

CRIMINAL LAW :
MINES - MINING:

It is a misdemeanor to employ
any child under the age of sixteen
years to work in a mine or underground
work.

January 17, 1940

Mr. Arnold Griffith
Chief Mine Inspector
Missouri Bureau of Mines
Jefferson City, Missouri



Dear Sir:

We are in receipt of your request for an opinion,
under date of January 13, 1940, which reads as follows:

"We would appreciate your interpretation
on the two sections which deal with the
age of children working in and about
coal mines, namely sections 4277 and 13641.

"Evidently there is a direct conflict in
these two sections, which has caused con-
siderable confusion in the minds of em-
ployers and also employees. Due to the
fact that, as you will note, section
4277 sets the age of sixteen years for
a child to be permitted to work in or
about the coal mines; while section
13641 sets the age at fourteen if they
can read and write and sixteen if they
can't read or write."

Section 13641, R. S. Missouri, 1929, partially
reads as follows:

"* * * No male person under the age
of fourteen years, or female of any age,
shall be permitted to enter any mine to

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work therein; nor shall any boy under the age of sixteen years, unless he can read or write, be allowed to work in any mine. * * * "

Under the above partial section, it is provided that a boy under sixteen years of age cannot enter a mine to work therein, unless he can read or write. This section was known as Section 7484 R. S. Missouri, 1919, and was enacted and set out in the Session Laws of 1905, page 237. Section 4277 R. S. Missouri, 1929, partially reads as follows:

"No child under the age of sixteen years shall be employed,* * * permitted or suffered to work at or be engaged in or about or in connection with any mine or underground work; * * * * "

This section prohibits the employment of any child under the age of sixteen years from working in a mine and it makes no difference whether he can read or write. It is very noticeable that this Section, 4277, is in direct conflict with Section 13641, supra, in that the age is placed at sixteen in Section 4277, supra, while Section 13641 allows a male person between the age of fourteen and sixteen to enter a mine if he can read or write.

Section 4277, supra, was passed and included in the Session Laws of 1919, page 250, also in the Session Laws of 1919 was a repealing law known as Section 1726P, which repealed all laws then in effect which were conflicting with the section that is now section 4277 R. S. Missouri, 1929, and known in the Laws of 1919 as Section 1726L.

In the case of State v. Brown, 105 S. W. (2d) 909, l.c. 911, par§.4-6, the court said:

"In construing statutes in pari materia, endeavor should be made, by tracing history of legislation on the subject, to ascertain the uniform and consistent purpose of the Legislature or to discover how the policy of the Legislature with reference to the subject matter has been changed or modified from time to time. With this purpose in view therefore it is proper to consider, not only acts passed at the same session of the Legislature, but also acts passed at prior and subsequent sessions, and even those which have been repealed. So far as reasonably possible the statutes, although seemingly in conflict with each other, should be harmonized, and force and effect given to each, as it will not be presumed that the Legislature, in the enactment of a subsequent statute, intended to repeal an earlier one, unless it has done so in express terms, nor will it be presumed that the Legislature intended to leave on the statute books two contradictory enactments.' 16 Cyc. 1147. We approved the above excerpt in State ex rel. Columbia National Bank v. Davis, 314 Mo. 373, 284 S. W. 464."

In the above case the court sought to harmonize two conflicting statutes which applied to the same subject matter but held that if a conflict existed they should be harmonized unless the subsequent statute repealed an earlier one in express terms.

Section 4277 which was originally enacted in the Session Laws of 1919, specifically repealed all laws then in conflict with that section.

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CONCLUSION

Since Section 4277 R. S. Missouri, 1929, is a later statute by reason of being passed in 1919 and it also repealed all conflicting laws including the now known section 13641 R. S. Missouri, 1929, which section was enacted in 1905, Session Laws, page 237, it is the opinion of this department that Section 4277 is the governing statute.

It is further the opinion of this department that no child under the age of sixteen years can be employed in any mine or underground work even if he can read or write.

Respectfully submitted,

W. J. BURKE
Assistant Attorney General

APPROVED:

TYRE W. BURTON
(Acting) Attorney General

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