpose of training and educating children who have for various reasons become misfits in their home communities.³⁵

INSTRUCTION
OF PUPILS

Members attending these institutions are instructed in the principles of morality, self-government, domestic duties, mechanics and the trades best suited to their various capacities and ages, preparing them to secure a livelihood and to become useful members of society after leaving the institutions.³⁶

COMMITTING
PUPILS
TO SCHOOLS

Boys and girls under the age of sixteen may be committed to the industrial schools by the various courts of the state if in so doing their interests are best served. Boys so committed must remain in these institutions until they are 21, unless they are paroled or discharged.³⁷

JUVENILE
COURT

The juvenile court which was established in 1905 applies only to dependent, neglected, and delinquent children who are not inmates of institutions, training schools or orphanages. Dependent, neglected children are those under eighteen

DEPENDENT,
AND
NEGLECTED
CHILDREN
DEFINED

who are homeless, abandoned, and dependent upon the public, or who are required to play musical instruments or sing on the streets, give entertainments or beg before they are ten years of age. Any child under 18 who knowingly violates a law is declared to be incorrigible. Most cases involving the welfare of children are heard in the juvenile court.³⁸

ENTICING OR
HIDING OF
INMATES

The penalty for enticing or attempting to entice a boy or girl away from the school or for harboring those who have escaped was fixed at two years in the penitentiary and two hundred dollars fine.³⁹

CUSTODY
OF DELIN-
QUENT
CHILDREN

The legislature of 1905 provides that dependent and neglected children under 18 years of age may be committed to state institutions or paroled to citizens of good moral character by the courts. If parents are poor but otherwise suitable guardians, and if the interests of the child in question are best served in so doing the court may authorize the county board to pay weekly sums not to exceed ten dollars a month for the care of each child in order that he may be kept at home.⁴⁰

A home for dependent children was established at Lincoln in 1881. Any dependent or neglected

1902



HOME OF
DEPENDENT
CHILDREN

children under sixteen years of age may be committed to this institution. State institutions may also receive children for temporary care. In such cases parents or guardians are to pay the cost of maintenance if they are able to do so. Otherwise the county boards in the county from which they were sent must do so.⁴¹

DISPOSITION
AND PLAC-
ING OF
DELINQUENT
CHILDREN

Dependent and delinquent children are not to be given into the custody of others by any one but his parents or guardians or persons duly licensed to do so by the department of public welfare and then only through the action of the court.⁴² The court may also commit such children into the custody of a probation officer or a suitable home subject to friendly supervision.⁴³

VISITATION
OF
CHILDREN

The department of Public Welfare or its agents are to visit all placed children and determine whether or not they are properly cared for and educated under desirable moral surroundings. All complaints concerning the abuse of children must be filed with the Juvenile court.⁴⁴

The legislature of 1897 declared it to be cruelty for any person having the care, custody, or control of any child or children under the age

CRUELTY
TO
CHILDREN

of sixteen to wilfully abandon, unlawfully punish or negligently deprive them of food, clothing, or shelter. The willful endangering of the health or life of a child or permitting a child to be overworked, tortured or tormented, was also included in the act.⁴⁵

INFANTS NOT
TO BE
PLACED IN
JAIL OR
POOR HOUSE

Children under fourteen years of age are not to be committed to any jail, but when arrested may be placed in the care of a peace officer or other suitable person and await trial.⁴⁶ No child under the age of sixteen can be placed in a poor house.⁴⁷

MATERNITY
HOMES

In 1913 the legislature passed a law making it necessary for all maternity homes, lying-in hospitals and homes for the care of infants to secure a license.⁴⁸ In 1921 the legislature made it a criminal offense to shelter a pregnant woman in a poor house and charged the various county boards with the responsibility of providing hospital, sanitarium or private home care for any woman about to become a mother who applies for help or admission to a charitable institution.⁴⁹

PREGNANT
WOMEN NOT
TO BE COM-
MITTED TO
POOR HOUSE

The first mother's pension act was passed in 1905. It was brief and very general. This law

MOTHERS'
PENSION

was amended by the legislature in 1909 and completely revised in 1919. It now provides that any mother whose husband is dead, permanently disabled or confined to a penal institution, or any divorced, deserted or unmarried mother who is without sufficient means, who has lived in the county where she is applying for aid at least two years may receive a pension from the county board upon the recommendation of the juvenile court.⁵⁰

AMOUNT OF
PENSION

The amount of pension must not exceed ten dollars a month per child under 16 years of age provided that the entire amount does not exceed fifty dollars a month.⁵¹ The child or children for whose benefit the relief is given must live with the mother, and must be provided with such care and education that the court is convinced that his welfare is best served. The pension is intended for the benefit of the infant rather than for the mother. No mother who owns property in excess of \$2000.00 in value or whose children have relatives within the second degree capable of caring for them can receive a pension.⁵²

Relief terminates when the child becomes 16 years of age except in case of illness. When a

CONDITIONS
RELIEF

child is physically or mentally unable to work the pension may be extended two years. If it is found that the husband of the woman obtaining relief is an additional burden the court may have him placed in a suitable institution.⁵³

PENSION
COMMITTEE

The Juvenile court shall appoint a pension committee of five members who will aid the probation officers in investigating applicants for pension. They serve without pay.⁵⁴

TRAINING
PENSION
FRAUDULENTLY

Any person found guilty of obtaining pension fraudulently may be confined in a county jail six months or fined \$200.00 or both.⁵⁵

ADOPTING
CHILDREN

In 1847 a law was enacted which gave our courts exclusive authority to determine the fitness of a person to adopt a child or children.⁵⁶ Children may be adopted only upon consent of the parents, guardian, or the institution that has been appointed guardian.⁵⁷

SCHOOL
ATTENDANCE
EXCEPTION

Attendance at school is required of all children between the ages of seven and sixteen for a period of not less than six months a year, unless such a child has graduated from a high school. In Metropolitan cities children under sixteen must attend school the entire time school is in session.

There is an exception to the above rule which permits a child past fourteen to attend part time or continuation school eight hours a week the entire year instead of the day school if he is compelled to earn his own livelihood or help others to do so.⁵⁸

Children under 16 years of age are not to be suffered or permitted to work in theatres, concert halls, places of amusement, mercantile institutions, stores, offices, hotels, laundries, manufacturing establishments, packing plants, bowling alleys, passenger or freight elevators, workshops or in beet fields, more than 48 hours in any one week nor more than 8 hours in any one day. Neither must they be permitted to work before 6 o'clock A. M. nor after 8 o'clock P. M. The legislature also fixed the penalty of \$50.00 for permitting a child to work in a place of danger.⁵⁹ Children under 14 years of age shall not be permitted to work in any of the above named places. No child under 14 years of age shall be employed during the hours when school is in session.⁶⁰

Children between the ages of 14 and 16 shall not be permitted to work in any of the above named

KINDS OF
WORK AND
WORKING
HOURS.

CHILDREN
UNDER
FOURTEEN
AND THEIR
WORK

WORK PER-
MITS FOR
CHILDREN

BETWEEN 14
AND 16 YEARS
OF AGE.

places in this state without first obtaining a
"work permit" from the superintendent of schools.⁶¹

BIRTH CERTI-
FICATE,
HEALTH CERTI-
FICATE AND
SCHOOL
RECORD RE-
QUIRED FOR
PERMIT

A child applying for a work permit must present a birth certificate, a doctor's health certificate showing good health and a school record showing that he has completed the eighth grade or its equivalent before the superintendent is authorized to issue the same. Attendance at a high school or a night school of three evenings a week of two hours each or a night school of three evenings a week, of two hours each may be accepted in lieu of the school record.⁶¹

Any person who employs children in disregard of the provision of this law shall be fined \$50.00 for each offense. Any parent or guardian who knowingly permits a child to work in disregard to its provisions shall be fined \$20.00 for each offense.⁶²

SUPERVISION
BY STATE
BOARD OF
CHARITIES AND
CORRECTION

All associations receiving children are subject to the same visitation, inspection and supervision by the state board of charities and corrections as are the public charitable organizations of the state. The state board of charities and corrections must make annual inspections of all

such institutions to determine their fitness for the work they are pretending to do.⁶³

In each county the judge who presides over the juvenile court may appoint four reputable citizens who serve as a board of visitation. It shall be their duty to visit all associations, institutions and societies within the county who receive and care for children at least once a year. At least two members must be present at all visits. This board must make an annual report to the state board of charities. They serve without pay.⁶⁴

BOARD OF
VISITATION

In 1905 the legislature fixed the maximum penalty for any person found guilty of causing, contributing to, or encouraging the delinquency or dependency of any child in Nebraska at \$500.00 fine or six months in jail or both.⁶⁵

DEBAUCHING
CHILDREN

In 1921 the legislature fixed the penalty at ten years at hard labor in the penitentiary for any person found guilty of debauching the person or corrupting the morals of any youth under twenty one years of age by inducing such a boy to carnally know any female person, or by indecent bodily contact with his person communi-

DEBAUCHING
A YOUTH

cate a venereal or any other loathsome disease to him; or any person who shall arrange a meeting between such a boy and any female for the purpose of immoral sex relations; or who shall induce or accompany any such boy to visit a house of prostitution or other places where immoral practices are carried on.

The legislature as early as 1891 passed a law making it unlawful for any person to allow, keep, maintain or harbor any girl under 18 years of age or any boy under 21 years of age in any house of ill-fare or bad repute.

All officers of the law, or of any charitable or humane society have authority to enter any house of ill-fame in search of minor children, and to remove any that may be found in such places. The juvenile court has authority to place children so found, in the Nebraska Home for Dependent Children, the county detention home or parole them to some reliable person.⁶⁶

If any male person 18 or more years of age has carnal knowledge with a female child under 15 years of age with or without consent unless such female was previously unchaste or if he is found

HARBORING
MINORS IN
HOUSES OF
ILL-FAME

POWER TO
SEARCH FOR
CHILDREN

AGE OF
CONSENT

guilty of having sex relations with a female person past fifteen against her will he shall be imprisoned twenty years in the penitentiary.⁶⁷

It is also illegal in Nebraska to steal, carry away, entice or lure any children from their parents, or guardians for any purpose whatsoever.⁶⁸

All minors under 18 years of age, who in the judgment of the court are delinquent, dependent, defective or neglected and require institutional care are wards of the state and shall be committed to the care and custody of the board of control.

The board of control shall employ a competent clinical psychologist to conduct investigations and to study the problem relating to delinquent, dependent, and defective children. The several county boards may appropriate money to build and maintain detention homes in connection with the juvenile court and its work with infants.⁶⁹

In 1905 the owners and keepers of pool and billiard halls and tables were forbidden to permit minors under the age of 18 to loiter about or play in these halls.⁷⁰

The sale of tobacco in any form to minors was forbidden in 1885. In 1909 the legislature amend-

CHILD
STEALING

DELINQUENT
MINORS
WARDS
OF STATE

BILLIARD
AND POOL
HALLS

ed the law to include the donation of cigarette material and fixed a penalty of \$100.00 and 60 days in jail for its violation. In 1911 the legislature fixed a fine of \$10.00 for any minor under 18 found guilty of smoking cigarettes or cigars or using tobacco in any form. Any minor so charged is free from prosecution if he presents evidence for the conviction of the person who furnished him with the cigarettes, cigars or tobacco.⁷¹

Schools for the deaf and blind were first established in 1875. They are located at Omaha and Nebraska City respectively. It is the purpose of these schools to provide physical, moral, intellectual and cultural training of the respective classes for whose benefit they were created so as to make them self-sustaining citizens. If the parents of the children are not able to pay for clothing, transportation, summer vacation, the county in which the child was a resident when committed shall authorize payment out of its own treasury. Lip reading shall be taught in the deaf school.⁷²

All deaf and blind persons defective to such

TOBACCO
AND
CIGARETTES

SCHOOLS FOR
THE DEAF
AND THE
BLIND

an extent that they cannot acquire an education in the common schools of the state, of suitable age, capacity, and of good moral character are entitled to an education in the institution.⁷⁵

DEAF AND
BLIND
ELIGIBLE

CHAPTER IV

DEPENDENTS

In 1913 the governor, with the consent of the Senate was given authority to appoint three electors of the state to constitute a board of commissioners of State institutions. The law provides that members of this commission shall not reside in the same congressional district nor that more than two of them shall belong to the same political party. They serve for a term of six years and devote their entire time and effort to the work. They receive an annual salary of \$4000.00.⁷⁴

The following institutions are under the control of this board: The State Industrial Schools, The Institute for the Feeble Minded Youth, The Orthopedic Hospital, The Soldiers and Sailors Home, The Womans Industrial Home, The Hospital for the Insane, The Tubercular Hospital, The Penitentiary, and all other charitable reformatories and penal institutions in the state.⁷⁵

Members of this board are not permitted to enter politics in any way. The board supervises all institutions and the assignments of all the inmates. The transfer of all inmates shall also be

THE BOARD
OF CONTROL
OF STATE
INSTITUTIONS

INSTITUTIONS
UNDER THE
CONTROL OF
THE BOARD

THE DUTIES
OF THE
BOARD

in the exclusive jurisdiction of this board.⁷⁶

The county boards of the various counties were given authority to establish poor farms and poor houses. It is the duty of the various county boards to declare inmates who are unable to obtain suitable clothing, paupers, and authorize the proper officials of the institution to purchase clothing for them. Each county board may levy a tax not to exceed 1 mill on the taxable property of the county for the care of its poor.⁷⁷

In 1921 the legislature passed a law making it illegal to admit, keep or maintain any pregnant woman in any poor house of the state. The county boards were charged with the responsibility of providing care in a hospital, sanitarium, private home or other suitable place for pregnant women who are destitute and apply for admission to the poor house.⁷⁸

All persons who are unable to earn a living because of bodily infirmity, idiocy, lunacy or other unavoidable causes shall be supported by relatives in the order of parents, children, grandparents, grandchildren, brothers and sisters if they are able to do so, except when such poverty

THE CARE
OF POOR

POOR
HOUSES
AND THE
POOR FARM

THE CARE
OF DESITUTE
PREGNANT
WOMEN

PAUPERS

is due to intemperance or other bad conduct. Any person who is able and refuses to support his destitute relatives shall pay to the county board a weekly sum not to exceed \$10.00 for such support. A person entitled to such support from his relatives may sue them for the same in his own name. 79

The board of control was made the legal guardian of all children committed to its care in 1911. As such it may place these children in suitable homes for adoption or under contract during their minority, providing them with an education in the public school and teach them an occupation. If deemed wise this board may pay expenses of a child in a private home not in excess of \$2.00 a week. This board may also declare a child self-supporting or may restore him to his parents upon conviction that he will be properly cared for. After being declared self-supporting the guardianship ceases and the child is entitled to his own earnings. 80

Honorably discharged soldiers, sailors, marines, hospital nurses who served the United States in any war who have lived in Nebraska at least two years and who are disabled and unable to earn

CARE OF
MINOR
DEPENDENTS

SOLDIERS
AND
SAILORS
HOME

a living are entitled to live at the soldiers and sailors home located at Grand Island or at Milford. The wives and mothers of soldiers, sailors or marines who died in service or who have been honorably discharged and have since died

ELIGIBILITY may also live at the home provided they are at least 50 years of age, have lived in Nebraska two years immediately before applying for admission and are destitute.⁸¹

MANAGEMENT
OF THE
SOLDIERS
AND SAILORS
HOME

The management of the Soldiers and Sailors Homes is in the hands of the Board of Public Lands and Buildings. This board governs the home and may develop two-acre tracts with suitable buildings for such inmates as may be partially able to support themselves. Soldiers, sailors and marines living outside of the home who are in need may be furnished with supplies.⁸²

CHAPTER V
DEFECTIVES

DEFECTIVES

It has been the aim of our law makers to care for the defectives while they are young and through careful training make them self-supporting citizens. The home for the insane was located and established at Lincoln in 1873. In the following session the institute for the deaf and dumb was built at Omaha. We also have hospitals for the blind at Nebraska City and for the feeble minded at Beatrice. In 1915, \$2000.00 was appropriated to be used for the relief of the blind. This law was amended in 1917 and now provides that each county may spend \$300.00 annually for the support of the needy blind.

STERILIZATION OF DEFECTIVES

If the examining board concludes that inmates of state institutions capable of bearing or begetting offspring are apt to transmit their ailments to their children they must be sterilized before they may be discharged or paroled from the feeble-minded institute, the hospital for the insane, the penitentiary, the reformatory, the industrial home or the industrial schools. The law provides that inmates of state institutions

ALL INMATES
MUST BE
EXAMINED

must be examined to determine whether their offspring are likely to become social menaces.⁸²

EXAMINING
BOARD

The board of examiners is composed of five physicians selected from the medical staffs of state institutions. The law provides that three members of the board must come from the institutes of the feeble-minded and the blind.⁸³

CONSENT
REQUIRED FOR
OPERATION

The operation of sterilization must be explained to the family and patient and must not be performed without the written consent of the inmate if he is responsible, and his kin or his guardian.⁸⁴

OPERATION
EXPLAINED
AND PERFORMED

The operation must be performed at the institution where such a person is an inmate in the presence of at least one of the members of the examining board, by one of the staff doctors or by a doctor selected and paid for by the patient or his kin.⁸⁵

CHAPTER VI
DELINQUENTS

The history of our penal institutions is absolute proof of the retarded speed with which society and civilization progress. It is indeed difficult for us to realize that those who have been found guilty of crime are human and for that reason our conduct in relation to delinquents has been dominated by vengeance, apparent economy and a selfish sense of security.

The subject of penal institutions is as old as civilization itself and entirely too large to be made a part of any other study. We will merely aim to give a few of the present laws that relate to the various institutions now existing in our state.

We are at last beginning to realize that prisoners should be allowed to do things beneficial both to themselves and the state. Convicts manufacture such things as are needed by the various state institutions and such other goods as will best serve the interests of the state and the advancement, reformation and the instruction of the prisoners. Manufactured articles may be

PENAL
INSTITU-
TIONS

EMPLOYMENT
OF
PRISONERS

sold on the open market at fair prices.⁸⁶

The officers of the institutions shall keep an accurate record of the work done by inmates and the credit to be awarded is determined by the board of commissioners of state institutions. The amount a convict is to be paid for his services is fixed by the warden of the prison and depends in part upon the nature of the crime for which the convict is serving. In no case shall the amount exceed one-third of his total earnings. The money thus earned may be given to his dependents or saved and given to the prisoner upon his discharge.³⁷

The amount of good time allowance to prisoners in road camps or other places outside of the penitentiary or reformatory while engaged in public work shall be equal day by day to the time served in camp. Convicts may also have their terms decreased for good behavior and service on a basis of a number of months equivalent to 2 months for first year, 2 months for the second year, 2 months for the third year and so on.³⁸

The court may at its discretion give an indeterminate sentence for all felonies except treason and crimes of violence provided that they serve the

CONVICTS'
EARNINGS

GOOD TIME
ALLOWANCE

INDETERMI-
NATE SEN-
TENCE

minimum terms prescribed by law.

Convicts are divided into three classes or grades. The third grade are the most vicious, depraved and untractable prisoners. The second grade is amenable to discipline than the third grade. The first grade will consist of the most trustworthy ones including young prisoners convicted for the first time for minor offenses. Each grade shall wear distinctive clothes. Prisoners may be transferred from one grade to another as conduct may warrant. 88

CLASSES
OF
PRISONERS

The state superintendent of instruction is authorized to establish, organize and supervise a school in letters, business and useful industries for inmates suitable for their station in life.

Night schools shall be installed and games and amusements shall be provided with special reference to those having educational values so as to promote the general, moral and physical welfare of the prisoners and improve discipline. Convict instructors shall be used. 89

THE
EDUCATION
OF
PRISONERS

In 1919 the legislature established a reformatory for women at Millard in order to provide suitable homes, care, education and training so that

they may be capable of earning a livelihood and be good citizens when they are returned to society.

REFORMATOR-
IES FOR
WOMEN

The court may confine women between the ages of sixteen and thirty in the reformatory instead of the penitentiary when convicted of a felony the first time.⁹⁰

In 1887 the legislature established a woman's industrial home to afford shelter, protection and proper care for penitent girls and women with a view to aid in the suppression of prostitution and to furnish them domestic, industrial and other training so as to fit them for self-support and to procure appropriate employment for them. The law also provides temporary care for children born in the institution and secures homes for them.⁹¹

WOMENS
INDUSTRIAL
HOME

CHAPTER VII

PENSIONERS

Pensions are given to people as an evidence of honor and respect for valuable services rendered. Soldiers and sailors are pensioned by the federal government and are not included in this study. We are just beginning to recognize the importance of caring for our public servants after they lose their capacity to continue in office. Mothers' pensions are given rather for the benefit of the children than the mothers and for that reason related laws are found under the subject of Child Welfare.

In metropolitan cities and cities of the first class having a paid fire company shall pension firemen after 21 years of service. They shall receive fifty per cent of the salary they received at the time of retiring. However, no retiring fireman shall receive less than \$50.00 a month.

The widow and orphan children of a fireman previously retired shall receive the same pension during her widowhood. The pension of minor children shall cease when they become 18 years

PENSIONS

FIREMAN
PENSIONWIDOWS AND
MINOR
CHILDREN

of age. If a fireman is killed on duty his widow and minor children shall receive the same pension.⁹²

Volunteer firemen in organized departments shall receive \$15.00 a week while disabled from injuries sustained while on duty.⁹³

In metropolitan cities a policeman may retire on half pay at the age of 50, provided he has served twenty years or more. In no case shall a retired officer receive less than \$50.00 a month. If a retired officer dies, his widow shall receive \$40.00 a month during her widowhood.⁹⁴

A policeman who is injured while on duty will receive regular pay for three months. If his injury is total and permanent he may retire on \$50.00 a month on recommendation of the mayor and the city council. In this case his heirs will have no claim on his pension at the time of his death.⁹⁵

Widows and orphans of deceased policemen shall receive a minimum of \$20.00 a month during their widowhood and minority.⁹⁶

VOLUNTEER
FIREMEN

POLICE
PENSION
RETIREMENT
WIDOWS

DISABLED
POLICEMEN

WIDOWS
AND
ORPHANS

CHAPTER VIII

LABOR

In the days of the old spinning wheel and the hand loom there were no labor problems since the workmen owned their own tools, their own shops, set their own working hours, and sold the product of their own labor. The introduction of the factory system with its machines separated the worker from his tools and introduced the most difficult problems of industry such as working conditions, the control of industry, the division of profits, the employment of women and children, and labor unions. The legislative bodies of the various states have been slow in enacting laws to regulate the relation between capital and labor. Although much progress has been made it has been due rather to education than to legislation.

In 1919 the legislature established a Department of Labor to aid the governor in the execution of the labor laws. Free employment bureaus were authorized as early as 1913.⁹⁷

In metropolitan cities females shall not work more than 9 hours in any one day in mercantile and mechanical establishments, laundries,

hotels, restaurants, offices and public service corporations. All the work must be done between the hours of 6 A. M. and 10 P. M.⁹⁸

HOURS OF
FEMALE
LABOR

It is the duty of every employer to supply seats, chairs or stools for every female worker upon which she shall be allowed to rest when duties permit. Suitable and accessible rest and dressing rooms must be provided for female workers.⁹⁹

SEATS AND
REST ROOMS
FOR FEMALE
WORKERS

Workmen must be protected against dangerous dust, grinding wheels must be hooded, revolving machinery must be screened, belts must be covered and all buildings of two or more stories must be provided with outside iron stairways, chutes or ladders. There must be an automatic fire escape for every 15 persons.¹⁰⁰

PROTECTION
OF
WORKINGMEN

The legislature of 1921 passed a law compelling all employment agencies to obtain a license from the secretary of labor. A maximum fine of \$100.00 and three months in jail or both, and a revocation of a license for a second offense was fixed for any agency found guilty of knowingly sending or causing to be sent any female helper or servant to any place of bad repute, house of

SENDING
FEMALES TO
HOUSES OF
BAD REPUTE

ill fame, or making any false promises.¹⁰¹

The present compensation law was put into effect in 1913. This law is divided into two divisions. Compensation by action of law and elective compensation.

When permanent injury is caused to any employee by accident arising out of and in the course of his employment, or which the actual or imputed negligence of the employer is the proximate cause he shall receive compensation therefore from his employer, provided the employee was not himself wilfully negligent at the time of receiving the injury. The question whether the employee was wilfully negligent shall be one of fact to be submitted to a jury.¹⁰²

In all cases brought under part 1 of this article it shall not be a defense (a) that the employee was negligent, unless it shall appear that the negligence was wilfull or that the employee was in a state of intoxication; (b) That the injury was caused by the negligence of a fellow workman, or incidental to, or arising from the failure of the employer to provide and maintain safe premises and suitable appliances.¹⁰³

EMPLOYERS
LIABILITY
LAW

COMPENSA-
TION BY
ACTION OF
LAW.

DEFENSES
NOT
ALLOWED

EMPLOYERS
UNDER
THE LAW.

The law was amended in 1917 and now applied to the state of Nebraska and every governmental agency created by, in, and to every employer in this state employing one or more persons in regular trade, except household domestic servants, employers of farm labor, and railroads engaged in interstate and foreign commerce. 104

ELECTIVE
COMPENSATION

If both the employer and the employee come under the provisions of part 11 of this act the employer must pay compensation for all cases of injury or death except those resulting from the wilful negligence on the part of the employee. 105

COMPENSATION
WITHOUT
REGARD TO
NEGLIGENCE

When both employer and employee elect part 11 of this act either expressly or by implication, compensation for injury must be paid for injury, or death regardless of the negligence of the employer.

WAIVER
OF
ELECTION

If an employer elect not to come under Part 11 of this act he forfeits the right to interpose the above defenses in all actions brought pursuant to Part 1 of this act. The burden of proof to establish wilful negligence of an injured employee always rests with the defendant. 107

Acceptance of Part 11 of this act bars all other methods of compensation. If the employer does not wish to accept Part 11 of this act he must post notices where the workmen may read them and notify the compensation commissioner that he does not wish to be bound by Part 11. The employee must also notify the employer and the compensation commissioner in writing that he does not wish to be bound by Part 11 of this act.¹⁰⁸

An employer may waive his election of the provisions of Part 11 by posting notice to that effect and notifying the compensation commissioner. The employee may also waive his choice by notifying the employer and the commissioner. The waiver in either case will take effect at noon of the fifth day after the notice was filed with the commissioner.¹⁰⁹

Compensation shall begin 7 days after the disability, except in cases of such severity, that the injury continues for six weeks or longer. In such a case the compensation begins with the date of the injury.¹¹⁰

In 1917 the legislature amended the original act making the employer liable for reasonable

METHOD
OF
ELECTION

WAIVER
OF
ELECTION

WHEN
COMPENSA-
TION BEGINS

**MEDICAL AND
HOSPITAL
CARE**

medical and hospital care in addition to the compensation schedule, which provides for the payment of $66\frac{2}{3}$ per cent of the wages received at the

**COMPENSA-
TION
SCHEDULE**

time of the injury for various periods of time depending upon its severity.

Dependents in case of death due to injuries will receive compensation in proportion to their dependency. In no case shall such compensation be less than \$6.00 per week nor more than $66\frac{2}{3}$ per cent of the wages received by the deceased at the time of the injury.¹¹¹

DEPENDENTS

**WHO ARE
DEPENDENTS**

A husband and wife are dependent upon each other if they were living together at the time of the death of either one. Children are dependent upon their parents if under 18 or physically or mentally incapacitated. In all other cases the degree of dependency shall determine the amount of compensation. If an employee is injured because of his own wilful negligence or because of intoxication, neither he nor his beneficiaries shall receive any compensation.¹¹²

CHAPTER IX
PUBLIC SAFETY

In 1877 a law was enacted specifying that all buildings must have doors that open outward. It was also provided that all factories and other institutions of two or more stories must be provided with outside, fireproof stairways, toboggans or chutes, and an automatic fire escape for every 15 persons.

All school buildings of two or more stories, all hospitals, and all mercantile establishments of two or more stories must be equipped with fire escapes and an automatic safety elevator for every five persons, subject to the approval of the board of public safety. Places of amusement such as theatres, and movie houses must have suitable exits opening to the outside.¹¹³ Rooming houses and hotels must also be equipped with fire escapes and fire extinguishers subject to inspection.

In 1919 the legislature enacted a law giving the department of trade and commerce authority to enforce fire laws. The penalty for violation was fixed at \$5.00 a day against all owners until suitable adjustments are made.¹¹⁴

FIRE
PROTECTION

FACTORIES

SCHOOLS

THEATRES

HOTELS

ROOMING
HOUSES

FIRE LAWS
ENFORCED
BY DEPT.
OF TRADE
AND
COMMERCE

The protection of travelers on the highways has constituted a problem since the advent of the automobile. In fact, with the exception of a law forbidding the employment of a person addicted to the use of alcohol, to drive a conveyance for livery in 1879, the whole body of law relating to conduct on the roads relates to motor vehicles. 115

The department of public works was given authority to make necessary rules to promote public safety, and to prevent moderate and destructive use of state highways. Licenses are required both on the front and on the back of motor vehicles, and they must be kept clean. Minors under 16 and intoxicated persons are not issued drivers' licenses. Local authorities are given power to regulate the use and operation of motor vehicles within their own districts. 116

In 1883 the legislature fixed the minimum penalty for administering poison with intent to kill or injure at 15 years in the penitentiary. 117 The administration of secret poison is also forbidden. 118

Persons selling poison in Nebraska are required to register the name, age, sex of the purchaser,

ROAD
LAWSDRUNKEN
DRIVERSDEPARTMENT
OF PUBLIC
WORKS
CONTROLS
ROADS

MINORS

DRUNKARDS

LOCAL
AUTHORITIES

POISONS

SALE AND
USE OF
POISONS

the amount sold, the purpose for which it is to be used, including the name of the person who intends to use it. Poison must not be given or sold to minors of either sex. 119

SECRET
DRUGS

In 1833 the legislature passed a law forbidding the advertisement and sale of secret drugs or nostrums purporting to be exclusively for the use of females. The sale or gratuitous distribution of any drug or instrument for preventing conception and procuring abortions is also forbidden. 120

The sale of opium and morphine except for medical purposes was forbidden in 1915. 121

CHAPTER X

PUBLIC MORALS

PRIZE FIGHT-
ING AND
BOXING
CONTESTS

The recent legislation relating to public morals has been mainly an effort to keep pace with the finer and more genteel things of life. Prize fighting was forbidden by the legislature in 1913. In 1927 the law was amended, legalizing wrestling, sparring and boxing exhibitions, not in excess of ten rounds of 3 minutes each, and placed them under the control of the Board of Public Welfare. ¹²²

SABBATH
BREAKING

Rioting, hunting, shooting, common labor, baseball and public dancing on Sunday were also forbidden at an early time. The penalty for the violation of this act was fixed at \$25.00 fine for each offense. This act does not apply to metropolitan cities. Villages, towns, and local communities, may also legalize Sunday baseball by popular vote. ¹²³

DESECRATION
OF
DECORATION
DAY

In 1905 a law was passed endeavoring to prevent the desecration of Decoration Day through horse racing, baseball and other sports. The maximum penalty for the violation of this law was fixed at \$100.00 fine and 90 days in jail, but it

was never very successfully enforced.¹²⁴

PROFANITY

The first law against obscene and profane language was enacted by our territorial legislature. Any person who is found guilty of profanely cursing or damning in the name of God, Christ or of the Holy Ghost is liable to a maximum fine of \$100.00 for each offense.¹²⁵

INDECENT
EXPOSURE
AND
OBSCENE
LANGUAGE

Any person 18 years of age who wilfully makes an indecent exposure of his or her body in any public place or who shall utter, speak or use any obscene or lascivious language in the presence of a female shall be fined any sum not in excess of \$100.00 and imprisoned in the county jail not in excess of ninety days.¹²⁶

SELLING
OBSCENE
LITERATURE

The legislature of 1887 made it illegal to sell, loan, or give away any obscene, lewd, indecent or lascivious book, pamphlet, paper, drawing, engraving, photograph, picture, model or instrument for immoral use, or to give information where the above may be obtained. The maximum penalty for the violation of this act is \$1000.00, or one year in the penitentiary or both.¹²⁷

Immoral acts, scenes, plays, dances, songs, dialogues and entertainments as well as the exhi-

IMMORAL
SHOWS

bition of wild-man and wild-woman acts and the exhibition of physically and mentally deformed is forbidden except for medical purposes.¹²⁸

PROSTITU-
TION

In 1911 the state legislature declared all buildings, tents, boats, wagons, or other places used for the purpose of prostitution and other immoral practices "a public nuisance". As such they became subject to abatement and removal by the courts. This law is much violated by hotels and rooming houses.¹²⁹

GAMBLING

Gambling was forbidden by our territorial government. It was recognized even in frontier days that society suffered because of the indulgence of its members in various games of chance. The owners of buildings, and of the various gambling devices were equally liable in the eyes of the law. Property used for gambling purposes is subject to confiscation by the state. At first violaters of the gambling laws were punished by fines and imprisonment in jails, but in later years most offenses have been declared felonous. Gambling is also forbidden in our state constitution.¹³⁰ All kinds of lottery schemes, gift enterprises, and prize packages are also forbid-

den, and those convicted for violation of this law are given a penalty of \$1000.00 fine.¹³¹

The gambling and lottery laws are violated more frequently than any others in the state.

LIQUOR LAWS

The manufacture, sale, barter, exchange, transport or purchase of any malt, vinous, spiritual, intoxicating liquor except those authorized for scientific, medicinal or sacramental purposes, was forbidden by the legislature in 1917.¹³²

Bootlegging, delivering liquor to minors, Indians and idiots; intoxication and drinking in public places, are also forbidden. In this law it was decreed to be the governor's special duty to see that the liquor laws of the state are strictly enforced.¹³³ The law also provides that counties, cities and villages are liable for damages sustained by citizens because of the intoxication of any person, if it is shown that the officers of such county, city, or village, were not endeavoring to enforce the liquor laws in good faith.¹³⁴

Any doctor or other person who is found guilty of administering any medicine, or uses any instrument, or causes them to be used, for the

ABORTION

purpose of destroying the life of a vitalized embryo of a pregnant woman, except for the purpose of saving the life of the woman, shall be imprisoned not to exceed 10 years. The penalty for abortion was fixed at \$500.00 and one year in jail, in 1873.¹³⁵

RAPE

The penalty for rape upon a daughter or sister was fixed at life imprisonment in 1873. In 1913 the penalty for carnal knowledge of any male over 18 with any female under 15 with or without consent, or with any female other than a daughter or sister who is between the ages of 15 or 18, with or without consent, unless she has been previously unchaste or any other female without consent was fixed at a maximum of 20 years in the penitentiary.¹³⁶

 ABDUCTION
 SECURING
 ILLICIT
 INTERCOURSE

Any person who is found guilty of inducing, hiring, decoying, engaging or compelling any female under 18 years of age, or compels or otherwise causes a female over 18 to have illicit intercourse against her will with any other person, than the one doing the enticing, or any one who allows any female of good repute for chastity, to practice illicit intercourse on his premises

shall be imprisoned not more than 5 years.¹³⁷

INCEST
PANDERING

Incestuous marriages between blood relatives are null and void. Prostitution and pandering are also forbidden.¹³⁸

The advertisement and sale of secret medicines or drugs to be used exclusively by females is prohibited. If any person prints, writes, speaks or publishes a description of any drug, medicine, instrument, or apparatus for the purpose of preventing conception or for procuring an abortion; or who shall distribute or allow to be distributed any literature to that effect shall be fined \$1000.00 or confined in the county jail six months, or both.¹³⁹

CHAPTER XI

DOMESTIC RELATIONS

MARRIAGE
CONTRACT

Marriage is a civil contract that may be entered into with the consent of the parents or guardian at the age of 16 by female and 18 by males.¹⁴⁰

VOID
MARRIAGES

When either party is white and the other one eighth or more negro, Chinese or Japanese, or when either party has a wife or a husband living at the time, or when either party is insane, or idiotic, or if the parties are related by blood, the marriage is void.¹⁴¹ Imbeciles, the feeble minded, those afflicted with hereditary insanity or epilepsy are likewise forbidden to marry until they have been sterilized.¹⁴²

GROUNDS
FOR
DIVORCE

The grounds for divorce, adultery, physical incompetency at the time of marriage, a prison sentence of three or more years, wilful abandonment for two or more years, habitual drunkenness, and life imprisonment were established in 1875. Extreme cruelty was added to the list as a ground for divorce in 1913.¹⁴³

DIVORCE
DECREE

A decree for divorce becomes effective six months after trial and decision. The custody of

CUSTODY children is fixed by the court. Cohabitation
OF after divorce is considered adulterous.¹⁴⁴
CHILDREN

CHAPTER XII

CONCLUSION

The foregoing covers the field of social legislation in Nebraska from territorial days to and including the session of the legislature of 1927. Commendable efforts to meet immediate needs and to ward off approaching crises have been made by our law-makers.

PUBLIC WELFARE

The department of Public Welfare in Nebraska is well organized and through careful surveys and study will be able to recommend additional legislation for the benefit of the masses. Much has been done to regulate and improve the standards of those professions which deal with the health and well being of the people.

RECOMMENDATIONS

1. We need a better system of hospitalization and medical treatment of the poor in order to relieve the middle class of the heavy burden it is now carrying. Some form of State medicine may be the solution.

2. Our system of community nursing is inadequate and should be much increased in its scope.

It is now mostly an emergency agency. It should be built into a preventive agency at the earliest opportunity.

3. The department of vital statistics should be enlarged to include life histories so that those contemplating marriage could go to the records and obtain information that would indicate Biologic tendencies in prospective mates. This information should relate in particular to insanity, feeble mindedness, immoral and criminal tendencies. Those having undesirable innate tendencies should not be permitted to marry unless they are first sterilized.

4. A survey investigating the ravages of venereal diseases in order to recommend legislation that would protect innocent people should be made. Those so afflicted should be isolated as long as there is any danger of communication.

CHILD WELFARE

Nebraska has done much for its unfortunate children since 1915. First class institutions for the dependents, the defectives and the delinquents have been established. The schools of Nebraska are

well equipped and of high standards. The legislature has made some provision for the care of unfortunate mothers and their children. If properly enforced we have ample laws relating to child labor.

RECOMMENDATIONS

1. We should have universal medical and dental treatment of all children without making them feel that they are subjects of charity.

2. Mothers should be given a more liberal pension so as to provide education for their children. The provision of food and shelter does not afford a fair opportunity for a child in a modern world. The state compels children to attend school and it should see that they are properly fed, clothed and given a fair chance in competition with others with whom they are compelled to associate, when their parents are unable to do so. The struggle some children are required to make in order to attend school is unfair and economically unsound.

3. County maternity hospitals should be established so that all prospective mothers could have scientific care and treatment at a minimum cost. The present cost of being born scientifically is

relatively too high and in a majority of cases prohibitive. Bearing and rearing children is in reality a state function and the state should provide every mother with all the advantages medicine has to offer.

4. The number of public parks and playgrounds both in the country and in the cities should be vastly increased. It is only through wholesome play that we can hope to keep the minds and emotions of our people balanced. Much more effort should be made in our schools to teach people to play wholesome outdoor games.

5. The tragedies of childhood should be reduced to a minimum. Erring fathers and mothers should be placed under some system of local parole thru which children could be protected.

DEPENDENTS

The poor, the destitute and the paupers are well provided for in Nebraska.

RECOMMENDATIONS

1. Laws are needed to protect those who are somewhat limited mentally, physically and materially against the ravages of the loan sharks, money lenders and high powered salesmen. Many are making

a great fight and would succeed if it were not for the barnacles. We provide the best training possible in salesmanship and commerce but we do little to shield those who are limited from the unfair dealings of those men in business who are unscrupulous in their methods. They should be protected.

PENAL INSTITUTIONS

The penal institutions of Nebraska represent a cross section of the people. These institutions become more humane as the people become more tolerant. We still think and legislate concerning penal institutions in terms of punishment rather than then rehabilitation.

RECOMMENDATIONS

1. We should make a much larger use of the indeterminate sentence and parol system.
2. The number of classes of prisoners based on individual types should be greatly increased.
3. The variety of work for inmates should be increased and each inmate and his family should receive the full benefit of what he earns.

PENSIONERS

The pension system of Nebraska is in its in-

fancy.

RECOMMENDATIONS

1. All industries should be required to pay some type of pension. Nebraska would do well to study the possibilities of an adequate system of old age pensions. The pension system being in its infancy must be extended only after due deliberation and study.

LABOR

The labor laws of Nebraska are equal to those of any other state. Child labor, female working conditions and hours have all been regulated. The workmen's compensation act altho new is functioning.

RECOMMENDATIONS

1. Minimum wage laws should be enacted in those enterprises demanding a low degree of mental ability. Men limited in their capacity to manage their own affairs should not be permitted to compete against each other in the labor market. The state should see that they get just pay for their work.

2. The laborer's annual income of less than \$1000 is inadequate. Pay for menial tasks should be

standardized so as to eliminate competition.

3. Laws should be enacted that would protect laborers against the exploitation of unscrupulous real estate dealers, money lenders, bankers and high powered installment salesmen.

PUBLIC SAFETY

The public safety laws of Nebraska are adequate for the time being.

RECOMMENDATIONS

1. Additional legislation relating to the safety of the highways will be needed from time to time.

PUBLIC MORALS

If properly enforced the laws of Nebraska should safeguard the morals of the public.

DOMESTIC RELATIONS

The laws relating to Domestic relations in Nebraska are flexible and are apparently meeting the needs of the people in the presence of every changing attitudes.

All reforms in the field of social legislations should be preceded by scientific social research. The results of research must be so care-

fully tabulate that a minimum of effort, knowledge, and time will be required to understand the results.

Reform measures cannot be successfully inaugurated unless they are understood and accepted by the public.

APPENDIX

1. P- 333, 1333
2. P- 354, 1354
3. P - 129, 1336
4. P - 598, 1336
5. P - 599, 1336
6. P - 593, 1336
7. P , 1336
8. P , 1336
9. P - 600, 1336
10. P , 1336
11. P - 671, 674, 1336
12. P - 673, 1336
13. 3159, 3160 (1920)
14. 3161
15. 3165, 3167, 3168, 3169, 3172, 3180, 3207, 3215.
16. 3183, 3187
17. 3206
18. 3222, 3223, 3224
19. 3223
20. 3299, 3300
21. 3159, 3323
22. 3222, 3223
23. 3225
24. 3223
25. 3274
26. 3250, 3351, 3352
27. 3223
28. 3272
29. 3255
30. 3513
31. 3323
32. 3326
33. 3323
34. 3327
35. 7041, 7030
36. 7032, 7042
37. 7032, 7037, 7038
38. 1173
39. 7039
40. 1180
41. 1180, 6833, 6834, 6835
42. 3365
43. 1132, 1135
44. 3363, 3370
45. 1313, 1617

Note - Unless otherwise specified references, refer to 1929 statutes.

APPENDIX

46. 1164
47. 5163
48. 6251, 6260
49. 5164
50. 6474, 6475, 6476, 6478
51. 6479
52. 6480
53. 6581, 6582
54. 6485
55. 6487
56. 1564
57. 1565, 1566
58. 6503
59. 7673, 7678, 7680, 7681
60. 7669
61. 7670, 7671, 7672
62. 7679
63. 1186
64. 1191
65. 1195
66. 9787, 9789, 9790, 9791
67. 9551
68. 9647, 9561, 9562
69. 1192, 1195, 1196
70. 9303
71. 9343, 9354, 9347
72. 6864, 6869, 6872
73. 6868, 6867
74. 6880, 6885, 6886
75. 6838
76. 6854
77. 9659, 954, 5155, 5158, 5162
78. 5164
79. 6745
80. 6936
81. 6957, 6958, 6959
82. 6960
83. 7059, 7060, 7061
84. 7062
85. 7063
86. 6973, 7020, 7029
87. 6973, 6931
88. 6983
89. 7014
90. 7015, 7014
91. 7052, 7053, 7021

92. 7045, 7046
93. 2439, 2440, 2441, 3702, 3703, 3704
94. 2443
95. 3694, 3695, 3698
96. 3699
97. 3655, 3656
98. 7650
99. 7657, 7682, 7683
100. 7686, 7687, 7688, 7691, 7696
101. 3037
102. 3034
103. 3025
104. 3029
105. 3032
106. 3033
107. 3036, 3030
108. 3035
109. 3036
110. 3034
111. 3044, 3045
112. 3047
113. 7697, 8152, 9372
114. 8147, 8157
115. 8347
116. 8391, 392
117. 9563
118. 9565
119. 9566
120. 9569
121. 9570
122. 9743, 9749
123. 9795
124. 9796
125. 9794
126. 9778
127. 9779
128. 9684
129. 9767, 9776
130. Art 5 Course, 9800, 9801, 9802, 9803, 9805
131. 9818, 9827
132. 3238
133. 3239-3242
134. 3235
135. 9547, 9548
136. 9550, 9551
137. 9788
138. 9761, 9763

APPENDIX

- 139. 9539
- 140. 1493, 1496
- 141. 1491
- 142. 1935 Year Book
- 143. 1516, 1517
- 144. 1536, 1544