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DECEMBER 13, 1912.

REVIEW OF LABOR LEGISLATION OF 1912.

BY LINDLEY D. CLARK, A. M., LL.M.

INTRODUCTION.

This is the fourth annual review of labor legislation summarizing laws enacted at the sessions of the various legislative bodies of the United States since January 1, 1908. The labor laws in force at that date were presented in the Twenty-second Annual Report of the Commissioner of Labor, and the legislation for the succeeding years was published in Bulletins numbered 85, 91, and 97. As in previous years, this review will present in brief the contents of the laws passed, showing also in many instances the changes made in amendatory legislation.

Including the Federal Congress there were 24 legislative bodies in session during the year, 14 State legislatures meeting in regular order, Arizona and New Mexico in their initial sessions under a State government, and 7 others in special session. There were also 2 special sessions of legislatures in 1911, held too late for consideration in Bulletin No. 97. The laws enacted by all except the legislature of Vermont have been examined, and in all but 4 States labor laws are found to have been enacted. Amendments to the constitution of Ohio adopted this year also contain matter coming under this head.

Naturally the most important list of enactments from one point of view was that of the new States of Arizona and New Mexico, which for the first time attempted to provide something of a body of laws for themselves, the Arizona Legislature being especially active in connection with this branch of legislation.

The question of the relations of employers and their workmen along the lines of workmen's compensation continues to occupy a large degree of attention, four States having this year passed compensation or insurance laws, while the constitution of Arizona as adopted contains a provision authorizing such statute, and that of Ohio was

amended (as was that of California in the latter part of 1911) so as to permit the passage of laws providing for compulsory compensation systems. The New York Legislature also took the initial step toward securing an amendment to the constitution of that State which will permit the enactment of a compulsory compensation law; while the legislature of Louisiana appointed a commission on the subject of employers' liability and workmen's compensation. Woman and child labor and factory inspection continue to furnish also a large number of statutes.

COMMISSIONS.

The apparently increasing practice of legislative bodies to appoint commissions to investigate specified subjects of legislation and report drafts of laws was in evidence this year, six such commissions having been created. Doubtless the most important of these was that contemplated in an act of the Federal Congress (ch. 351) providing for a commission on industrial relations to be appointed by the President with the advice and consent of the Senate. This commission is to consist of nine persons, of whom three are to be employers of labor and three representatives of organized labor. The Department of Commerce and Labor is to cooperate as the Secretary may approve. A large field is proposed for the activities of this body, covering the general condition of labor in the principal industries, including agriculture, with particular attention to corporations; also the relations of employers and the employed, public welfare, sanitation, collective bargaining, methods of conciliation, the methods in use at home and abroad for maintaining friendly relations between employers and workmen, bureaus of labor, the smuggling of Asiatics, etc. The sum of \$100,000 was appropriated for the first year's work. A final report is to be made within three years, at least one report being required for each year preceding.

The State of Louisiana provided for an employers' liability commission to be appointed by the governor (No. 142). The duty of this body is to investigate the relations of employers and employees with reference to industrial accidents and to consider the question of defenses in suits for damages and the advisability of a system of compulsory compensation. The commission is to report during the first week of the session of the assembly in 1914. No funds were appropriated either for payment of the members of this commission or for expenses. The commission on workmen's compensation provided for in 1910 by the Federal Congress was authorized (ch. 5) to report March 1, 1912, instead of in December, 1911. An existing commission in New York which had under consideration the subject of conditions of labor in factories was given added power throughout the State to investigate the manufacturing conditions and the condi-

tions in mercantile establishments and make its report on or before January 15, 1912 (ch. 21). The Massachusetts Homestead Commission provided for last year was continued, to make its report on the first Wednesday in January, 1913, and authorized to expend not over \$2,000 (ch. 714). The New Jersey Legislature provided for two commissions, one (ch. 321) to revise and codify mechanics' lien laws and report at the next legislature; the second (joint res. No. 5), to propose plans for the employment of convicts on public roads and parks and in forestry, not in competition with free labor. The Maryland Legislature (ch. 596) provided for a commission of 11 members to investigate the penal system of that State, including the employment of convicts, and report its recommendations to the next session of the legislature.

Investigations that may be enumerated here, though not strictly of the class above considered, are two that were directed by the House of Representatives of the United States Congress, one (H. Res. 547) requesting the Secretary of Commerce and Labor to transmit (if not incompatible with public interests) any information in his possession as to the strike of the bituminous coal miners in Westmoreland County, Pa., in 1910 and 1911; and a second (H. Res. 578), directing the Secretary of Commerce and Labor to obtain and report full information as to the elements entering into the cost and profit included in the "present high price of anthracite coal;" also the benefits to miners from the recent strike agreement, and why, how much, and by what means the price of coal was at the same time increased. The United States Senate also passed a resolution (S. Res. 231) requesting the Secretary of Commerce and Labor to obtain through the Bureau of Labor and report full information as to wages and conditions of living of mill workers in Lawrence, Mass.; also the percentage of aliens among them, indicating the foreign governments of which they are subjects. The legislature of Mississippi took cognizance of an existing strike in that State by a resolution (ch. 443) which appointed a joint committee of the senate and house to investigate the strike at McComb and Water Valley and report on the advisability of maintaining militia at those points.

REGULATION OF THE CONTRACT OF EMPLOYMENT.

Under this head has been grouped a rather miscellaneous collection of laws which undertake in some form to intervene in the matter of the contract of employment for the protection mostly of the wage earner, though in one instance the interest of the employer seemed more conspicuous, while in one at least the general public is largely affected. The Philippine Legislature passed an act (No. 2098) making it a penal offense for a person to make a contract of employment with intent to injure or defraud, securing a gratuity

or advance of wages or goods and subsequently failing to render service without just cause and without refunding the money or paying for the property. This provision is also extended to renters of land, while employers who fail to pay for services received are subjected to the same penalties as are provided for workmen violating the statute.

The Arizona Legislature forbids managers, superintendents, foremen, or any officer charged with the hiring of labor to accept any fee from workmen for giving them employment (ch. 18). The same State at its extra session enacted a law (ch. 16) providing punishment for an employer who is without clear assets to pay two weeks' wages and who makes false representations as to his assets and fails to pay for labor done; the offender is also liable in civil suit.

Employers who require notice from their employees as to their intention to quit work are required by an act of the South Carolina Legislature (No. 424) to give notice to their employees of their intention to shut down or suspend work in their establishments at any time that such suspension is contemplated, together with a statement of the length of time that the establishment will be closed. Such notice is to be given two weeks in advance, or for a period corresponding to that required of the workmen. Closing due to accidents to machinery, etc., is excepted.

The act of the Massachusetts Legislature (ch. 445, Acts of 1910) which requires employers advertising for labor to give notice of any strike in existence in their establishments was amended (ch. 545) by adding the provision that such requirements should cease to be binding when the State board of conciliation and arbitration should determine that conditions in the establishment are normal. The same legislature (ch. 495) amended section 28 of the labor law (ch. 514, Acts of 1909), which provides penalties for the bribery, corruption, etc., of employees, by increasing these penalties where the offender is an agent or officer charged with the employment of labor.

The Mississippi Legislature (ch. 136) undertakes to regulate the subject of tips to employees of hotels, railroad companies, etc., and forbids employers to allow or patrons to give any tip, by which is meant any compensation not a part of the regular charge of the hotel, restaurant, dining car, railroad company, etc. Employees are forbidden to accept such gratuities. The penalty on employers violating the act is double that fixed for persons giving or receiving tips.

The bonding of employees of railroads or public utilities corporations was considered by the legislatures of three States, the provisions being to the effect that no specified bondsmen or bonding company can be required. The Arizona statute (ch. 14) directs that no bond shall be rejected except for financial insufficiency, and establishes reciprocal conditions as to cancellation. The law of Georgia (p. 159)

contains practically the same proviso, and permits either party to cancel the bond on 10 days' notice in writing, stating the reasons, if the other party has breached the provisions of the bond; while the Louisiana statute (No. 222) permits the requirement as to a designated company if the employer pays the premiums without any charge upon the employee.

The Federal Congress made provision for the payment of rewards to employees of the Ordnance Department for any inventions, improvements, economies, etc., that might be suggested or devised, all rights to the improvements, etc., to be released (ch. 236); also for inventions of employees in the Post Office Department adopted for use in the postal service (ch. 389). The reward in this case is limited to \$1,000 in any individual instance, the total expenditure on this account is not to exceed \$10,000 for the year.

A provision of the sundry civil appropriation act (ch. 355) affects the employment of labor in the Bureau of Engraving and Printing by permitting certain classes of work on checks, backs and tints of bonds, etc., to be done on power presses instead of the hand presses used for plate printing. Not more than one-fifth of the hand presses are to be displaced in any one year, though the hand-roller presses may be equipped with motors, at the discretion of the Secretary of the Treasury, and rated as hand-roller presses.

BLACKLISTING, INTERFERENCE WITH EMPLOYMENT, ETC.

The laws coming under this head include a provision of the constitution of Arizona (Art. XVIII, sec. 9) which forbids black lists and directs that suitable laws be enacted in this connection. Such a law was passed by the first legislature (ch. 61), defining and forbidding black lists and providing punishment for the violation of the statute. The statute of New Mexico on this subject (ch. 33) is restricted in its application to employees who have been discharged, any act preventing or attempting to prevent a discharged employee from obtaining employment elsewhere being forbidden. This act is not violated by the giving of the true reasons for the discharge either by writing or otherwise.

EXAMINATION AND LICENSING OF WORKMEN.

Legislation under this head is practically limited to an act of the Georgia Legislature (p. 158) which extends the existing law of that State requiring stationary engineers and firemen to obtain a license to counties of 70,000 population or above, instead of only to those containing at least 117,000 inhabitants as before. The Massachusetts Legislature (ch. 518) made a minor provision with reference to the examination, etc., of plumbers in that State, while the legislatures

of Arizona (ch. 27), New Jersey (ch. 361), and the Philippine Islands (No. 2159) passed laws relative to the examination or registration of chauffeurs.

PUBLIC SERVICE.

As in previous years, the laws under this head relate chiefly to the hours of labor on public works, the new States of Arizona (Art. XVIII, sec. 4) and New Mexico (Art. XX, sec. 19) providing by their constitutions for the 8-hour day for employment on public works. The Arizona Legislature passed a statute on the subject (ch. 78) prescribing the 8-hour day, and also directing that current wages be paid for labor of this class, and that only citizens or persons who have declared their intention to become citizens shall be employed thereon. The Ohio constitution was also amended (Art. II, sec. 37) so as to fix 8 hours per day and 48 hours per week as the maximum for labor on public works in that State. The Federal Congress passed a law (ch. 174) governing public contracts generally, the act applying to laborers or mechanics doing any part of any work under contract with the United States or any of its Territories or the District of Columbia. Government inspectors are to report violations of this statute, and penalties are to be deducted from the contract price. The 8-hour law of 1892 is not affected by this act, and contracts for transportation by land or water, for transmission of intelligence, and for supplies purchased by the Government (except armor plate), as well as the construction of levees, are excepted.

The appropriation act for the armament of fortifications, etc. (ch. 157), directs that contracts for certain cannon and carriages therefor shall be let only to persons who have established the 8-hour work day for all employees engaged or to be engaged on the supplies contracted for; while the contracts for the construction and repair of ships, machinery, armament, etc., for the Navy must also be made so as to come within the provisions of the 8-hour law (ch. 335).

Another act of Congress (ch. 389) fixes the hours of labor of letter carriers employed in city delivery and of clerks in post offices of the first and second class at not to exceed 8 hours in 10 consecutive hours for any one day. Overtime may be worked in cases of emergency, with additional pay in proportion to the salaries received. Another provision of the same act directs that post offices of the first class shall not be open on Sunday for the delivery of mail, though special delivery is not to be interfered with. If letter carriers or clerks in post offices of the first and second class shall be required by the needs of the service to do work on Sunday, they are to have compensatory time off on one of the six following days.

The matter of employment of aliens on public works was considered in a provision of the constitution of Arizona (Art. XVIII,

sec. 10), such employment being forbidden, though this restriction is not to be construed so as to interfere with the employment of convict labor. This provision of the constitution is embodied in an act passed at the extra session of the legislature of this State (ch. 66). Note may also be made in this connection of a provision of a Federal appropriation act (ch. 157) which directs that all materials used in the manufacture of armament for fortifications, etc., shall be of American manufacture, except in cases when in the judgment of the Secretary of War it is to the manifest interest of the United States to buy such materials in limited quantities abroad.

A resolve of the legislature of Massachusetts (ch. 30) provides that contracts for the State printing shall be awarded to shops that have prescribed an 8-hour day and that give equal pay for men and women employees for equal work. The subject of wages was also considered in the appropriation act of the United States Congress providing for the pay of plate printers in the Bureau of Engraving and Printing, the wages not to exceed the rates usually paid for such work (ch. 355).

WAGES.

A relatively large number of laws were passed this year relating in some way to the subject of wages in private employments. The Ohio constitutional convention provided for submission to the people of that State an amendment to the constitution, which was adopted, authorizing the legislature to pass minimum wage laws. (Art. II, sec. 34.) This action differs from that of the Massachusetts Legislature of last year, in that its provision is general and not restricted to the wages of women and minors, as is the case in the Massachusetts law.

The legislatures of Arizona (extra session, ch. 10) and Louisiana (act No. 27) provided for the payment of wages semimonthly, the first-named law relating to all municipal employees and contractors and to all companies and corporations doing business within the State; five days' pay may be withheld at the time of the regular payment. The Louisiana statute applies to all public-service corporations. The Virginia statute relating to pay days (sec. 3657d, Code of 1904) was amended (ch. 106) so as to require semimonthly instead of monthly payment of wages, adding railroad shops to the list of establishments to which the law applies. For labor in mines, coke works, sawmills, and excelsior mills monthly settlements are required. The Mississippi Legislature also passed a law on this subject (ch. 141) directing persons, companies, corporations, etc., engaged in manufacturing to settle with their workmen at least once monthly unless there is a written contract to the contrary. Fifteen days' pay may be held back at the time of any settlement.

Payment of wages due discharged employees is prescribed by a statute of Louisiana (No. 250), which directs such settlement at the time of discharge whether the hiring was by the day, week, or month. Another law of this State (No. 240) fixes at not more than 8 per cent per annum the rate of interest on loans made by employers to their employees engaged in manual labor. The question of the assignment of wages was considered by two statutes, one of Massachusetts (ch. 675), amending the existing law by declaring that no assignment of wages is valid unless it is in the form prescribed by chapter 390 of the Acts of 1906; the other is a Kentucky statute (ch. 126), which regulates assignments of wages where the amount involved is under \$200, providing that such assignment must be in writing, must show the true date of assigning and of the delivery of the money, and must show the actual amounts involved, including interest and installments paid or payable, together with the name of the assignee. Unless a copy is delivered to the employer within three days, his consent must be obtained in writing; the assignor must have a copy of the assignment and all payments be indorsed thereon. The assignment must be for a fixed part of the wages, for a period not exceeding 90 days.

Wage claimants suing in the State of New Jersey for amounts not exceeding \$20 are exempt from court costs and costs of summons if the claimant makes affidavit of his inability to pay such costs (ch. 202). The subject of the garnishment of wages is considered by a statute of New Mexico (ch. 74), which provides that if the original creditor and debtor are both residents of the State and suit is brought outside the State when it could have been brought in the home county of the debtor, the owner or assignees of the claim shall be liable for attorneys' fees and the expenses of the defendant spent in defending the suit and for any excess of recovery above what would have been recoverable under the laws of New Mexico.

The subject of mechanics' liens received the attention of a number of legislatures, chiefly by way of amending or extending the existing laws. The Arizona Legislature (ch. 66) amended paragraph 2904 of the Revised Statutes of 1901, setting forth the conditions under which liens for labor or materials attach and making such lien a preferred claim. The Louisiana Legislature passed two acts, one (No. 23) extending the provisions of act No. 52, Acts of 1910, to other woodworking establishments than those named therein, and giving a lien for any wages due, instead of for but 30 days as before, adding a provision limiting the seizure of the goods authorized to an amount probably sufficient to satisfy the claim and costs; the second act (No. 195) gives a lien on telegraph and telephone poles and on crossties to laborers and supply men. Both these acts authorize a provisional seizure of the subject materials simply on making oath as to the

amount claimed or due. The South Carolina Legislature likewise passed two laws on this subject, one (No. 350) limiting the time for sale to enforce lien for repairs of articles to 60 days from the date of the giving of written notice that the repairs are completed, instead of allowing one year from the time when the article was repaired. The second law (No. 408) gives liens to contract sawyers of lumber. The Ohio constitution was amended (Art. II, sec. 33) so as to authorize the enactment of mechanics' lien laws.

A different form of protection of the wages of contractors' employees is contemplated in an act of the Louisiana Legislature (No. 167), which provides for contractors' bonds. A scale of bonds is prescribed for contracts for various amounts, and contracts are to be recorded, this act creating a lien in behalf of persons furnishing labor or materials. To affect the bonds claims must be filed in the recorder's office within 45 days after the recorder has been notified that the owner has accepted the work.

HOURS OF LABOR.

The hours of labor of employees on railroads are regulated by a statute of New Mexico (ch. 62), which provides that if employees connected with the movement of trains have been employed for 16 consecutive hours they shall be allowed 10 consecutive hours off duty; if such service is not consecutive they shall be allowed 8 consecutive hours off duty, after 16 hours employment in any 24 hours, with exceptions as to emergencies, etc.

Employment on street railways is the subject of a Massachusetts statute (ch. 533), which amends section 95, Part III, of chapter 463 of the Acts of 1906. The new law makes 9 hours of platform work the basis of a work day, such service to be rendered within 12 consecutive hours. Nine and one-half hours may be worked if the 9-hour day is not feasible, but extra pay must be allowed for excess over 9 hours. Early and late shifts may be used, but every workman must have at least 8 hours of uninterrupted rest.

The hours of labor of stationary firemen in establishments running day and night are limited to 8 per day by a statute of Louisiana (No. 245), and refusal to work longer is declared not to be ground for discharge. The petroleum industry, cotton ginning, and sugar plantations are excepted. The Arizona Legislature (ch. 26) reenacted the territorial law fixing at 8 per day the hours of labor of hoisting engineers at mines and the furnace men at smelters and forbidding a penalty for the violation thereof. The same legislature also declared certain employments injurious to health and dangerous to life and limb, and in these it limited the hours of labor to 8 per day (ch. 28). The list named includes mines, including open-cut work; smelters; reduction works; stamp mills; cement works; rolling

mills, etc. In mines the hours of labor are to include the time for ascending and descending. Provision is made for exceptions in case of emergencies, and the hours may be lengthened not more than once in two weeks in order to effect the change of shifts. Another statute (ch. 50) classes work in electric-light plants as hazardous and dangerous, and prescribes the 8-hour day for work therein.

The legislature of Mississippi passed a general act (ch. 157) applicable to all persons, firms, or corporations engaged in manufacturing or repairing, and limiting to 10 hours the labor of all employees except in cases of emergency or public necessity. An amendment of the Ohio constitution (Art. II, sec. 34) authorizes the passing of laws fixing and regulating the hours of labor in employment generally.

SUNDAY LABOR.

The laws on this subject enacted this year relate to the operation of freight trains, a statute of Georgia (p. 76) adding the operation of ice trains and the switching of ice cars to the class of Sunday work permissible, while another statute (p. 77) adds the operation of trains run at the request of the governor or military authorities. A statute of South Carolina (No. 327) amends section 2122 of the Code by adding a proviso permitting solid through freight trains destined for points outside the State to run through the State with only the necessary stops for fuel, orders, or change of engines or cabooses.

HOLIDAYS.

Labor Day (the first Monday in September) is made a holiday throughout the State of Louisiana by an amending act (No. 93), instead of in the parish of Orleans alone, as heretofore, while in New Mexico (ch. 10) Columbus Day, October 12, is made a legal holiday.

Saturday half holidays for laborers and mechanics employed by the metropolitan water and sewerage board and the metropolitan park system during June, July, August, and September, are provided by statute in Massachusetts (ch. 528). These may be commuted to other days in any month of the year if the demands of the service require. Leave of absence for employees in the mail-bag repair shops in Washington and Chicago and the mail-lock shop in Washington is granted by an act of the Federal Congress (ch. 389), 30 days being allowed annually.

REGULATION AND INSPECTION OF FACTORIES.

Among the general safety provisions required by the statutes under this head may be mentioned an act of the Massachusetts Legislature (ch. 318), amending section 94 of chapter 514, Acts of 1909, requiring guards for elevators and all machinery having movable parts, as

well as for belting, shafting, etc., and bringing mechanical establishments, workshops, and mercantile establishments within the scope of the factory law, but excluding public buildings. A New Jersey statute (ch. 6) adds to the list of requirements of the inspection law of that State a requirement for friction clutches for stopping revolving shafts, and also places foot and power presses in the class of machinery requiring guards. A concurrent resolution adopted by the legislature of New York (Session Laws, p. 1382) takes steps to amend the constitution of that State so as to authorize the enactment of safety laws, while the Ohio constitution was amended (Art. II, sec. 34) by adding a clause authorizing laws providing for the comfort, health, safety, and general welfare of all employees.

The more specific subject of fire prevention was taken up by the New York Legislature, four acts having been passed on this subject. The first (ch. 329) requires factories to have fireproof waste bins, and that gas lights or jets be inclosed in globes or cages. Smoking in factories is also prohibited. By chapter 330 a requirement is made for quarterly fire drills in all factories employing more than 25 persons above the first or ground floor; while chapter 332 requires factories over 7 stories or 90 feet in height, with wooden floors or wooden trim, and employing more than 200 people above the seventh floor or 90-foot level, to install an automatic sprinkling system. The duties of the fire marshal, provided for by chapter 451 of the Acts of 1911, are extended by another act (ch. 453), so as to cover the institution and supervision of fire drills and the investigation of explosions. Criminal prosecutions are authorized for failure to comply with the orders of the fire marshal. The same officer is authorized to inspect and order repairs in steam boilers having a pressure of 10 pounds or more to the square inch. The legislature of Massachusetts (ch. 369) prohibits the use of new buildings for factory purposes until a fireproof stairway is provided according to plans approved by the building commissioner.

The sanitary aspect of factory regulation is more conspicuous in the law of New Jersey (ch. 5) amending the inspection law of the State by adding to section 20 thereof provisions requiring ventilation in factories so as to prevent excessive heat or injurious steam, vapors, gases, and dust being present in workrooms in harmful quantities. Fans must also be provided where glazing or polishing on wheels or other processes produce dust, gases, etc., if the commissioner of labor in his discretion so orders. The provisions of the New York statute (sec. 95 of the labor law) relative to infectious and contagious diseases in factories are extended (ch. 334), so that they are of general application instead of relating only to a restricted list of articles and factories. Section 88 of the labor law of the same State is also amended (ch. 336) by adding a provision requiring hot water and

individual towels to be furnished in washrooms in factories where lead, arsenic, or other poisonous substances or injurious or noxious fumes, dust, or gases are the result of or incident to the processes of manufacturing. The taking of food into any room where the above conditions are found is forbidden, separate eating rooms being required. The Virginia statute requiring separate water-closets, etc., in places where persons of both sexes are employed was amended (ch. 62) by a provision requiring such conveniences wherever one or more males and one or more females are employed instead of two or more as in the earlier law. The subject of inspection and regulation of bakeries was taken up in a New Jersey statute (ch. 127), earlier statutes on this subject being repealed. The statute provides for the proper sanitation of all workrooms and forbids expectoration except in suitable receptacles provided therefor, the use of tobacco being prohibited. The use of basements, the height of rooms, their construction, etc., are regulated, as well as the supply of toilet facilities and sleeping places for workpeople separate from the storage and workrooms. No workman with an infectious or contagious disease may be employed, and all places of business must be licensed. No employee may work over 10 hours per day or 60 hours per week except in cases of emergency, and extra pay must be given for overtime work. Children under 16 may not be employed between the hours of 7 p. m. and 7 a. m.

A Louisiana statute (No. 237) relates to the ventilation of printing offices, directing that where three or more linotype or other typesetting machines are in use, exhaust fans or other devices of sufficient capacity to expel poisonous metal fumes shall be provided, with vent pipes running from the metal pots to a flue or other external opening.

A regulation designed to assist in the matter of inspection of factories is found in a New York statute (ch. 335), which requires the registration of all factories, with the name and address of the owner, the name and address of the business, the number of employees, and such other data as the commissioner of labor may require. Also, the number of factory inspectors is increased in this State (ch. 158), 40 inspectors being added to the 85 previously authorized, and of the total number, 20 must be women, instead of 15 as under the earlier law. Instead of 50 inspectors in the second grade, 90 are authorized. Another law of this State (ch. 382) increases the class of officials who may administer oaths in the enforcement of the labor laws. Two inspectors are also added to the force of the New Jersey inspection department (ch. 67), one of whom must have practical knowledge and skill as a baker and one as a metal polisher and buffer.

The bureau of agriculture, labor, and statistics of Kentucky is charged with the duty of inspection by section 33a of the Kentucky

Statutes, and this section is amended by an act (ch. 108) which provides for the appointment of two labor inspectors and two assistants instead of only one of each, the new appointees to be females; these are to visit and inspect factories, mercantile establishments, etc., where females are employed. In Maryland, also, in connection with a law relating to the employment of children (ch. 731) and one relating to the hours of labor of women (ch. 79), and in Massachusetts, in an act (ch. 726) creating a State board of labor and industries, important changes are made in the work of inspection and the force employed therefor.

Two laws that may be noted here for lack of better classification are one in Massachusetts (ch. 479), which requires that seats be furnished for the operators of passenger elevators, and one of New York (ch. 219), which amends the provisions of the labor law relative to work in compressed air. The rates of decompression for various pressures are fixed by the latter statute, and the requirements as to examination and employment are somewhat relaxed. A new section is added requiring two air lines to any work place, and another directing that electric lights for the shaft leading to a work place shall be on a different wire from that which furnishes light for the work place.

MINE REGULATIONS.

The constitution of Arizona (Art. XIX) creates the office of mine inspector and authorizes the enactment of laws for the health and safety of employees in mines; so also of the constitution of New Mexico (Art. XVII, secs. 1 and 2), in which it is also provided that children under 14 shall not be employed in mines. Another section of the constitution of New Mexico (Art. XXII, sec. 3) carries over and retains the Federal statute relating to mine work until the legislature shall enact a law on this subject. The first legislature took up this subject and passed a law (ch. 80) relating to coal mines, fixing the qualifications of the mine inspector and prescribing his duties. Regulations as to ventilation, escape shafts and safety cages, etc., are included in the law, and the employment of fire bosses and shot firers under prescribed conditions is required. The Arizona Legislature also provided a quite complete body of regulations (ch. 33) applicable to all mines in the State. The statute forbids the employment underground of any boy under 18, and contains the usual provisions as to safety appliances, fire protection, ventilation, etc. The Virginia Legislature (ch. 178) created a department of mines, under the bureau of labor and industrial statistics, in charge of a State mine inspector. Semiannual inspections are prescribed and a certificate of inspection is to be furnished. Escape shafts, safety appliances, the employment of fire bosses, ventilation, light, etc., are provided for, and the em-

ployment of any female or of any boy under 14 is forbidden. Accidents are to be reported and investigated.

Mention may be made under this head of an act of the legislature of Maryland (ch. 441), which appropriated \$25,000 for the building of a hospital in Allegany County as an emergency hospital for persons injured in accidents in the mines in the neighboring region.

RAILROADS.

A corporation commission is provided for by the constitution of Arizona (Art. XX, secs. 2 and 3), which is authorized to make and enforce rules for the convenience, comfort, safety, and health of the employees of public-service corporations. The constitution of New Mexico also (Art. XI, sec. 7) provides for a State corporation commission, with power to require safety appliances on the railways in this State such as the Federal laws now prescribe for interstate carriers. The statute of Arizona (ch. 90) relative to the corporation commission authorizes it to make rules and to prescribe safety appliances. Accidents are to be reported to it, and it is directed to investigate all accidents causing loss of life or injury to person or property, if, in the judgment of the commission, this is required. The findings of the commission are not to be used as evidence in any court. The blocking of angles in frogs and crossings of railroads so as to prevent the wedging of the feet of employees and other persons is required by a statute of Louisiana (No. 177), logging and plantation roads being excepted. An Arizona statute (ch. 30) forbids the use of defective locomotives which allow steam to escape so as to obstruct the view of the crew.

A Federal statute (ch. 389) relating to the Railway Mail Service directs that mail cars must be sound in material and construction and provided with sanitary water containers and toilet facilities. After July 1, 1917, no full post-office car shall be used or paid for which is not of steel or does not have a steel underframe or is not constructed of other equally indestructible material. Cars of this class are to be brought in after July 1, 1913, at the rate of 25 per cent annually, it being required that all new cars shall be of steel.

Three States require locomotives to have headlights of a prescribed candlepower, the Arizona statute (ch. 27) calling for electric headlights of 1,500 candlepower; that of Mississippi (ch. 153) for an electric light of 300 watts at the arc, with an 18-inch reflector, tram and logging roads and roads with less than 30 miles of track being exempt; while in South Carolina (No. 452) the statute calls for a light of 10,000 candlepower, or of sufficient power to disclose a man at the distance of 800 feet under normal conditions; lights of this capacity are to be installed at the rate of 25 per cent during the first

year and for each of the three years following, railroads with less than 60 miles of track and switch engines being exempt.

A full-crew law was enacted by the Arizona Legislature (ch. 16), prescribing the number of employees necessary on freight trains and on passenger trains according to the number of cars. The question of experience was also considered in this act, flagmen to have had one year's experience as brakemen. Exceptions are made as to emergencies and for railroads less than 40 miles in length. Another law of this State (ch. 43) limits the number of cars in a freight train to 70 and in a passenger train to 14. Engineers in the same State are to have had three years' experience as firemen or engineers, and conductors a similar term of experience as brakemen or freight conductors before taking full charge of trains (ch. 47); while telegraph and telephone operators whose duties relate to the movement of trains must be at least 18 years of age and have had one year's experience (ch. 8).

A Mississippi statute (ch. 152) empowers the State railroad commission to require shelters over repair tracks whenever or wherever in their best judgment it is deemed necessary.

STREET RAILWAYS.

But two acts appear under this head, one in Louisiana (No. 20), which requires that seats shall be furnished on each platform for the use of motormen and conductors, who shall be permitted to use such seats when outside of the business district of cities, towns, or villages; while a Mississippi statute (ch. 148) requires street railway cars to be equipped with inclosed vestibules in municipalities of not less than 5,000 population, except during the period from March 15 to November 1.

INTOXICATING LIQUORS.

Besides the provision in the Arizona mining law (ch. 33) prohibiting any intoxicated person from entering a mine or the bringing of intoxicating liquor into mines, the only law noted under this head is one of the same State (ch. 2) forbidding the licensing of the sale of intoxicants in quantities less than 5 gallons within 6 miles of any camp of men on any railroad, canal, reservoir, or on public works. The act does not apply to incorporated towns or to saloons that were in existence six months prior to the beginning of work within the 6-mile limit.

EMPLOYMENT OF WOMEN AND CHILDREN.

Of first importance among the laws under this head is the act of the Federal Congress (ch. 73) creating a Children's Bureau in the Department of Commerce and Labor to investigate and report on all

matters pertaining to the welfare of children and child life, including questions of mortality, birth rate, orphanage, juvenile courts, dangerous occupations, accidents, diseases, employment, and State and Territorial legislation. The chief of this bureau is appointed by the President, while an assistant chief appointed by the Secretary of Commerce and Labor is also provided for.

The constitution of the State of Arizona regulates the employment of children (Art. XVIII, sec. 2), fixing the minimum age limit for employment in any gainful occupation during the hours of school at 14 years, and at 16 years for employment in underground work in mines, or in any occupation injurious to health or morals or hazardous to life or limb. Children under 16 may not be employed at night nor for more than 8 hours in any 24. A statute on this subject (ch. 32) prohibits employment of children under the age of 14 in any mill, factory, workshop, mercantile establishment, office, telegraph, or telephone office, in the distribution of merchandise or messages, etc., and in any employment whatever during school hours. Employment under the age of 16 is forbidden in the standard list of dangerous occupations. Children under 18 may not be employed in blast furnaces, smelters, to run elevators, on railroads, or where explosives are manufactured or stored, or in other places pronounced by the State board of health as dangerous or injurious. No boy under 16 or girl under 18 may work more than 8 hours per day or 48 hours per week, or between 7 p. m. and 7 a. m., except in agricultural and domestic employments; nor may any messenger under the age of 21 be employed between 10 p. m. and 5 a. m. in incorporated cities and towns. No boy under 10 and no girl under 16 may sell newspapers, nor may any boy under 10 be a bootblack in any public place. Employment certificates are required for all children under 16 years of age, the child to appear in person before the superintendent of schools who issues the certificates. Seats are to be furnished for female employees and their use permitted while not actively engaged. No female may be employed in or about any mine, quarry, or breaker. The Maryland Legislature repealed the former law governing the employment of children and enacted a detailed law (ch. 731), fixing the age limit at 14 years for employment in mills, factories, messenger service, etc., and at 12 years in canneries, mercantile establishments, offices, and in the distribution or sale of merchandise. Children under 14 may not be employed during school hours, nor under 16 in the standard list of dangerous occupations. Children under 16 years of age must have certificates, and a list of boys under 16 and girls under 18 employed in any establishment must be posted therein. Certificates are issued on evidence of age and educational qualification, and applicants therefor must appear in person. The certificate must also show the name of the prospective

employer and the nature of the employment. Employment under 18 is forbidden in a list of extra hazardous employments and under 21 in any saloon. No female under 18 may be employed in any work in which she must stand constantly at her work. Messenger service and street trades are also regulated, and 8 inspectors are appointed to carry out the laws.

The legislature of Minnesota also (ch. 8) redrafted the law of that State on the subject of employment of children, the principal changes being the requirement of medical examination in all cases prior to the issue of a certificate of employment, instead of only in doubtful cases, as formerly. The exemption permitting the employment of poor or dependent children was also stricken out, and the hours of labor for children under 16 reduced from 10 per day, or 60 per week, to 8 per day, or 48 per week. The exemption as to prohibited night work in mercantile establishments at holiday time was also stricken out. Messenger service was forbidden to all girls under 21 and to boys under 18 between the hours of 9 p. m. and 5 a. m.

Less general provisions were enacted by the legislature of New York (ch. 333) requiring a physical examination and certificate in every case before an employment certificate is issued, instead of only in doubtful cases, as formerly; by the New Jersey Legislature (ch. 127) forbidding the employment of children under 16 between the hours of 7 p. m. and 7 a. m. in bakeries; by the legislature of Mississippi (ch. 165) which raises the minimum age for the employment of girls to 14 years and extends the law to cover canneries other than fruit canneries, and limiting the hours of labor for boys under 16 and for girls under 18 to 8 per day instead of 10, as formerly; by an act of the Louisiana Legislature (No. 25) forbidding the employment of minors under 17 years of age in pool or billiard rooms; and by another act of the same legislature (No. 184) which forbids the employment of children in acrobatic, theatrical, immoral, or dangerous performances, practices, or exhibits. The constitution of New Mexico (Art. XVII, sec. 2) forbids the employment of children under 14 in mines.

Statutes of Rhode Island (ch. 814) and of South Carolina (No. 405) relate particularly to the employment of children in messenger service, the former law forbidding messengers under 21 years of age to deliver goods or messages between 10 p. m. and 5 a. m., while the latter statute forbids the employment of any child under 14 years of age as a messenger, nor may any child under 18 years of age act as such between 10 p. m. and 5 a. m.

The question of school attendance was considered in a statute of Arizona (ch. 77), which forbids the employment of any child under 16 years of age during school hours without a written permit from the board of trustees, unless such child is being otherwise taught or is

excused for designated reasons; and by a Maryland statute (ch. 173), which requires school attendance between the ages of 8 and 14, or until 16 years of age unless regularly and lawfully employed; in the counties school attendance is required for at least four months and in Baltimore during the entire school year.

Women and children were considered in a Massachusetts statute (ch. 706) which established a minimum-wage commission of three persons, one of whom may be a woman, to be appointed by the governor, to inquire into the wages paid females with regard to the adequacy of such wages to supply the necessary cost of living and to maintain health. Wage boards may be appointed representing employers and the female employees interested, with authority to investigate and report minimum rates of wages. Provision is made for hearing the employers before final approval, and for publication of the findings of the commission and of the names of employers who fail or refuse to accept the minimum wage fixed and to agree to abide by it. The commission may also act in a similar manner with reference to the wages of minor employees. Another act of the same legislature (ch. 477) amended the law governing the hours of labor of women and children by striking out the provision allowing more than 10 hours' work on certain days so as to arrange for a shorter day on one day of the week, and also restored an older provision of the law, which had been eliminated in 1911, so as to provide against the employment of the same person in more than one establishment in such a manner as to evade the 54-hour law. Hours of labor of women and children were also considered in a statute of New York (ch. 539), which established the 9-hour day and 54-hour week for males under 18 and females under 21 years of age, except as to minors above 16 years of age in canneries from June 15 to October 15. Permission is allowed for minors over 16 to work more than 9 hours, but not more than 10, regularly for 5 days, or irregularly for 3 days, so as to get a shorter day or holiday, but no total may exceed 54 hours per week. In Virginia, also, a statute governing the hours of labor of women and children is amended (ch. 248) by extending its operation to workshops and mercantile establishments. Exemptions are made as to bookkeepers and other office assistants, and also as to employees in canneries between July 1 and November 1; nor does the act apply to mercantile establishments in places of less than 2,000 inhabitants, nor to work in stores on Saturday.

The employment of women and children in barrooms is the subject of an act of the New York Legislature (ch. 264) which amends the former law so as to exclude women and girls not members of the licensee's family from selling or serving liquor, and also excludes all minors under 18 years of age without reference to their relationship to the licensee.

A Massachusetts statute requiring seats for female employees is amended (ch. 96) by requiring seats for the use of children under the same conditions as for females.

Laws relating exclusively to the employment of women were passed by some legislatures, one in Kentucky (ch. 77) fixing at 10 per day, or 60 per week, the hours of labor of all females under 21 years of age in any gainful occupation, except domestic servants and nurses, and fixing the same hours for females of all ages employed in laundries, bakeries, factories, workshops, mercantile, manufacturing, or mechanical establishments, hotels, restaurants, telephone exchanges or telephone offices. Seats must be furnished and their use permitted when the employees are not necessarily engaged in their active duties, and wash rooms and water-closets be provided. Time books must be kept showing the name and working time of each female employee, the same to be open to the State labor inspector. Copies of the act must be posted in the establishment where females are employed. A Maryland statute (ch. 79) establishes a 10-hour day for employment in manufacturing and mercantile establishments, bakeries, and laundries. If any part of the employment is before 6 a. m. or after 10 p. m., eight hours is the maximum days' work, and not more than six hours may be worked continuously in any such establishment where more than three persons are employed without an interval of at least one-half hour, though $6\frac{1}{2}$ hours may be worked continuously if that is the extent of the work for the day. Exception is made for certain seasonal establishments in Allegany County and for employment in canneries. A female inspector and two assistants are appointed to enforce the law. The same subject is considered by a statute of New Jersey (ch. 216), which fixes the 10-hour day or 60 hours per week for the employment of females in manufacturing and mercantile establishments and in bakeries, laundries, and restaurants, except for the six working days before Christmas in mercantile establishments. An exception is also made as to employment in canneries packing perishable products, such as fruits and vegetables.

Questions of health of females are involved in a statute of Massachusetts (ch. 653), which authorizes the State board of health to investigate the conditions of employment of women in core rooms and to make rules regarding their employment therein; and of a statute of New York (ch. 331), which makes it unlawful to employ any female within four weeks after the birth of a child.

A Massachusetts law (ch. 683) directs that women employed in the State bathhouses under the care of the metropolitan park commission shall receive equal pay with men for similar work. The statute governing suits for wages by female employees in New York City was amended (ch. 468) by making the additional award of costs provided for in the former statute discretionary with the court instead of mandatory.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

While the greater attention of the legislatures of the States in session this year was given to the subject of compensation legislation, some important laws were passed relative to that of employers' liability, the two subjects being to some extent considered side by side in the same legislation. The constitution of the State of Arizona (Art. XVIII, secs. 3-8) forbids all contracts waiving the employees' rights to sue for damages as a condition of employment or otherwise, and abrogates the defense of fellow service, while the defenses of contributory negligence and assumed risks are made questions for consideration by the jury. It is declared that the right to sue for damages shall never be abrogated nor shall the amount of damages recoverable be limited. The legislature is directed to enact an employer's liability statute governing all hazardous occupations, such as mining, smelting, manufacturing, transportation, etc., and for all cases of injury not caused by the negligence of the employee. The legislature is also to provide a compulsory compensation act for employments determined to be especially dangerous, to cover injuries arising out of and in course of the employment caused either by the necessary risk of the employment or by the lack of care by the employer, the employee to have an option between a suit under the liability statute and the claim for compensation. The liability statute (ch. 89), enacted in conformity with the foregoing constitutional provision, gives a right of action for employees in hazardous occupations, "or any other industry," for death or injury caused by accident due to the conditions of the occupation and not caused by the negligence of the injured employee. A list of occupations declared hazardous is given, and employers are directed to make rules for safety. The act embodies the provisions of the constitution as to the three customary defenses in liability actions, and directs the addition to the judgment of 12 per cent per annum during the period of delay in any case in which a judgment is affirmed on appeal. A Louisiana statute (No. 187) deprives employers of the defenses of assumed risk and fellow service, except that they may be considered by the court in determining the measure of damages to be allowed.

The constitution of New Mexico (Art. XX, sec. 16) makes railroad companies liable to their employees for injuries resulting from the acts of a fellow servant or from any defect or insufficiency in the cars or equipment, due in whole or in part to the negligence of the company. Waivers of the rights of employees are forbidden. Another section of the same constitution (Art. XXII, sec. 2) carries over and retains as State legislation the Federal statute of 1908 fixing the liability of railroad companies for injury to their employees.

The Massachusetts statute on the subject of the liability of employers for injuries to their employees is amended (ch. 251) by making sufficient as a form of notice any form of signed, written communication giving information as to the fact of the injury, showing its time, place, and cause; while the statute relative to the liability of railroad companies is amended (ch. 354) by fixing the minimum recovery for damages for death at \$500 and the maximum at \$10,000. The Mississippi statute relative to the liability of railroad companies for injuries to their employees is extended (ch. 215) so as to cover all companies using engines, locomotives, or cars of any kind propelled by steam, electricity, gas, gasoline, or lever power, and running on tracks. Proof of injury is made prima facie evidence as against the company. The Virginia statute is strengthened (ch. 291) by allowing injured employees to recover when the accident was due to the act of a coemployee whom the injured person had a right to direct, and also if such coemployee was employed about the same train of cars or on or about an engine.

Four States passed laws providing for a system of compensation for injuries to workmen. The principal features of these and all other general compensation laws of the States are shown in a chart facing page 26. The statute of Arizona, enacted at the extra session of its legislature (ch. 14), is compulsory upon employers in designated employments determined to be especially dangerous. Other employments may be brought under the act by mutual agreement, though in all cases the option of the employee is retained as to suing for damages. The doctrine of "no liability without fault" is abrogated and the statute is said to cover the necessary and inherent risks of the employment and those due to the negligence of the employer. Periodical payments are provided for, subject to conversion into lump-sum payments if the court approves. The court may also provide for distribution among claimants; and in case of any suit, the attorney's fees taxed on the employer if judgment be against him, shall not exceed 25 per cent of the amount recovered. If either party refuses to act under this statute the other may proceed under other laws, but remedies are mutually exclusive. The Maryland statute (ch. 837) is hardly more than permissive, setting forth a system of cooperative insurance on the basis of contracts between employers and employees, the employer to pay at least one-half of the premiums for such insurance as may be arranged. If the insurance is carried on by means of an assessment fund, the employer must provide for the management of the same. Where insurance is written, the employer may advance the premiums and procure blank policies and fill them in and reimburse himself for the employees' proportion of expense from the wages due them. No contract is to be made the condition of employment. The ordinary defenses in suits for damages remain unchanged.

The act of the Michigan Legislature (No. 10) provides for an elective compensation system, the choice to be indicated by the filing of written statements, subject to the approval of the industrial accident board of the State. Four methods of payment of benefits are provided, (1) directly by the employer, who furnishes proof of solvency, (2) by insurance in any authorized insurance company, (3) by mutual associations of employers, and (4) by a State fund to which employers may choose to contribute. Payment under any one system is in so far a bar to claims under any other. Existing contracts of insurance are valid, but no reduction of the liability provided by the statute is permitted, nor may waivers thereof be made. No State accident funds may be organized with less than five employers having an aggregate of at least 3,000 employees. Premiums are to be adjusted at actual cost by the commissioner of insurance, who is authorized to classify establishments and fix the rates accordingly. The acceptance of the provisions of the statute of Rhode Island (ch. 831) is elective and applicable to employers of more than five workmen, the election being made by a writing filed by the employer with the commissioner of labor, the assent of the employee being presumed in the absence of written notice to the contrary. The three customary defenses in liability suits are abrogated for employers failing to come within the statute. Periodical payments are contemplated, but these may be commuted by the payment of lump sums after six months. Other schemes of compensation equally favorable may be substituted if approved, and if the employee contributes to their maintenance corresponding additional benefits must be provided.

Besides the provision already referred to in the constitution of Arizona, the constitutions of California and Ohio now contain provisions for compulsory compensation systems, an amendment adopted October 10, 1911, authorizing the legislature of California to pass laws providing for compulsory compensation irrespective of fault and for the settling of disputes thereunder by arbitration, by an industrial accident board, or by courts; while the provision of the Ohio constitution (Art. II, sec. 35) authorizes compulsory contributions to a State fund for compensation for death, injuries, or occupational diseases occasioned in course of employment. The legislature is authorized to abolish the customary defenses, but the right of action under the liability statutes is to remain if the employer fails to comply with the safety laws of the State. The State liability board of awards is authorized to classify employments, collect the contributions authorized, and administer the law generally. The legislature of New York also took steps by a concurrent resolution (p. 1382) to amend the constitution of that State so as to authorize the enactment of a compensation or insurance law which shall be the exclusive remedy in cases of injuries to employees.

PRINCIPAL FEATURES OF LAWS RELATIVE TO WORKMEN'S COMPENSATION AND INSURANCE.

States, etc.	System provided for.	Industries covered.	How election is made.		Defenses abrogated if employer does not elect.	Suits for damages are—	Special contracts.	Burden of cost is on—	To be compensated disability must continue—	Compensation for—				Time for notice and claim.	Disputes settled by—	Nonresident alien beneficiaries of deceased workmen.
			By employer.	By employee.						Death.	Total disability.	Partial disability.	Medical and surgical aid.			
California. Ch. 399. Approved Apr. 8, 1911. In effect Sept. 1, 1911.	Compensation, elective (compulsory as to State and municipalities).	All (casual employees excepted).	Writing filed with industrial accident board.	Presumed in absence of written notice if employer elects.	None (assumed risks and fellow service abrogated, and comparative negligence enacted by general liability law).	Permitted in lieu of compensation if employer was personally grossly negligent or violated a safety law.	Employer may insure or maintain a benefit fund, but may not reduce liability fixed by law.	Employer.....	More than 1 week....	3 years' earnings: \$1,000 minimum, \$5,000 maximum; no dependents, \$100.	65 per cent of weekly wages for not more than 15 years, total not to exceed 3 years' earnings; if nurse is required, 100 per cent; minimum wages per annum, \$333.33; maximum, \$1,666.65.	65 per cent of wage decrease; wages considered and total payments same as for total disability.	During first 90 days; not to exceed \$100.	Notice in 30 days; claim in 1 year.	Industrial accident board; limited appeal to courts.	Included.
Illinois. P. 314. Approved June 10, 1911. In effect May 1, 1912.	Compensation, elective.	"Especially dangerous" (casual employees and those not exposed to hazards of employments excepted).	Presumed in absence of written notice; must post notice to bind employees.	do.....	Assumed risks, fellow service; contributory negligence to be measured.	Permitted in lieu of compensation where employer intentionally fails to comply with a statute.	do.....	do.....	More than 6 working days; then compensation from eighth day.	4 years' earnings: \$1,500 minimum, \$3,500 maximum; no dependents, \$150.	50 per cent of weekly earnings for 8 years; \$5 minimum, \$12 maximum, up to \$3,500. ¹	50 per cent of wage decrease; \$12 maximum, for not more than 8 years.	During first 8 weeks, not over \$200; physician or surgeon during disability unless employee prefers his own.	Notice as soon as practicable; claim in 6 months.	Arbitrators for each case; appeal to courts.	
Kansas. Ch. 218. Approved May 14, 1911. In effect Jan. 1, 1912.	do.....	"Especially dangerous" (enumerated list) where 15 or more workmen are employed. ²	Writing filed with secretary of state.	do.....	Assumed risks, fellow service; contributory negligence to be measured. ³	Permitted in lieu of compensation if employer was personally negligent.	Approved schemes may be substituted.	do.....	More than 2 weeks....	3 years' earnings: \$1,200 minimum, \$3,000 maximum; no dependents, \$100.	50 per cent of weekly earnings; \$6 minimum, \$15 maximum, for not more than 10 years.	25 to 50 per cent of weekly earnings; \$3 minimum, \$12 maximum, for not more than 10 years.	Only if employee dies leaving no dependents.	Notice in 10 days; claim in 6 months.	Local committees or arbitrators; court review allowed.	\$750 maximum except to residents of Canada.
Michigan. No. 10. Approved March 20, 1912. In effect Sept. 1, 1912.	Compensation, elective (compulsory as to State and municipalities).	All (casual employees excepted).	Writing filed with accident board.	do.....	Assumed risks, fellow service, and contributory negligence.	Not permitted after taking any steps under compensation or insurance provisions.	No reduction of liability allowed; may elect State, mutual, or private insurance.	do.....	More than 2 weeks (payment from date of injury if disability lasts 8 weeks or more).	50 per cent of weekly wages for 300 weeks; \$4 minimum, \$10 maximum, no dependents, \$200.	50 per cent of weekly wages for not over 300 weeks; \$4 minimum, \$10 maximum, total not to exceed \$4,000.	50 per cent of wage decrease, \$10 maximum, for not over 300 weeks; fixed rates for specified injuries.	During first 3 weeks.....	Notice in 3 months; claim in 6 months.	Industrial accident board; arbitration, appeals to supreme court.	Included.
New Hampshire. Ch. 163. Approved Apr. 15, 1911. In effect Jan. 1, 1912.	Compensation, elective.	"Dangerous" (enumerated list).	Writing filed with commissioner of labor, with proof of financial ability or bond.	By accepting compensation or beginning proceedings under the act.	None (assumed risks, fellow service and contributory negligence restricted by liability provisions of statute).	Permitted in lieu of compensation.	do.....	do.....	More than 2 weeks....	150 times weekly earnings, not more than \$3,000; no dependents, \$100.	50 per cent of average weekly earnings; maximum, \$10 for not more than 300 weeks.	50 per cent of wage loss; maximum, \$10 per week not more than 300 weeks.	Only if employee dies leaving no dependents.	Notice as soon as practicable, and before leaving service; claim in 6 months.	Proceedings in equity.	Beneficiaries must be residents of State.
New Jersey. Ch. 95. Approved Apr. 4, 1911. In effect July 4, 1911.	do.....	All.....	Presumed in absence of written notice.	Presumed in absence of written notice if employer elects.	Assumed risks, fellow service; contributory negligence unless willful.	Not permitted after electing to receive compensation.	do.....	do.....	do.....	25 to 60 per cent of wages for 300 weeks; \$5 minimum, \$10 maximum, no dependents, \$200.	50 per cent of wages for 400 weeks; \$5 minimum, \$10 maximum.	Proportionate, fixed scale (sec. 11, c).	During first 2 weeks; not over \$100.	Notice in 30 days; in 90 days if employee can justify delay and employer was not prejudiced thereby.	Judges of court of common pleas.	Excluded.
New York. Ch. 352. Approved May 24, 1910. In effect Sept. 1, 1910.	do.....	All but railroads.....	Writing filed with county clerk.	Writing filed with county clerk.	None; restricts defenses of assumed risks and fellow service; requires proof of contributory negligence.	Permitted in lieu of compensation if employer was guilty of serious or willful misconduct, or violated safety law.	do.....	do.....	do.....	1,200 times daily earnings; \$3,000 maximum; no dependents, \$100.	50 per cent of wages (not more than \$10 weekly) for not more than 8 years.	50 per cent of wage decrease; same limits as for total disability.	Only if employee dies leaving no dependents.	Notice as soon as practicable, and before leaving service; claim in 6 months.	Courts.....	
Rhode Island. Ch. 531. Approved Apr. 29, 1912. In effect October 1, 1912.	do.....	All employing more than 5 workmen, except in domestic service and agriculture (casual employees and those earning over \$1,500 excepted).	Writing filed with commissioner of industrial statistics.	Presumed in absence of written notice if employer elects.	Assumed risks, fellow service, and contributory negligence except for domestic and farm labor and employers of 5 or less persons.	Not permitted after electing to receive compensation.	Approved schemes may be substituted; no reduction of liability allowed.	do.....	do.....	50 per cent of weekly wages for 300 weeks; \$4 minimum, \$10 maximum; no dependents, \$200.	50 per cent of weekly earnings for not over 500 weeks; \$4 minimum, \$10 maximum.	50 per cent of wage decrease, \$10 maximum, for not more than 300 weeks; fixed rates for specified injuries.	Reasonable services for first 2 weeks; maximum \$200 in fatal cases with no dependents, including burial.	Notice in 30 days; claim in 1 year.	Courts in summary proceedings.	
Wisconsin. Ch. 50. Approved May 3, 1911. In effect Sept. 1, 1911.	Compensation, elective (compulsory as to the State and its municipalities).	All (casual employees excepted).	Writing filed with Industrial Commission.	do.....	Assumed risks, fellow service (if 4 or more employees).	do.....	No reduction of liability allowed.	do.....	More than 1 week (payment for first week if disability lasts more than 4 weeks).	4 years' earnings: \$1,500 minimum, \$3,000 maximum; no dependents, \$100.	65 per cent of wages, if nurse is required, 100 per cent after 90 days; no total to exceed 4 years' earnings.	65 per cent of wage decrease; no total to exceed 4 years' earnings.	For not more than 90 days.	Notice in 30 days, claim in 2 years.	Industrial Commission; appeal to courts.	Included.
Arizona. Ch. 14 (extra session). Approved June 8, 1912. In effect Sept. 1, 1912.	Compensation, compulsory.	"Especially dangerous" (enumerated list); elective as to all others.	do.....	do.....	do.....	Permitted in lieu of compensation.	Permitted if compensation is provided not less than that of the act.	do.....	At least 2 weeks; then compensation from date of accident.	2,400 times one-half the daily wages; \$4,000 maximum; no dependents, medical and burial expenses.	50 per cent of average semimonthly earnings, during disability, not to exceed \$4,000.	50 per cent of wage decrease until recovery, not to exceed \$4,000.	Only if employee dies leaving no dependents.	Notice in 2 weeks; none required in case of death or incompetence. Action on claim within 1 year.	Arbitration, reference to attorney general, or appeal to courts.	
Nevada. Ch. 183. Approved Mar. 24, 1911. In effect July 1, 1911.	do.....	"Especially dangerous" (enumerated list; workmen engaged in manual or mechanical labor).	do.....	do.....	do.....	do.....	Forbidden.	do.....	More than 10 days....	3 years' earnings: \$2,000 minimum, \$3,000 maximum; no dependents, \$300. ⁴	60 per cent of weekly earnings; specified increases for specified maimings, total not to exceed \$3,000. ⁴	Such proportion of 60 per cent of earnings as loss of capacity bears to total loss; maimings as in case of total disability. ⁴	do.....	Notice as soon as practicable; claim in 6 months.	Arbitrators for each case; if decision is not unanimous, appeal to courts.	
Maryland. Ch. 837. Approved Apr. 15, 1912. In effect same date.	Insurance, cooperative, elective.	All.....	By contract in writing with employee.	By contract in writing with employer.	do.....	Permitted if injury is due to the failure of the employer to comply with safety laws.	Law is based on contracts with casualty companies. Employers of not less than 1,500 persons may maintain establishment funds.	Employer, not less than 50 per cent (plus cost of management in case of establishment funds) remainder on employees.	At least 1 week if so provided in the contract.	3 years' earnings, \$1,000 minimum; no dependents, \$75 minimum, \$100 maximum.	50 per cent of average weekly wages during previous 12 months, if so long in employers' service; if not, then a weekly benefit for such shorter period as he may have been in such service.	Difference between amount for total disability and amount workman is able to earn after the injury; fixed proportions for specified injuries.	do.....	Contract may require reasonable and timely notice.	Arbitration, if so provided in contract.	
Massachusetts. Ch. 751. Approved July 28, 1911. In effect July 1, 1912.	Insurance, elective (State or in authorized company).	All (casual employees excepted).	By subscribing to State association, or insuring.	Presumed in absence of written notice if employer insures.	Assumed risks, fellow service, contributory negligence, except in domestic and farm labor. ³	Not permitted after election of insurance system.	Employer may insure in any authorized liability company.	Employer.....	More than 2 weeks....	50 per cent of weekly wage for 300 weeks, \$4 minimum, \$10 maximum; no dependents, \$200.	50 per cent of weekly wages for not over 500 weeks, \$4 minimum, \$10 maximum, total not to exceed \$3,000.	50 per cent of weekly wage loss, \$10 maximum, for not more than 300 weeks; fixed rates for specified injuries.	During first 2 weeks.....	Notice as soon as practicable; claim in 6 months.	Arbitrators for each case; industrial accident board; appeal to courts on points of law.	
Ohio. P. 524. Approved June 15, 1911. In effect Jan. 1, 1912.	State insurance, cooperative, elective.	All employing 5 or more workmen.	By payment of premium.	Presumed after employer has posted notice of payment.	Assumed risks, fellow service, contributory negligence (if 5 or more employees).	Permitted in lieu of compensation if injury was caused by willful act of employer, or his officers or agents, or failure to comply with safety law.	Forbidden.....	Employer, 90 per cent; employee, 10 per cent.	More than 1 week....	\$150 funeral expenses; 66 2/3 per cent of wages for 6 years; \$1,500 minimum, \$3,400 maximum.	66 2/3 per cent of wages until death, if permanently disabled; \$5 minimum, \$12 maximum.	66 2/3 per cent of wage decrease for 6 years; \$5 per week minimum, \$12 maximum; not over \$3,400 in all.	Not to exceed \$200.....	To be fixed by board.....	State liability board of awards; limited appeal to courts.	
Washington. Ch. 74. Approved Mar. 14, 1911. In effect Oct. 1, 1911.	State insurance, compulsory.	"Extra hazardous" (enumerated list); elective as to all others.	do.....	do.....	do.....	Permitted in addition to insurance benefits if injury resulted from deliberate intention of employer.	Forbidden.....	Employer.....	"Loss of earning power shall exceed 5 per cent." ⁵	\$75 funeral expenses; spouse receives \$20 monthly; each child up to 3, \$5 per month; maximum, \$4,000. ⁶	\$20 per month if single, \$25 if married; for each child under 16 years, \$5 per month, not over \$35 in all. ⁷	Proportionate; not over \$1,500. ⁷	50 per cent of benefits added for first 6 months of total temporary disability; not more than 60 per cent of wages in all.	Claim in 1 year.....	Industrial insurance department; appeal to courts.	Only father and mother to be considered.

¹ If complete disability still continues, "then a compensation during life, equal to 8 per cent of the death benefit," not less than \$10 per month.
² Employers having fewer employees may elect, but lose no defenses if they do not.
³ These defenses are not abrogated where an employee sues an employer who has elected to use the compensation system.
⁴ Contributory negligence to be measured; compensation may be reduced proportionately.

⁵ Construed by department to exclude cases in which less than 5 per cent of a working month was lost.
⁶ If a widow remarries she receives a lump sum of \$240. If there are children and no widow they receive \$10 per month each, but not more than \$35 in all, until 16 years of age; if injury was caused by removal of safeguard by injured employee, or by a fellow workman with his consent 10 per cent is deducted.
⁷ If injury was caused by removal of safeguard by injured employee, or by a fellow workman with his consent, 10 per cent is deducted.

PRINCIPAL FEATURES OF LAWS RELATIVE TO WORKMEN'S COMPENSATION AND INSURANCE.

States, etc.	System provided for.	Industries covered.	How election is made.		Defenses abrogated if employer does not elect.	Suits for damages are—	Special contracts.	Burden of cost is on—	To be compensated disability must continue—	Compensation for—				Time for notice and claim.	Disputes settled by—	Nonresident alien beneficiaries of deceased workmen.
			By employer.	By employee.						Death.	Total disability.	Partial disability.	Medical and surgical aid.			
California. Ch. 399. Approved Apr. 8, 1911. In effect Sept. 1, 1911.	Compensation, elective (compulsory as to State and municipalities).	All (casual employees excepted).	Writing filed with industrial accident board.	Presumed in absence of written notice if employer elects.	None (assumed risks and fellow service abrogated, and comparative negligence enacted by general liability law).	Permitted in lieu of compensation if employer was personally grossly negligent or violated a safety law.	Employer may insure or maintain a benefit fund, but may not reduce liability fixed by law.	Employer.	More than 1 week.	3 years' earnings; \$1,000 minimum, \$5,000 maximum; no dependents, \$100.	65 per cent of weekly wages for not more than 15 years, total not to exceed 3 years' earnings; if nurse is required, 100 per cent; minimum wages per annum, \$333.33; maximum, \$1,666.66.	65 per cent of wage decrease; wages considered and total payments same as for total disability.	During first 90 days; not to exceed \$100.	Notice in 30 days; claim in 1 year.	Industrial accident board; limited appeal to courts.	Included.
Illinois. P. 314. Approved June 10, 1911. In effect May 1, 1912.	Compensation, elective.	"Especially dangerous" (casual employees and those not exposed to hazards of employments excepted).	Presumed in absence of written notice; must post notice to bind employees.	do.	Assumed risks, fellow service; contributory negligence to be measured.	Permitted in lieu of compensation where employer intentionally fails to comply with a statute.	do.	do.	More than 6 working days; then compensation from eighth day.	4 years' earnings; \$1,500 minimum, \$3,500 maximum; no dependents, \$150.	50 per cent of weekly earnings for 8 years; \$5 minimum, \$12 maximum, up to \$3,500. ¹	50 per cent of wage decrease; \$12 maximum, for not more than 8 years.	During first 8 weeks, not over \$200; physician or surgeon during disability unless employee prefers his own.	Notice as soon as practicable; claim in 6 months.	Arbitrators for each case; appeal to courts.	
Kansas. Ch. 218. Approved May 14, 1911. In effect Jan. 1, 1912.	Compensation, elective (compulsory as to State and municipalities).	"Especially dangerous" (enumerated list) where 15 or more workmen are employed. ²	Writing filed with secretary of state.	do.	Assumed risks, fellow service; contributory negligence to be measured. ³	Permitted in lieu of compensation if employer was personally negligent.	Approved schemes may be substituted.	do.	More than 2 weeks.	3 years' earnings; \$1,200 minimum, \$3,600 maximum; no dependents, \$100.	50 per cent of weekly earnings; \$6 minimum, \$15 maximum, for not more than 10 years.	25 to 50 per cent of weekly earnings; \$3 minimum, \$12 maximum, for not more than 10 years.	Only if employee dies leaving no dependents.	Notice in 10 days; claim in 6 months.	Local committees or arbitrators; court review allowed.	\$750 maximum except to residents of Canada.
Michigan. No. 10. Approved March 20, 1912. In effect Sept. 1, 1912.	Compensation, elective (compulsory as to State and municipalities).	All (casual employees excepted).	Writing filed with accident board.	do.	Assumed risks, fellow service, and contributory negligence.	Not permitted after taking any steps under compensation or insurance provisions.	No reduction of liability allowed; may elect State, mutual, or private insurance.	do.	More than 2 weeks (payment from date of injury if disability lasts 8 weeks or more).	50 per cent of weekly wages for 300 weeks; \$4 minimum, \$10 maximum; no dependents, \$200.	50 per cent of weekly wages for not over 500 weeks; \$4 minimum, \$10 maximum, total not to exceed \$4,000.	50 per cent of wage decrease; \$10 maximum, for not over 300 weeks; fixed rates for specified injuries.	During first 3 weeks.	Notice in 3 months; claim in 6 months.	Industrial accident board; arbitration, appeals to supreme court.	Included.
New Hampshire. Ch. 163. Approved Apr. 15, 1911. In effect Jan. 1, 1912.	Compensation, elective.	"Dangerous" (enumerated list).	Writing filed with commissioner of labor, with proof of financial ability or bond.	By accepting compensation or beginning proceedings under the act.	None (assumed risks, fellow service and contributory negligence restricted by liability provisions of statute).	Permitted in lieu of compensation.	do.	do.	More than 2 weeks.	150 times weekly earnings, not more than \$3,000; no dependents, \$100.	50 per cent of average weekly earnings; maximum, \$10 for not more than 300 weeks.	50 per cent of wage loss; maximum, \$10 per week not more than 300 weeks.	Only if employee dies leaving no dependents.	Notice as soon as practicable, and before leaving service; claim in 6 months.	Proceedings in equity.	Beneficiaries must be residents of State.
New Jersey. Ch. 96. Approved Apr. 4, 1911. In effect July 4, 1911.	Compensation, elective.	All.	Presumed in absence of written notice.	Presumed in absence of written notice if employer elects.	Assumed risks, fellow service; contributory negligence unless willful.	Not permitted after electing to receive compensation.	do.	do.	do.	25 to 60 per cent of wages for 300 weeks; \$5 minimum, \$10 maximum; no dependents, \$200.	50 per cent of wages for 400 weeks; \$5 minimum, \$10 maximum.	Proportionate, fixed scale (sec. 11, c).	During first 2 weeks; not over \$100.	Notice in 30 days; in 90 days if employee can justify delay and employer was not prejudiced thereby.	Judges of court of common pleas.	Excluded.
New York. Ch. 352. Approved May 24, 1910. In effect Sept. 1, 1910.	Compensation, elective.	All but railroads.	Writing filed with county clerk.	Writing filed with county clerk.	None; restricts defenses of assumed risks and fellow service; requires proof of contributory negligence.	Permitted in lieu of compensation if employer was guilty of serious or willful misconduct, or violated safety law.	do.	do.	do.	1,200 times daily earnings; \$3,000 maximum; no dependents, \$100.	50 per cent of wages (not more than \$10 weekly) for not more than 8 years.	50 per cent of wage decrease; same limits as for total disability.	Only if employee dies leaving no dependents.	Notice as soon as practicable, and before leaving service; claim in 6 months.	Courts.	
Rhode Island. Ch. 831. Approved Apr. 29, 1912. In effect October 1, 1912.	Compensation, elective (compulsory as to State and municipalities).	All employing more than 5 workmen, except in domestic service and agriculture (casual employees and those earning over \$1,500 excepted).	Writing filed with commissioner of industrial statistics.	Presumed in absence of written notice if employer elects.	Assumed risks, fellow service, and contributory negligence except for domestic and farm labor and employers of 5 or less persons.	Not permitted after electing to receive compensation.	Approved schemes may be substituted; no reduction of liability allowed.	do.	do.	50 per cent of weekly wages for 300 weeks; \$4 minimum, \$10 maximum; no dependents, \$200.	50 per cent of weekly earnings for not over 500 weeks; \$4 minimum, \$10 maximum.	50 per cent of wage decrease; \$10 maximum, for not more than 300 weeks; fixed rates for specified injuries.	Reasonable services for first 2 weeks; maximum \$200 in fatal cases with no dependents, including burial.	Notice in 30 days; claim in 1 year.	Courts in summary proceedings.	
Wisconsin. Ch. 50. Approved May 3, 1911. In effect Sept. 1, 1911.	Compensation, elective (compulsory as to State and municipalities).	All (casual employees excepted).	Writing filed with Industrial Commission.	do.	Assumed risks, fellow service (if 4 or more employees).	do.	No reduction of liability allowed.	do.	More than 1 week (payment for first week if disability lasts more than 4 weeks).	4 years' earnings; \$1,500 minimum, \$3,000 maximum; no dependents, \$100.	65 per cent of wages, if nurse is required, 100 per cent after 90 days; no total to exceed 4 years' earnings.	65 per cent of wage decrease; no total to exceed 4 years' earnings.	For not more than 90 days.	Notice in 30 days; claim in 2 years.	Industrial Commission; appeal to courts.	Included.
Arizona. Ch. 14 (extra session). Approved June 8, 1912. In effect Sept. 1, 1912.	Compensation, compulsory.	"Especially dangerous" (enumerated list); elective as to all others.	do.	do.	do.	Permitted in lieu of compensation.	Permitted if compensation is provided not less than that of the act.	do.	At least 2 weeks; then compensation from date of accident.	2,400 times one-half the daily wages; \$4,000 maximum; no dependents, medical and burial expenses.	50 per cent of average semimonthly earnings, during disability, not to exceed \$4,000.	50 per cent of wage decrease until recovery, not to exceed \$4,000.	Only if employee dies leaving no dependents.	Notice in 2 weeks; none required in case of death or incompetence. Action on claim within 1 year.	Arbitration, reference to attorney general, or appeal to courts.	
Nevada. Ch. 183. Approved Mar. 24, 1911. In effect July 1, 1911.	Compensation, compulsory.	"Especially dangerous" (enumerated list; workmen engaged in manual or mechanical labor).	do.	do.	do.	do.	Forbidden.	do.	More than 10 days.	3 years' earnings; \$2,000 minimum, \$3,000 maximum; no dependents, \$300. ⁴	60 per cent of weekly earnings; specified increases for specified maimings, total not to exceed \$3,000. ⁴	Such proportion of 60 per cent of earnings as loss of capacity bears to total loss; maimings as in case of total disability. ¹	do.	Notice as soon as practicable; claim in 6 months.	Arbitrators for each case; if decision is not unanimous, appeal to courts.	
Maryland. Ch. 837. Approved Apr. 15, 1912. In effect same date.	Insurance, cooperative, elective.	All.	By contract in writing with employee.	By contract in writing with employer.	do.	Permitted if injury is due to the failure of the employer to comply with safety laws.	Law is based on contracts with casualty companies. Employers of not less than 1,500 persons may maintain establishment funds.	Employer, not less than 50 per cent (plus cost of management in case of establishment funds); remainder on employees.	At least 1 week if so provided in the contract.	3 years' earnings; \$1,000 minimum; no dependents, \$75 minimum, \$100 maximum.	50 per cent of average weekly wages during previous 12 months, if so long in employers' service; if not, then a weekly benefit for such shorter period as he may have been in such service.	Difference between amount for total disability and amount workman is able to earn after the injury; fixed proportions for specified injuries.	do.	Contract may require reasonable and timely notice.	Arbitration, if so provided in contract.	
Massachusetts. Ch. 751. Approved July 28, 1911. In effect July 1, 1912.	Insurance, elective (State or in authorized company).	All (casual employees excepted).	By subscribing to State association, or insuring.	Presumed in absence of written notice if employer insures.	Assumed risks, fellow service, contributory negligence, except in domestic and farm labor. ³	Not permitted after election of insurance system.	Employer may insure in any authorized liability company.	Employer.	More than 2 weeks.	50 per cent of weekly wage for 300 weeks, \$4 minimum, \$10 maximum; no dependents, \$200.	50 per cent of weekly wages for not over 500 weeks, \$4 minimum, \$10 maximum, total not to exceed \$3,000.	50 per cent of wage loss, \$10 maximum, for not more than 300 weeks; fixed rates for specified injuries.	During first 2 weeks.	Notice as soon as practicable; claim in 6 months.	Arbitrators for each case; industrial accident board; appeal to courts on points of law.	
O h i o . P. 524. Approved June 15, 1911. In effect Jan. 1, 1912.	State insurance, cooperative, elective.	All employing 5 or more workmen.	By payment of premium.	Presumed after employer has posted notice of payment.	Assumed risks, fellow service, contributory negligence (if 5 or more employees).	Permitted in lieu of compensation if injury was caused by willful act of employer, or his officers or agents, or failure to comply with safety law.	do.	Employer, 90 per cent; employee, 10 per cent.	More than 1 week.	\$150 funeral expenses; 66 2/3 per cent of wages for 6 years; \$1,500 minimum, \$3,400 maximum.	66 2/3 per cent of wages until death, if permanently disabled; \$5 minimum, \$12 maximum.	Not to exceed \$200.	To be fixed by board.	State liability board of awards; limited appeal to courts.		
Washington. Ch. 74. Approved Mar. 14, 1911. In effect Oct. 1, 1911.	State insurance, compulsory.	"Extra hazardous" (enumerated list); elective as to all others.	do.	do.	do.	Permitted in addition to insurance benefits if injury resulted from deliberate intention of employer.	Forbidden.	Employer.	"Loss of earning power shall exceed 5 per cent." ⁵	\$75 funeral expenses; spouse receives \$20 monthly; each child up to 3, \$5 per month; maximum, \$4,000. ⁶	\$20 per month if single, \$25 if married; for each child under 16 years, \$5 per month, not over \$35 in all. ⁷	Proportionate; not over \$1,500. ⁷	50 per cent of benefits added for first 6 months of total temporary disability; not more than 60 per cent of wages in all.	Claim in 1 year.	Industrial insurance department; appeal to courts.	Only father and mother to be considered.

¹ If complete disability still continues, "then a compensation during life, equal to 8 per cent of the death benefit," not less than \$10 per month.
² Employers having fewer employees may elect, but lose no defenses if they do not.
³ These defenses are not abrogated where an employer who has elected to use the compensation system.
⁴ Contributory negligence to be measured; compensation may be reduced proportionately.

⁵ Construed by department to exclude cases in which less than 5 per cent of a working month was lost.
⁶ If a widow remarries she receives a lump sum of \$240. If there are children and no widow they receive \$10 per month each, but not more than \$35 in all, until 16 years of age; if injury was caused by removal of safeguard by injured employee, or by a fellow workman with his consent 10 per cent is deducted.
⁷ If injury was caused by removal of safeguard by injured employee, or by a fellow workman with his consent, 10 per cent is deducted.

An act of May 30, 1908, providing for compensation for injuries of certain employees of the United States was amended by an act of Congress (ch. 57) extending the provision of this statute to artisans, laborers, or other employees engaged in any hazardous work under the Bureau of Mines or the Forestry Service of the United States, and by another act (ch. 255) bringing within its scope persons employed by the United States in any hazardous employment in the Lighthouse Service. The act providing for the government of the Canal Zone (ch. 390) authorizes the President to provide a method for determining and adjusting all claims for injuries to employees on the canal or on the Panama Railroad, including work of construction, maintenance, operation, and sanitation. After such method has been provided the act of May 30, 1908, shall not apply.

A provision made for injured clerks employed in the Railway Mail Service, allowing them full pay during disability not to exceed one year, which has been in force for several years past, was renewed by the Post Office appropriation act of this year (ch. 389), with an added provision that half pay may be granted to employees whose injuries continue after the first year, the allowance not to extend over one year additional. These provisions, together with the provision of \$2,000 to be paid to the representatives of clerks killed in the service or dying within one year after injury, were extended by the same statute to cover clerks engaged in the sea-post service.

The city of New York had its charter amended by a recent act of the legislature of the State (ch. 353) so as to authorize heads of departments to allow 30 days' leave with pay to employees injured in course of their employments; while the Philippine Legislature passed a law (No. 2123) making it the duty of provincial boards in their discretion to pay to injured employees, including laborers, their wages for 90 days during disability if it continued so long; also cost of transportation and medical and hospital attendance. If the injury is fatal, burial expenses may be provided and 90 days' wages paid to the family of the deceased employee. To an earlier statute of the same legislature providing for compensation for injured officers or employees in the civil service under the Insular Government is added a provision (No. 2120) authorizing burial expenses and three months' pay to the members of the family in case of fatal injuries, and also authorizing the payment of hospital fees in cases of sickness resulting from the performance of any act of duty.

Statutes amending or otherwise relating to existing State compensation laws were passed in five States. Thus in Maryland (ch. 445) the statute providing for a miners' cooperative insurance fund in Allegany and Garrett Counties raises the rate of contribution of parties in Garrett County from 27 cents to 38 cents per employee, leaving the rate at 27 cents in Allegany County. Provision is made

for suspension of assessments if the surplus shall exceed fixed amounts, and the provision of reciprocal loans between the two counties is stricken out. The Massachusetts Legislature (ch. 571) amended the law of that State in numerous particulars of procedure, though none of them affected any important features of the act. By another act (ch. 666) the insurance commissioner of the State is authorized to withdraw his approval of premiums and distributions adopted by the Massachusetts Employees' Insurance Association or of any premium or rate of any insurance company operating in the State. Another act (ch. 721) relating to this subject is one which authorized the State treasurer to advance loans in an amount not to exceed \$100,000 as a fund to initiate the operations of the Massachusetts Employees' Insurance Association. The clerks of courts of common pleas of the State of New Jersey are directed by a law of that State (ch. 316) to transmit to the commissioner of labor all orders filed by judges in the administration of the compensation act of the State. Provisions for the mutual insurance of employers' risks are contained in a statute of Illinois (2d special session, 1912, p. 48) which authorizes any number of persons, not less than 20, to form mutual casualty companies to contract to indemnify employers for liabilities or losses due to accidents to employees in the State, and in an act of the legislature of Michigan (No. 12) which authorizes the formation of mutual insurance companies of any number of employers, not less than 5, having not less than 5,000 employees. The industrial accident board may, in its discretion, limit membership to employers engaged in industrial operations of the same general character or in operations of similar risks and hazards, and the articles of the association, the by-laws, and the premium rates must be approved by the industrial accident board and the State insurance commissioner. These associations are given the status of corporations and must make annual reports.

BENEFIT AND RETIREMENT FUNDS.

An act of the South Carolina Legislature (No. 300) authorizes any corporation doing business in the State and desiring to provide sick, accident, or death benefits to do so on paying a license fee graded according to the number of counties in which the corporation desires to do business. The Arizona Legislature passed a law (ch. 13) forbidding and declaring void all rules of railroad relief societies which require releases or waivers by employees of their rights under the statutes of the State. Provision is made by a Massachusetts statute (ch. 503) for pensions for laborers employed by municipalities, the provision being applicable to cities and towns accepting the act, and authorizing the retirement at the age of 60 of employees who have worked for 25 years in its service and have become incapacitated, or those who have worked for 15 years if incapacitated by injury in the

performance of duty. The rate of pension is fixed at one-half the average annual compensation for the last two years of service. An existing statute of this State providing a retirement system for employees of the State was amended (ch. 363) by restricting the definition of the word "employees" to permanent and regular employees of the State. It provides also that in case any department or institution has been administered by a city, county, or corporation and is later taken over by the State, prior services shall be counted for the period required to secure the benefits of the act. Provision is also made for employees paid partly by the State and partly by counties.

ACTIONS FOR PERSONAL INJURIES OR DEATH.

Only two provisions appear for consideration under this head, both of these being found in State constitutions. The Arizona constitution (Art. II, sec. 31) forbids laws limiting damages recoverable for death or injury, while the constitution of Ohio is amended (Art. I, sec. 19a) by similar provision applicable to cases of injury causing death.

REPORTING OF ACCIDENTS.

The extra session of the California Legislature of 1911 enacted three laws which come under this head. The first (ch. 14) directs all public utilities to report all accidents to the railroad commission of the State, and authorizes it to investigate the causes of accidents arising from or connected with the maintenance of operations of such utilities and resulting in the loss of life or injury to person or property. The facts disclosed are not to be admitted as evidence in suits for damages. The second statute (ch. 39) directs all employers and insurance companies to furnish to the industrial accident board of the State data for the compilation of accident statistics, together with the costs and causes of accidents. The board is authorized also to investigate preventive devices and the merits and costs of various forms of insurance and compensation. The third law (ch. 53) directs employers, physicians, and insurance companies to furnish to the State industrial accident board reports of all fatal accidents and those causing disability for one week or more. The report is to be detailed as to the nature of the employment, the age, sex, etc., of the employee, the occupation, the time of the injury, together with the nature and cause, the duration of disability, the rate of wages of the injured workman, payments, terms of settlement, etc., and such other information as the accident board may require. The accident reporting law of Massachusetts is amended (ch. 409) so as to make the law apply to all employers, who are directed to keep a record of all accidents causing disability for four days and report the same to the chief of the district police.

No statement in these reports is available in any action arising out of the accident. The statute of New Jersey on this subject (ch. 156) is also of general application, directing reports to the commissioner of labor of all accidents causing disability for the period of two weeks, showing the time, place, cause, and extent of the injury. Casualty insurance companies are to make similar reports—reports to be made within four weeks from the occurrence of non-fatal accidents or two weeks from the occurrence of fatal accidents. Reports are to be confidential, but are available for the use of the employers' liability commission of the State. The Rhode Island statute (ch. 795) is limited to accidents on railways, etc., the report to be made to the public utilities commission of the State as to all accidents causing loss of life or serious injury if connected with the maintenance or operation of the utility reporting. Investigations are authorized if deemed of public interest, but the notice sent may not be used as evidence in any suit or prosecution.

OCCUPATIONAL DISEASES.

Two States join the growing list of those which require by law the reporting of occupational or industrial diseases, Maryland (ch. 165) requiring physicians to report cases of poisoning by lead, phosphorus, zinc, or mercury or their compounds; also cases of anthrax, compressed-air illness, or any other ailment or disease due to employment. Reports are to be forwarded to the State board of health, who is to transmit them to the chief of the bureau of statistics and information, by whom they are summarized in an annual report. A penalty of \$10 is provided for failure to make the reports required. The law of New Jersey (ch. 351) is practically the same.

A third law, which may be considered in this connection for lack of better classification, is one enacted by the Federal Congress (ch. 75) laying a tax on the manufacture of white-phosphorus matches, the tax to take effect as an internal-revenue provision on July 1, 1913. The importation of matches in the manufacture of which white phosphorus has been used is forbidden after January 1, 1913, and their exportation after January 1, 1914. While on its face this law contains no reference to labor or health, its purpose is to eliminate from industry the manufacture of such matches on account of the dangers resulting to workmen in the processes involved.

LABOR ORGANIZATIONS.

The Federal Congress, at its recent session, embodied a permissive provision in the appropriation act for the Post Office Department (ch. 389) allowing employees of the department to organize to improve their condition, including questions as to hours of labor, compensation, and leaves of absence. They are not, however, to affiliate

with any outside organization involving an obligation to strike or proposing to assist post-office employees in any strike. The same act authorizes the admission of the publications of labor organizations to the mails as second-class matter, if they are published at least quarterly and not used primarily for purposes of advertisement. A bona fide subscription list is required, but the price of subscription may be included in the dues or assessments of the union, and 10 per cent of the copies published may be used as free samples.

Two resolutions of the Mississippi Legislature take cognizance of the activities of organized labor in connection with strikes in that State. The first (ch. 435) urges the leaders on both sides of a strike dispute then going on to settle their difficulties by arbitration at once if possible, while the second (ch. 436) recites that organized capital has received recognition, and that the strike referred to is due to the refusal of organized capital to recognize organized labor. Sympathy is expressed with the strikers so long as they obey the law and commit no violations, together with the hope that organized capital will soon be forced by public opinion to recognize organized labor.

CIVIL RIGHTS OF EMPLOYEES.

Protection of employees as voters is the subject of a statute of Minnesota (ch. 3), which forbids employers to give or cause to be given any notice or threat as to the closing of their establishments or reduction of wages if any political measure is adopted or person elected, or to otherwise use any threat, express or implied, intended or calculated to influence the political action of their employees. A statute of New Mexico (ch. 63) of much the same tenor, makes it an offense to threaten to discharge employees, or by the use of money or any corrupt or unlawful means to attempt to influence voting or to prevent the exercise of the right of suffrage. A statute of the same State (ch. 73) provides that a railroad employee absent from home on election day may present at any polling place in the State a certificate from his place of residence, which the judges of election must receive and mail to the county clerk of the county of residence of the employee with his vote, to be counted in the election. Another statute passed by this legislature (ch. 15) allows employees to take two hours off from duty for the purpose of voting, at a time specified by the employer, without becoming "liable to any penalty." Intimidation, threats of discharge, offers of reward or other acts likely to influence the employee in voting are forbidden. The California Legislature at its extra session of 1911 in providing for primary elections (ch. 17) grants to employees two hours for voting without loss of wages.

A provision in the appropriation act for the Post Office Department (ch. 389) guarantees to employees the right to petition Con-

gress or any member thereof, individually or collectively, or to furnish information directly.

The question of membership in the National Guard is considered by a statute of Arizona (ch. 85) which forbids any act to prevent the employment of a member of the National Guard or to obstruct the business of the employer of such member. A similar provision is found in an act of the Massachusetts Legislature (ch. 358) relating to the members of the militia and naval reserves.

EMPLOYMENT OFFICES.

The Philippine Legislature enacted a law (No. 2129) authorizing certain municipal councils and township authorities to establish registers of mechanics and day laborers, such registers to be at the disposal of the public. The entries are to show the occupation or trade of the person, his name, age, civil status, residence, and whether or not employed. The beginning and termination of any contract for employment of the persons registered is also to be recorded, and monthly or quarterly reports are to be made to the bureau of labor of the Insular Government. It is specifically stated that the purpose of this act is not to restrict the liberty of employment.

Private employment offices are regulated by an act of the New York Legislature (ch. 261) which amends the existing law as to complaints and revocation of licenses by fixing a term of three years as the period within which no new license shall be issued to a person whose license has been revoked because of violations of the law, instead of barring them perpetually from reengaging in the business. The only other law to be noted under this head is one of Mississippi (ch. 94) which fixes, at \$500 per annum for each county in which the business is carried on, the license fee of emigrant or employment agents.

BUREAUS OF LABOR.

A new bureau was created in the island of Porto Rico, the act (ch. 84) creating an office under this title in the office of the director of labor, charities, and correction. A chief of the bureau is to be appointed by the director, subject to the approval of the governor. An assistant chief, a clerk, and a stenographer complete the force provided for. The duties of the bureau are to compile labor statistics, look after the welfare of the employed classes, to seek the adjustment of labor disputes, and the maintenance of good relations in labor, and to report on sanitary conditions in all manufacturing and industrial concerns. The title of the principal office was changed from department of health, charities, and correction to that of labor, charities, and correction. A new board was created by an act of the Massachusetts Legislature (ch. 726) under title "State Board of

Labor and Industries." This board consists of five members appointed by the governor for a term of five years, one to be an employer, one a wage earner, one a physician or sanitary engineer, and at least one a woman. This board is to appoint a commissioner of labor for such term as they may determine, subject to removal by a majority vote of the board. The duties of the board are to promote industrial development, improve industrial conditions, enforce labor laws, inspect factories, supervise the employment of women and children, etc. It takes over the duties in these respects of the State board of health, the State inspectors of health, and of the district police as to inspection of factories, etc., except for steam boilers and building construction. An inspection force of not more than 24 persons, of whom 4 at least shall be women, and 2 deputy commissioners of labor are provided for, one of the latter to be especially qualified to supervise the enforcement of laws which relate to the health of industrial workers. Reports of accidents sent to the industrial-accident board are to be filed by it with this board. For the better carrying out of the provisions of this law, the commissioner of labor may divide the State into districts and assign them for inspection in such way as he considers most desirable. In South Carolina the department of agriculture, commerce, and industries is so named by an act (No. 346) which amends the previous law providing for a department of agriculture, commerce, and immigration. The department is to be under the charge of a commissioner who must have competent knowledge of agricultural, manufacturing, and general industries. The New York statute on this subject is amended in several points by an act (ch. 543) giving discretion to the commissioner of labor as to the number of special investigators and assistants that he may appoint, instead of limiting him to 12, as formerly, and extending the power of the commissioner as to the education and training of aliens and their treatment in labor camps, by employment agencies, etc. Two laws were passed by the New Jersey Legislature relative to the department of labor of that State, one (ch. 83) placing the assistant commissioner of labor and all inspectors of the department in the classified service of the civil service of the State; while the other (ch. 117) increases the salaries of the commissioner and assistant commissioner, and requires the latter to be qualified as an architect, engineer, or mechanic, instead of as an experienced machinist, as under the former law.

CONVICT LABOR.

This subject received considerable attention, the Ohio constitution being amended (Art. II, sec. 41) so as to require State employment for convicts and forbidding the farming, contracting, or giving away of any work, product, or profit of convict labor. Any convict goods •

to be sold in the State are to be conspicuously marked "Prison made." A statute of Louisiana (No. 26) prohibits the use of convict labor for private purposes and directs the prison officials to fix a code of rules, hours of labor, etc. The use of convict labor in the manufacture of goods for public use is extended by an act of the legislature of Massachusetts (ch. 565) which amends the existing law on that subject. The Virginia Legislature provides (ch. 295) for the establishment of kilns for the production of lime from limestone or oyster shells for sale to consumers in the State at such prices as to pay the cost of production, the interest on the investment, and a surplus of 10 per cent to cover wear and tear. A convict lime board is established for the carrying out of these provisions. By a statute of New Jersey (No. 223) provision is made for the employment of county convicts on highways, and counties are authorized to ask for State convicts for use on such work within their limits. The legislature of Kentucky proposes (ch. 33) to amend the constitution of that State so as to permit the State to employ convicts in the improvement of public roads and the building of bridges, etc. The State of New Mexico incorporated into its constitution provisions (Art. XX, secs. 15, 18) directing that the net earnings of convicts should go to their families for their support, and forbidding the leasing of convict labor by the State.

LAWS RELATING TO LABOR ENACTED SINCE JANUARY 1, 1912.

[The Twenty-second Annual Report of this Bureau contains the laws of the various States and Territories and of the United States relating to labor in force January 1, 1908. Bulletin No. 85 contains the laws enacted during the years 1908 and 1909, Bulletin No. 91 the laws for 1910, Bulletin No. 97 the laws for 1911, and the present Bulletin the laws for 1912, forming in effect supplements to the Twenty-second Annual Report. Where an amendatory enactment has made only slight changes in the existing law, the full text of the amendment has not, in many instances, been reproduced, but the changes have been indicated by brief notes inclosed in brackets. A cumulative index of the laws printed in the above report and Bulletins is to be found on pages 223-263 of this Bulletin.]

ARIZONA.

CONSTITUTION.

ARTICLE II.—*Actions for injuries—Damages.*

SECTION 31. No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person. No limit on damages.

ARTICLE XV.—*Corporation commission—Regulations for safety, etc.*

SECTION 2. All corporations other than municipal engaged in carrying persons or property for hire; or in furnishing gas, oil, or electricity for light, fuel, or power; or in furnishing water for irrigation, fire protection, or other public purposes; or in furnishing, for profit, hot or cold air or steam for heating or cooling purposes; or in transmitting messages or furnishing public telegraph or telephone service, and all corporations other than municipal, operating as common carriers, shall be deemed public service corporations.

Scope of law.

SEC. 3. The corporation commission * * * may * * * make and enforce reasonable rules, regulations, and orders for the convenience, comfort, and safety, and the preservation of the health, of the employees and patrons of such corporations; * * *

Power to make rules.

ARTICLE XVIII.—*Employment of labor.*

SECTION 1. Eight hours and no more, shall constitute a lawful day's work in all employment by, or on behalf of, the State or any political subdivision of the State. The legislature shall enact such laws as may be necessary to put this provision into effect, and shall prescribe proper penalties for any violations of said laws.

Eight-hour day on public works.

SEC. 2. No child under the age of fourteen years shall be employed in any gainful occupation at any time during the hours in which the public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines, or in any occupation injurious to health or morals or hazardous to life or limb; nor in any occupation at night, or for more than eight hours in any day.

Age limit for children.

SEC. 3. It shall be unlawful for any person, company, association, or corporation to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement whereby such person, company, association, or corporation shall be released or discharged from liability, or responsibility on ac-

Hours of labor.

Waivers of employers' liability.

count of personal injuries which may be received by such servants or employees while in the service or employment of such person, company, association, or corporation, by reason of the negligence of such person, company, association, or corporation, or the agents or employees thereof; and any such contract or agreement if made, shall be null and void.

**Fellow-serv-
ice doctrine.** SEC. 4. The common law doctrine of fellow servant, so far as it affects the liability of a master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master is forever abrogated.

**Contributory
negligence and
assumed risk.** SEC. 5. The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact and shall, at all times, be left to the jury.

**Actions for
injuries.** SEC. 6. The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation.

**Employers'
liability law.** SEC. 7. To protect the safety of employees in all hazardous occupations, in mining, smelting, manufacturing, railroad or street railway transportation, or any other industry the legislature shall enact an employer's liability law, by the terms of which any employer, whether individual, association, or corporation shall be liable for the death or injury, caused by any accident due to a condition or conditions of such occupation, of any employee in the service of such employer in such hazardous occupation, in all cases in which such death or injury of such employee shall not have been caused by the negligence of the employee killed or injured.

**Compulsory
compensation.** SEC. 8. The legislature shall enact a workmen's compulsory compensation law applicable to workmen engaged in manual or mechanical labor in such employments as the legislature may determine to be especially dangerous, by which compulsory compensation shall be required to be paid to any such workman by his employer, if in the course of such employment personal injury to any such workman from any accident arising out of, and in the course of, such employment is caused in whole, or in part, or is contributed to, by a necessary risk of danger of such employment, or a necessary risk or danger inherent in the nature thereof, or by failure of such employer, or any of his or its officers, agents, or employee, or employees, to exercise due care, or to comply with any law affecting such employment: *Provided*, That it shall be optional with said employee to settle for such compensation, or retain the right to sue said employer as provided by this constitution.

Black lists. SEC. 9. The exchange, solicitation, or giving out of any labor "black list," is hereby prohibited, and suitable laws shall be enacted to put this provision into effect.

**Employment
of aliens on
public works.** SEC. 10. No person not a citizen or ward of the United States, or who has not declared his intention to become a citizen, shall be employed upon, or in connection with, any State, county, or municipal works or employment: *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work, or other public work. The legislature shall enact laws for the enforcement, and shall provide for the punishment of any violation, of this section.

ARTICLE XIX.—*Mine regulations—Inspector.*

**Office cre-
ated.
Laws to be
enacted.** SECTION 1. The office of mine inspector is hereby established. The legislature, at its first session, shall enact laws so regulating the operation and equipment of all mines in the State as to provide for the health and safety of workers therein and in connection therewith, and fixing the duties of said office. Upon approval of such laws by the governor, the governor, with the advice and consent of the senate, shall forthwith appoint a mine inspector, who shall serve until his successor shall have been elected at the first general election thereafter and shall qualify.

Said successor and all subsequent incumbents of said office shall be elected at general elections, and shall serve for two years.

ACTS OF 1912.

CHAPTER 2.—*Sale of liquor near labor camps.*

SECTION 1. It shall be unlawful for the board of supervisors, sheriff, or other officers of any county in this State to grant or issue a license to any person, firm, association or corporation to sell, barter, exchange or otherwise dispose of spirituous, malt or vinous liquors, in quantities of less than five (5) gallons, within six (6) miles of any camp, or assembly, of men engaged in the construction or repair of any railroad, canal, reservoir, public work or other kindred enterprise where twenty-five (25) or more men are employed. No license within 6 miles of camp.

SEC. 2. Any person who shall sell, or offer for sale, barter, exchange, barter or otherwise dispose of, any spirituous, malt or vinous liquors in less quantities than five (5) gallons, within six (6) miles of any camp or assembly of twenty-five or more men engaged in the construction [construction] or repair of any railroad, canal, reservoir or public work or kindred enterprise, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars (\$50), or be imprisoned in the county jail not exceeding thirty (30) days, or both such fine and imprisonment. Selling within 6 miles.

SEC. 3. This act shall not apply to any incorporated city or town, or to sales made within the corporate limits of any city or town, nor to any saloon or place of business outside of any incorporated city or town which has been in existence and where such liquors have been sold continuously under license issued by the proper authorities of any county, for six (6) months, or more prior to the beginning of such work within said six mile limit. Exemptions.

Became a law April 2, 1912, over the governor's veto.

CHAPTER 8.—*Railroads—Telegraph and telephone operators—Age, etc.*

SECTION 1. No railway company, or corporation operating a line or lines of railway within this State, shall hire, employ, or permit any person to act as a telegraph or telephone operator for the purpose of receiving or transmitting messages, orders, or other instructions, governing or affecting the movement of any train or trains, unless said person shall be at least eighteen years of age and have had not less than one year's experience as a telegraph operator. Eighteen-year age limit.

SEC. 2. Any such company or corporation, its officers or agents, violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) and not more than one thousand (\$1,000) for each and every offense. Experience.

Approved April 22, 1912.

CHAPTER 13.—*Railroad relief associations—Releases.*

SECTION 1. No railroad company now existing or hereafter created under and by virtue of the laws of this State, or of any other State or country, and having and operating a line of railway in this State, may establish or maintain, or assist in establishing or maintaining, any relief association or society, the rules or by-laws of which shall require of any person or employee becoming a member thereof, to enter into a contract agreement, stipulation, directly or indirectly, whereby such person or employee shall stipulate or agree to surrender or waive any right of damage against any railroad company for personal injuries, or death, or whereby such person or employee agrees to surrender or waive, Releases forbidden.

in case he asserts such claim for damages, any right whatever, and any such agreement or contract so signed by such person shall be null and void.

Approved May 2, 1912.

CHAPTER 14.—*Railroads—Bonds of employees.*

- Bonds from specified companies, etc.** SECTION 1. No common carrier authorized to do business in this State, when requiring of an employee that he give it a bond or undertaking of any nature whatsoever [whatsoever], shall require such employee to have such bond or undertaking executed as surety by any particular person, company, corporation, association, or firm, or by any one or more of any number of such persons, companies, corporations, associations, or firms named by such common carrier; and no such common carrier shall reject any such bond or undertaking for any reason other than the financial insufficiency of such bond or undertaking.
- Non resident companies, etc.** SEC. 2. No common carrier authorized to do business in this State, when requiring of any employee that he give it a bond or undertaking of any nature whatsoever, shall require as surety thereon any person not a resident of this State; nor shall any such common carrier accept as such surety any company, corporation, or association, unless the same is a corporation duly organized under the laws of the State of Arizona, or shall have designated an agent residing within this State upon whom service of legal process against it may be had as provided by law for foreign corporations doing business in this State, and shall also have in this State a general office; every such common carrier shall require that every such bond or undertaking shall be approved, if approved, and cancelled, if cancelled, at such State office, where a complete record thereof shall be kept.
- Term.** SEC. 3. Every bond or undertaking of any nature whatsoever, given by an employee of any common carrier authorized to do business in this State, shall be made to cover a definite term; and no such bond or undertaking shall be cancelled without the consent of all parties thereto, except for a breach of one or more of the conditions thereof. Any such employee, who shall have given any such bond or undertaking, shall, upon the breach of any of the conditions thereof by the other party or parties thereto, have the power to cancel the same by giving the surety or sureties thereon, and the common carrier for the benefit of whom the same shall have been made, at least ten days' notice in writing, setting out in full the reason for cancelling the same, said notice to be signed by such employee and sworn to by him in this State before any officer authorized to administer oaths. Any such notice to a company, corporation, or association may be served by leaving the same with any person upon whom service of legal process upon such company, corporation, or association may be had. Any surety on any such bond or undertaking, shall, upon the breach of any of the conditions thereof by the common carrier employee, for whom the same shall have been made, have power to cancel [cancel] the same by giving such employee at least ten days' notice in writing, setting out in full the reasons for cancelling the same, the said notice to be signed by an agent or manager of such surety, then a resident of this State and then authorized to approve or disapprove similar bonds or undertakings for such surety, and to be sworn to by the person signing the same in this State before an officer authorized to administer oaths: *Provided*, That nothing therein shall effect [affect] any right of action accruing to any person upon the breach of a contract.
- Cancellation.**
- Violations.** SEC. 4. Any person, officer or manager, company, corporation, association, or firm who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for a period of not less than thirty days (30), nor more than one year (1), or by both such fine and imprisonment at the discre-

tion of the court. Any bond, contract or undertaking made in violation of the provisions of this act shall be void.

Approved May 7, 1912.

CHAPTER 16.—*Railroads—Sufficient crews for trains.*

SECTION 1. A single locomotive, or a single locomotive with its accompanying tender, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, and one conductor or flagman: *Provided, however,* That this section shall not apply to helper locomotives going or returning a distance of twenty-five (25) miles. Engine crew.

SEC. 2. A passenger, mail, or express train, composed of less than six cars, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one baggage-master, and one flagman: *Provided, however,* That this section shall not apply to gasoline motor cars. Trains of less than six cars.

SEC. 3. A passenger, mail, or express train composed of six or more cars, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one baggage-master, one flagman, and one brakeman. Trains of six or more cars.

SEC. 4. A freight train composed of less than forty cars, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one flagman, and one brakeman. Freight trains of less than 40 cars.

SEC. 5. A freight train composed of forty or more cars, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one flagman, and two brakemen. Forty cars or more.

SEC. 6. All local freight trains, doing any switching, or unloading any freight of whatever nature, shall be equipped with, and shall carry, a crew consisting of six persons, to wit: one conductor, one engineer, one fireman, two brakemen, and one flagman. Local freight trains.

SEC. 7. All trains other than those described in the preceding portions of this act, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one flagman, and one brakeman. Other trains

SEC. 8. All flagmen mentioned in the preceding sections shall have had at least one year's experience as brakemen. Flagmen.

SEC. 9. All engines used in switching or placing cars within the limits of any railroad yard shall be equipped with and shall carry a crew of not less than one engineer and one fireman. Switching crew.

SEC. 10. From and after the taking effect of this act, it shall be unlawful for any railroad company, or for the receiver of any such company, to run upon or over any line of railroad, or any part thereof, within the State of Arizona, any train, locomotive, or engine, which is not equipped with, or does not carry, for use in its operation, a full crew as herein fixed and prescribed; and each and every railroad company or receiver that, after the taking effect of this act, shall run upon or over any line of railroad or any part thereof, within the State of Arizona, any train, locomotive, or engine, which is not equipped with, or does not carry, for use in its operation a full crew as herein fixed and prescribed, shall be liable to the State of Arizona for a penalty of not less than one hundred dollars (\$100) for every such offense. Full crew required.

SEC. 11. All suits for penalties under this act shall be brought and prosecuted to judgment in the name of the State of Arizona, as plaintiff, in a court of competent jurisdiction in the county of Maricopa, or in any county in said State into or through which the defendant's line or railroad may be operated; and such suits shall be brought and prosecuted by the attorney general, or under his direction, or by the county attorney of such county. Suits.

Exemptions. SEC. 12. Nothing contained in this act shall apply to relief or wrecking trains in any case where a sufficient number of men are not immediately available to comply with the provisions of this act; or to any railroad less than forty miles long, including all of its operated lines; or to cases where trains have been sent out or started at the last division point with the requisite number of employees, but, owing solely to the disability or the refusal further to act of some one or more of such employees, the train is left with less than a full crew: *Provided, also,* That no baggage-master shall be required in the operation of a train upon which baggage is not carried.

Approved May 7, 1912.

CHAPTER 18.—*Foremen, etc., accepting fees for employment of labor.*

Receipt of
fees, etc., for
bidden.

SECTION 1. It shall be and is hereby made unlawful for any manager, superintendent, officer, agent, servant, foreman, shift boss, or other employee of any person or corporation, charged or intrusted with the employment of any workmen or laborers, or with the continuance of workmen or laborers in employment, to demand or receive, either directly or indirectly, from any workman or laborer, employed through his agency, or worked or continued in employment under his direction or control, any fee, commission, or gratuity of any kind or nature as the price or condition of the employment of any such workman or laborer, or as the price or condition of his continuance in such employment; and any such manager, superintendent, officer, agent, servant, foreman, shift boss, or other employee of any person or corporation, charged or intrusted with the employment of laborers or workmen for his principal, or under whose direction or control such workmen and laborers are engaged in work and labor for such principal, who shall demand or receive, either directly or indirectly, any fee, commission, or gratuity of any kind or nature, from any workman or laborer employed by him or through his agency, or worked under his direction and control, either as the price and condition of the employment of such workman or laborer or as the price and condition of the continuance of such workman or laborer in such employment, shall be guilty of a misdemeanor, and upon conviction therefor, shall be punished by a fine of not less than fifty dollars (\$50) and not exceeding three hundred dollars (\$300), or by imprisonment not exceeding six (6) months, or both such fine and imprisonment, in the discretion of the court trying the charge.

Approved May 8, 1912.

CHAPTER 26.—*Hours of labor of certain employees at mines and furnaces.*

Chapter 18 of the Session Laws of * * * Arizona * * * approved March 10, 1909, is hereby amended to read as follows:

Eight-hour
day.

SECTION 1. The period of employment of hoisting engineers at the mines in this State, and furnace men at the smelters in said State, shall be eight (8) hours per day except in cases of emergency where life or property is in imminent danger.

Violations.

SEC. 2. Any person, body corporate, agent, manager, or employee who shall violate any of the provisions of sec. 1 of this act shall be guilty of misdemeanor and on conviction therefor shall be fined in the sum of not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300), for each offense, the same to be collected as in other cases where fines are imposed.

Approved May 10, 1912.

CHAPTER 27.—*Railroads—Headlights on locomotives.*

Fifteen hundred
candle-power re-
quired.

SECTION 1. It shall be the duty of every railroad corporation, or receiver or lessee thereof, operating any line of railroad [railroad] in this State, within six months after the passage of this act, or

within such additional time as may be prescribed by order of the corporation commission of Arizona, after such railroad has made a proper showing of its inability to comply, to equip all locomotive engines, used in the transportation of trains over said railroad, with electric headlights of not less than fifteen hundred candle-power, measured without the aid of a reflector: *Provided*, That this act shall not apply to locomotive engines regularly used in the switching of cars or trains.

SEC. 2. Any railroad company, or receiver or lessee thereof, doing business in the State of Arizona, which shall violate the provisions of this act, shall be liable to the State of Arizona for a penalty of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), for each offense; and suit shall be brought to recover such penalty, in a court of competent jurisdiction, in the name of the State of Arizona, by the attorney general or by the county attorney of any county in or through which said railroad may be operated.

Approved May 10, 1912.

CHAPTER 28.—*Hours of labor in dangerous employments—Mines, smelters, etc.*

SECTION 1. Employment in all underground mines, underground workings, open cut workings, open pit workings, in or about, and in connection with, the operation of smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes, cement works, rolling mills, rod mills and at coke ovens and blast furnaces, is hereby declared to be injurious to health and dangerous to life and limb.

SEC. 2 (as amended by chapter 26, extra session of 1912). The period of employment for all persons who are employed, occupied, or engaged, in work or labor, of any kind or nature, in underground mines, underground workings, open cut workings or open pit workings, in search for, or in the extraction of, minerals, whether base or precious, or who are engaged in such underground mines, underground workings, open cut workings, or open pit workings, for other purposes, or who are employed, engaged, or occupied, in other underground workings of any kind or nature, open cut workings or open pit workings, for the purpose of tunneling, making excavations, or to accomplish any other purpose or design, or who are employed, engaged, or who work, in or about, and in connection with, the operation of smelters, reduction works, stamp mills, concentrating mills, chlorinating processes, cyanide processes, cement works, rolling mills, rod mills, and at coke ovens and blast furnaces, shall not exceed eight (8) hours within any twenty-four (24) hours, and the said eight (8) hours shall include the time employed, occupied, or consumed, in descending to and ascending from the point or place of work in any underground mine or underground workings, or the time employed, occupied or consumed in leaving the surface of any tunnel, open cut, or open pit workings, for the point or place of work therein, and in returning thereto from said point or place of work, and that it is the purpose and intent of this act that the period of time between leaving the surface of underground mines, underground workings, open cut workings, open pit workings, and tunnels, for the point, or place of work and in returning thereto from said point or place of work, shall not exceed eight (8) hours within any twenty-four (24) hours: *Provided*, That in the case of emergency, where life or property is in imminent danger, the period may be prolonged during the continuance of such emergency: *And provided, further*, That nothing in this act contained shall be deemed to prevent a change in the hours of employment from one part of the day to another at stated periods, nor to prevent the employment of any of the persons mentioned in this act for more than eight (8) hours during the day in which such change is made: *And provided, however*, That such change in the hours of employment shall not occur more than once in any two weeks.

Violations.

What employments dangerous.

Classes of employment.

Eight-hour day.

Provisos.

Violations.

SEC. 3. Any person or persons, body corporate, general manager, superintendent, or employer who shall violate any provision of this act, and any person, who, as foreman, manager, superintendent, director or officer of a corporation, or as employer or superior officer of any person, shall command, persuade, or allow any person to violate any provision of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500) or by imprisonment not less than three (3) months nor more than six (6) months. It shall be the duty of the jury in each trial for a violation of the provisions of this act in case of jury trial, to decide whether the punishment shall be by fine or imprisonment, or by both fine and imprisonment, and each day's violation shall be a separate offense.

Approved May 11, 1912.

CHAPTER 30.—*Railroads—Use of defective locomotives.*

Leaking engines not to be used.

SECTION 1. No locomotive, from which steam escapes to such an extent as to obstruct the view of the men operating such locomotive, shall be used or permitted to be used in any yard or over any railroad or portion of a railroad, in this State: *Provided*, That this act shall not apply to the result of accident between terminals, until the engine reaches its destination.

Violations.

SEC. 2. Any person, firm, company, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than one hundred dollars (\$100) nor more than one thousand dollars, (\$1,000).

Approved May 13, 1912.

CHAPTER 32.—*Employment of women and children.*

Fourteen-year limit.

SECTION 1. No child under fourteen (14) years of age shall be employed, permitted, or suffered, to work in, about, or in connection with, any mill, factory, workshop, mercantile establishment, tenement-house manufactory or workshop, store, business office, telegraph or telephone office, restaurant, bakery, barber shop, apartment house, bootblack stand or parlor, or in the distribution or transportation of merchandise or messages.

Employment during school hours.

SEC. 2. It shall be unlawful for any person, firm or corporation to employ any child under fourteen (14) years of age in any business or service whatever during the hours in which the public schools of the district in which the child resides are in session.

Employments prohibited to children under 16.

SEC. 3. No child under the age of sixteen (16) years shall be employed, permitted, or suffered, to work at any of the following occupations or in any of the following positions: Sewing machine belts in any workshop or factory, or assisting in any capacity whatever; adjusting any belt to any machinery; oiling, wiping, or cleaning machinery, or assisting therein; operating or assisting in operating circular or band saws, wood shapers, wood jointers, planers, sandpaper or wood polishing machinery, picker machines, machines used in picking wool, machines used in picking cotton, machines used in picking hair, machines used in picking any upholstering material, paper lacing machines, leather burnishing machines, burnishing machines in any tannery or leather manufactory, job or cylinder printing presses operated by power other than foot power, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines used in sheet-metal and tin-ware manufacturing, stamping machines in washer and nut factories, corrugating rolls such as are used in roofing and washboard factories; steam boilers, steam machinery or other steam-generating apparatus, dough brakes or cracker machinery of any description, wire or iron straightening machinery, rolling mill machinery, punches, or shears; washing, grinding or mixing mills; calendar [sic] rolls in rubber manufacturing, laundering machinery.

SEC. 4. No child under the age of sixteen (16) years shall be employed, permitted, or suffered to work in any capacity in, about, or in connection with, the preparing of any composition in which dangerous or poisonous acids are used, manufacture of paints, colors, or white lead; dipping, drying, or packing matches; manufacture of goods for immoral purposes; nor in, about, or in connection with any mine, coal breaker, quarry, smelter, ore reduction works, laundry, tobacco warehouse, cigar factory, or other factory where tobacco is manufactured or prepared, distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; hotel, theater, concert hall, drug store, saloon, or place of amusement, nor in operating any automobile, motor car or truck; nor in a bowling alley, nor in any other employment declared by the State board of health to be dangerous to lives or limbs, or injurious to the health or morals of children under the age of sixteen (16).

Same subject.

SEC. 5. The State board of health may from time to time determine whether or not any particular trade, process of manufacture, or occupation, or any particular method of carrying on such trade, process of manufacture, or occupation, is sufficiently dangerous to the lives or limbs, or injurious to the health or morals, of minors under sixteen (16) years of age employed therein to justify their exclusion therefrom, and may prohibit their employment therein.

Classification of employments.

SEC. 6. Females shall not be employed, permitted, or suffered to work in any capacity where such employment compels them to remain standing constantly. Every person who shall employ any female in any place or establishment mentioned in sec. 1 shall provide suitable seats, chairs, or benches for the use of the females so employed, which shall be so placed as to be accessible to said employees; and shall permit the use of such seats, chairs, or benches by them when they are not necessarily engaged in the active duties for which they are employed, and there shall be provided at least two chairs to every three (3) females.

Females.

SEC. 7. No child under sixteen (16) years of age shall be employed, permitted, or suffered, to work in, about, or in connection with, any place or establishment named in sec. 1 unless the person, firm, or corporation employing such child procures and keeps on file, and accessible to any school attendant officer or inspector of factories, mercantile establishments, or mines, or other authorized inspector, an employment certificate as herein-after prescribed; and keep two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.

Employment certificates.

Lists.

SEC. 8. Inspectors of factories, mercantile establishments, or mines, and other authorized inspectors and school attendance officers, may require that the employment certificates and lists provided for in this act shall be produced for their inspection.

Inspection of lists.

SEC. 9. On termination of employment of a child whose employment certificate is on file, such certificate shall be forthwith surrendered by the employer to the person who issued the same.

Return of certificate.

SEC. 10. An employment certificate shall be issued only by the county, city, or town, [sic] superintendent of schools of the county, city, or town, wherein the applicant for such certificate resides, or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school board:

Who issue certificates.

Provided, That no member of a school board or other person authorized as aforesaid shall have authority to issue such certificate for any child then in, or about to enter, such person's own employment or the employment of a firm or corporation of which he is a member, officer, or employee.

SEC. 11. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved, and filed the following papers, duly executed.

Evidence.

(1) The school record of such child properly filled out and signed, as provided in this act.

(2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child, or

(3) The affidavit of the parent or guardian or custodian of a child (which shall be required and valid, however, only in case no one of the above-mentioned proofs is obtainable), showing the place and date of birth of such child. Said affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath without demanding or receiving any fee therefor.

Evidence of age. SEC. 12. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, shall be prima facie evidence of the age of such child for the purposes of this act.

Child to appear in person. SEC. 13. No employment certificate shall be issued until the child in question has personally appeared before and had [sic] been examined by the officer issuing the certificate, nor until such officer, after making such examination, has signed and filed in his office a statement that the child can read and legibly write simple sentences in the English language, and that in his opinion the child is fourteen (14) years of age or upwards and has reached normal development of a child of its age, and is in sufficiently sound health and physically able to perform the work which it intends to do, which shall be stated.

Literacy. In all cases such normal development, sound health, and physical fitness shall be determined by a medical officer of the board or department of health or by a physician appointed by the school committee.

Medical officer. In all cases such normal development, sound health, and physical fitness shall be determined by a medical officer of the board or department of health or by a physician appointed by the school committee.

Contents of certificate. SEC. 14. Every such employment certificate shall state the name, sex, the date and place of birth, of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved, and filed, and that the child named in such certificate has appeared before the officer signing the certificate and has been examined.

Every such certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. It shall show the date of its issue.

School record. SEC. 15. The school record required by this act shall be signed by the principal or chief executive officer of the school which such child has attended, and shall be furnished on demand to a child entitled thereto.

It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto, or a parochial or private school or schools, for not less than one hundred and sixty (160) days during the year previous to his arriving at the age of fourteen (14) years, or during the year previous to applying for such school record, and is able to read and legibly write simply [simple] sentences in the English language, and has received instruction equivalent to five yearly grades in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions.

Such school record shall also give the date of birth, the age, and the residence of the child as shown on the records of the school, and the name of its parent or guardian or custodian.

List to be forwarded. SEC. 16. The superintendent of schools or other person authorized to issue employment certificates shall transmit between the first and tenth days of each month, to the office of the State superintendent of public instruction, upon blanks to be furnished by him, a list of the names of the children to whom certificates have been issued, and also a list of the names of the children to whom certificates have been refused, together with the ground for refusal. Such lists shall give the name of the prospective employer and the nature of the occupation the child intends to engage in.

SEC. 17. The State superintendent or other authorized inspector or school attendance officer shall make demand on any employer in or about whose place or establishment a child apparently under the age of sixteen (16) years is employed, or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall either furnish him, within ten (10) days, satisfactory evidence that such child is in fact over sixteen (16) years of age, or shall cease to employ, or permit or suffer such child to work in such factory.

Children
without cer-
tificates.

The inspector of factories or other authorized inspector, or the school attendance officer, shall require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

SEC. 18. No child under the age of eighteen (18) years shall be employed, permitted or suffered to work in, about, or in connection with, blast furnaces, smelters, or ore reduction works, in the outside erection and repair of electric wires, in the running or management of elevators, lifts, or hoisting machines; in oiling hazardous and dangerous machinery in motion, at switch tending, gate tending, track repairing, as brakeman, fireman, engineer, motorman, conductor upon any railroads, in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder or other high or dangerous explosives are manufactured, compounded or stored; nor in any other employment declared by the State board of health to be dangerous to the lives or limbs or injurious to the health or morals of children under the age of eighteen (18).

Children
under 18.

SEC. 19. The State board of health may from time to time determine whether or not any particular trade, process of manufacture, or occupation, or any particular method of carrying on such trade, process of manufacture, or occupation, is sufficiently injurious to the lives or limbs or injurious to the health or morals of minors under eighteen (18) years of age employed therein to justify their exclusion therefrom, and may prohibit their employment therein.

Classification
of employ-
ments.

SEC. 20. No female shall be employed, permitted or suffered to work in or about any mine, quarry or coal breaker.

Females at
mines.

SEC. 21. In incorporated cities and towns no person under the age of twenty-one (21) years shall be employed, or permitted to work, as a messenger, for a telegraph or messenger company in the distribution, transmission, or delivery of goods or messages before 5 o'clock in the morning or after 10 o'clock in the evening of any day.

Night mes-
senger service.

SEC. 22. No boy under the age of sixteen (16) years and no girl under the age of eighteen (18) years shall be employed, permitted, or suffered, to work at any gainful occupation other than domestic service or work on a farm more than forty-eight (48) hours in any one (1) week, nor more than eight (8) hours in any one (1) day; or before the hour of 7 o'clock in the morning or after the hour of 7 o'clock in the evening. The presence of a child in any establishment during working hours shall be prima facie evidence of its employment therein.

Hours of la-
bor.

Night work.

SEC. 23. Every employer shall post in a conspicuous place in every room where any boy under the age of sixteen (16) years or any girl under the age of eighteen (18) years is employed, permitted, or suffered, to work, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the inspector of factories or other authorized inspector, and the employment of any minor for a longer time in any day so stated or at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this act.

Schedule to
be posted.

SEC. 24. No male child under ten (10) and no female child under sixteen (16) years of age shall in any city of the first or

Street trades.

second class, sell or expose or offer for sale newspapers, magazines, periodicals, or other merchandise in any street or public place. No child shall work as a bootblack in any street or public place unless he is over ten (10) years of age.

- Enforcement.** Sec. 25. Inspectors of factories and other authorized inspectors and school attendance officers may visit any place of employment mentioned in either sec. 1, 3, 4, 18, 20, or 22, and ascertain whether any minors are employed therein contrary to the provisions of this act; and they shall report to the school authorities any cases of children under sixteen years of age discharged for illegal employment; and school attendance officers shall also report the same to the inspector of factories or other authorized inspector.
- It shall be the duty of factory and other duly authorized inspectors and school attendance officers to make complaints for offenses under this act and prosecute the same.
- This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints.
- Violations.** Sec. 26. Whoever employs any child, and whoever having under his control as parent, guardian, or otherwise, any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this act, shall for such offense be fined not less than five dollars (\$5) nor more than two hundred dollars (\$200), or be imprisoned for not less than ten (10) days nor more than thirty (30) days, or both, in the discretion of the court.
- Continuing violations.** Sec. 27. Whoever continues to employ any child in violation of any of the provisions of this act, after being notified thereof by a school attendance officer, or an inspector of factories, or other authorized inspector, shall for every day thereafter that such employment continues be fined not less than five dollars (\$5) nor more than twenty dollars (\$20).
- Retaining certificates.** Sec. 28. Any person, firm or corporation retaining an employment certificate in violation of sec. 9 of this act shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50).
- False statements.** Sec. 29. Any person authorized to sign any certificate, affidavit, or paper called for by this act, who knowingly certifies to any materially false statement therein, shall be fined not less than five dollars (\$5) nor more than one hundred dollars (\$100).
- Failure to produce certificates.** Sec. 30. A failure by an employer to produce to a school attendance or factory officer or authorized inspector any employment certificate or list required by this act shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not so listed.
- Same subject.** Sec. 31. In case any employer shall fail to produce and deliver to a factory inspector or other authorized inspector or school attendance officer, within ten (10) days after demand made pursuant to sec. 17 of this act, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.
- Children withholding information.** Sec. 32. Any child working in or in connection with any of the establishments or places or in any of the occupations mentioned in either sec. 1, 3, 4, 18, 20, or 22, who refuses to give to the factory inspector or other authorized inspector or the school attendance officer his or her name, age, and place of residence, shall be forthwith conducted by the inspector or school attendance officer before the judge of the juvenile court, or other proper municipal or police authority, for examination and to be dealt with according to law.
- Failure to post schedule.** Sec. 33. Any employer who fails to post the printed notice required by sec. 23 of this act in the manner herein specified shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50).
- Unlawful issue of certificates.** Sec. 34. Any superintendent of schools or other person issuing employment certificates who fails to comply with the provisions

of this act shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25).

SEC. 35. Every employer who fails to provide suitable seats, chairs or benches, as provided in section 6 of this act, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50). Failure to provide seats.

SEC. 36. Every employer who fails to procure and keep or [on] file employment certificates or who fails to keep and post list, as provided in sec. 7 of this act, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50). Failure to procure and file certificates.

Approved May 13, 1912.

CHAPTER 33.—*Mine regulations—Inspector.*

SECTION 1. The terms of this act shall apply to all mines in the State of Arizona. Scope of law.

The term "mine" when used in this act shall include any and all parts of any mine within the State, and any mining plant or equipment connected therewith, underground or on the surface, which contributes, or may contribute, to the mining or handling of ore, coal, or other metalliferous or nonmetalliferous mineral product. Definitions.

The term "operator" when used in this act shall mean the person, firm, association, company, or corporation in immediate possession of any mine, or mining claim, or accessories thereof, as owner or lessee thereof, and as such, responsible for the management and condition thereof.

The term "inspector" when used in this act, signifies the State mine inspector; and the terms "deputy" and "deputy inspector" mean a State deputy mine inspector.

The words "excavations" and "workings" when used in this act, signify any or all parts of a mine excavated, or being excavated, including shafts, tunnels, entries, winzes, raises, stopes, open cuts, and all working places, whether abandoned or in use.

SEC. 2. The office of State mine inspector for the State of Arizona is hereby created, in accordance with Article XIX of the constitution of the State of Arizona, the office to be filled biennially at the general election by the qualified electors of the State, except as to the first State mine inspector, who shall be appointed by the governor, by and with the advice and consent of the senate, and who shall serve until his successor shall have been elected at the first general election thereafter, and shall qualify. Said mine inspector so elected, and all subsequent incumbents of said office, shall be elected at general elections, and shall serve for two years. The office of the mine inspector shall be at the State capital. Office created.

SEC. 3. The State mine inspector shall be a qualified elector of the State and a resident thereof at least two years prior to his appointment or election, and not under thirty (30) years of age, and shall have been practically engaged in, and acquainted with, mines and mining in this State, and shall have had at least seven (7) years' experience in underground mining. Qualifications of Inspector.

No person shall be appointed to the office of inspector or deputy inspector, nor be qualified to hold the office of inspector, or deputy inspector, while an employee, director, or officer, of any mining, milling, or smelting company. The inspector and each deputy must devote his entire time to the duties of his office; and it shall be unlawful for the inspector, or any deputy, to be otherwise employed by the State of Arizona, or to act directly or indirectly for or on behalf of any candidate for public office, or receive compensation either directly or indirectly from any candidate for public office, or from any political party in the State, during the term of office of such inspector, or deputy inspector.

SEC. 4. Failure to observe the provisions of this act shall render the inspector liable to immediate removal from office without further cause shown; and such failure shall render any deputy in- Removal from office.

- spector liable to immediate removal by the mine inspector, or as provided by law, without further cause shown.
- Salary, etc.** SEC. 5. The State mine inspector shall receive, as full compensation for his services, a salary payable at the rate of three thousand dollars (\$3,000) per annum, and his necessary traveling expenses when traveling in the discharge [discharge] of official duties, not to exceed fourteen hundred dollars (\$1,400) per annum, and all necessary expenses for clerk hire, postage, stationery, printing, and office expenses, not to exceed fourteen hundred dollars (\$1,400) per annum, and such compensation and expenses shall be paid as the salary and expenses of other State officers are paid.
- Bond.** The mine inspector, before entering upon the discharge of his duties, shall file an official bond in the sum of five thousand dollars (\$5,000), conditioned for the faithful [faithful] performance of the duties of his office, in form and manner as other official bonds of State officers.
- Deputy inspectors.** In- SEC. 6. The State mine inspector is hereby authorized and directed, forthwith, after entering upon the duties of his office, to appoint three deputy mine inspectors. They shall hold office during the term of the State mine inspector appointing them, unless sooner removed by him, or as provided in this act, or otherwise by law.
- Deputy mine inspectors shall have the same qualifications as the mine inspector, and shall be subject to the same penalties for violation of their duties, and the provisions of this act, as the State mine inspector.
- Salary, etc.** SEC. 7. Each deputy inspector shall receive a salary payable at the rate of eighteen hundred dollars (\$1,800) per annum, which shall be compensation in full, for all services, and his necessary traveling expenses, not to exceed fourteen hundred dollars (\$1,400) per annum, to be audited and allowed as other expenses of State officers.
- Before entering upon his duties as such deputy he shall file an official bond in the sum of twenty-five hundred dollars (\$2,500), conditioned the same as the bond of the mine inspector.
- Reports confidential.** SEC. 8. No inspector, or his deputy, or any employee thereof, shall, for any purpose whatever, make a report on any mine or mining property or prospect, except an official report to his superior officer, or to the governor; nor shall he make public or reveal to any person any knowledge or information obtained by him in the exercise of his official duties concerning ore, ore bodies, or values, of any mine or part thereof.
- An inspector, or his deputy, or any employee thereof, who violates any of the provisions of this section, or of his oath, shall be dismissed from his office.
- Seal.** SEC. 9. The mine inspector shall have a seal bearing the words: "Mine Inspector, State of Arizona," which shall be kept by him exclusively for the use of his office, and said seal shall be affixed to official documents only.
- Inspections.** SEC. 10. It shall be the duty of the mine inspector, by himself or by deputy, to visit, at least once every three months, every mine in this State employing fifty or more men underground, and every other working mine employing six or more men, at least once every year, and oftener, if in his opinion the safety of the men employed in the mine so require[s]; and to inspect, investigate, inquire, and examine into, the operation, workings, timbering, safety appliances, machinery, sanitation, ventilation, means of ingress and egress, means taken to protect the lives and insure the safety of the miners, together with the cause of accidents and accidental deaths therein, and in general to inspect and ascertain what means are taken to comply with the provisions of this act. For the purpose of making such inspection and ascertaining facts in connection with such investigation, examination, and inquiry, the inspector, or his deputy, shall have full power and authority, upon exhibition of his certificate of appointment or election, at all hours to enter and examine any part of any mine, and to visit, investigate, and examine any plant or equipment connected there-

with, within this State, or any part of the workings thereof. All operators and their employees shall render to the inspector, or his deputy, such assistance as may be necessary to enable the inspector, or his deputy, to make such examination.

Sec. 11. If upon examination or inspection it shall appear to the mine inspector, or a deputy thereof, that a mine, or part thereof, is, from any cause, in a dangerous condition, or fails to comply with the provisions of this act, he shall at once notify the operator, or his agent in charge thereof, such notice to be in writing and to be served by copy upon the operator, or his agent in charge. Said notice shall state in detail in what particular said mine or part thereof is deemed dangerous, insecure, or not in compliance with the provisions of this act, and shall state what necessary changes should be made to provide safety for employees, or other compliance to be made, and provide reasonable specified time within which to make same; and the operator of said mine shall forthwith make such change or compliance in accordance with said mine inspectors or deputy's requirements.

Dangerous conditions.

In case of any civil or criminal procedure at law against the party or parties so notified, on account of loss of life or bodily injuries sustained by an [an] employee subsequent to such notice, and in consequence of said dangerous condition, a certified copy of the notice served by the inspector shall be prima facie evidence of the negligence of said party or parties.

Actions at law.

If it appears from a re-examination of the mine by the inspector, or a deputy inspector, that such changes or compliances have not been made within the time specified in such notice, and that the mine or part of such mine is still in a condition dangerous to the life or health, and in the opinion of the inspector it is necessary for the safety of the life or health of the employees in such mine or a part of the mine, that the same be vacated, it shall be the duty of the inspector forthwith to order the cessation of the operation and working of said mine or part of mine, and to order that the employees shall not be permitted therein for purposes other than to remedy the defects complained of, until the provisions of this act are complied with to the satisfaction of the mine inspector or his deputy, and the said mine, or part of the mine, made safe for the employees therein. The operator of said mine shall forthwith obey said order.

Re-examinations.

Sec. 12. Whenever the inspector receives a complaint in writing, signed by one or more persons employed in a mine, setting forth that the mine or part thereof in which he or they are working is being operated contrary to law, or is dangerous in any respect to the health or lives of those employed therein, the inspector must in person, or by deputy, examine such mine as soon as possible. The names of the persons making such complaint shall be kept secret by the inspector, unless permission to disclose them be expressly granted by the persons making the complaint. Such complaint shall, in all cases, set forth the nature of the danger existing at the mine, and the time when such danger was first observed. If after such inspection, the inspector finds the conditions, in his opinion, dangerous to the health or lives of those employed therein, he forth fully [sic] the facts, upon the operator or any person having charge of such mine, and shall order the operator of said mine or mine [sic] to remove such dangerous or harmful conditions; and the operator of said mine shall obey such order.

Complaints.

It shall be the duty of the inspector or any deputy to forward every such original complaint, so received, to the office of the mine inspector, where it shall be indexed and filed among the official papers of the mine inspector.

Sec. 13. Whenever loss of life or serious accident shall occur in any mine within this State, the owner, agent, manager, or operator, having charge of operating such mine, shall give notice immediately, in the quickest possible manner, and report the facts thereof in writing to the office of the mine inspector. The refusal or failure of said owner, agent, manager, or operator to so

Accidents to be reported.

- Investigation.** report shall be deemed a misdemeanor. The mine inspector, upon receipt of notice of such accident, shall investigate the same and make, or cause to be made, a report which shall be filed in his office for future reference. In case of loss of life, said mine inspector shall, personally or by regularly appointed or special deputy, appear at the coroner's inquest held respecting such accident, and may examine or cross-examine witnesses relative to the same, for the purpose of ascertaining the cause of such accident, and for his information in filing report concerning the same. If after making such investigation the inspector considers the facts warrant it, it shall be the duty of such inspector to cause a copy of the report of such accident, or a copy of the testimony taken at the coroner's inquest, together with the verdict of the coroner's jury, and all papers in his hands relating thereto, to be forwarded to the prosecuting officer of the county in which the accident or loss of life occurred, together with an accompanying statement of the inspector, showing in what particular or particulars he believes the law to have been violated, and if upon the receipt thereof, the prosecuting officer of the said county deems the facts sufficient to make a prima facie case of criminal action against any person or persons, he shall present such evidence to the grand jury, or take such steps, for the criminal prosecution of such operator, employees, or other persons, as may seem advisable.
- Violations.** SEC. 14. If any operator shall violate any of the provisions of secs. 10, 11, or 12 of this act, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) and not to exceed five hundred dollars (\$500), or imprisonment in the county jail not to exceed one year, or both such fine and imprisonment.
- Record of inspection.** SEC. 15. It shall be the duty of the inspector, or any deputy, after inspection made of any mine or part of any mine, as provided in this act, to enter forthwith in a book to be kept at the mine, and designated as the "Record of Inspection", the portion of the mine so inspected, the nature of such inspection, and every dangerous defect observed in the state and conditions of the mine, machinery, and appliances; but nothing contained in or omitted form [from] such entry shall limit or affect the duty and obligation of the owner or operator of such mine under this act. Such "record of inspection" shall be open at all reasonable times to the examination of the inspector, or any of his deputies, and to the examination of any operator or person following the occupation of mining.
- Reports.** SEC. 16. It shall be the duty of the mine inspector on the 31st day of December in each year to make and file with the governor a report giving a statistical summary and report of the work of the mine inspector and deputy mine inspectors during the year ending November 30th. Such report shall contain a statement showing the number of men employed in each mine in the State, and, separately, the number of men employed above ground and underground, the number and nature of fatal and serious accidents occurring in each mine, the number of inspections made, complaints filed, inquests attended, mines or mine workings ordered to be vacated, violations found, and any other information of law deemed important and relevant by the mine inspector, together with such recommendations as in the judgment of the mine inspector are necessary or desirable to the carrying out of this act and to insure the safety of the workmen employed in mines. Copies of such reports shall be published and distributed by and at the expense of the State as a public document.
- Provisions for accidents.** SEC. 17. It shall be the duty of the mine operator, superintendent, or any one in charge of a mine, where ten or more men are employed, to keep at the mouth of the tunnel, shaft, or stope, or at such other place about the mine as may be designated by the mine inspector, a stretcher and a woolen and water-proof blanket, in good condition, for use in carrying any person who may be injured at the mine. Where more than one hundred (100) persons are employed two or more stretchers with woolen and

waterproof blankets shall be kept, and at all mines a supply of first aid remedies shall be kept readily accessible for the treatment of any one injured: *Provided*, That in all mines where three hundred (300) or more men are employed, a first aid corps must be organized, consisting of the foreman or foremen, shift bosses, timekeepers, and other employees, designated by the operator or superintendent of the mine to cause the organization of such; and to procure the services of a competent surgeon and physician to instruct the members of such first aid corps from time to time, not less than once in each calendar month, in the proper handling and treatment of injured persons before the arrival of a physician.

SEC. 18. When considered necessary by the mine inspector, and so ordered by him, the operator of every mine employing ten or more men underground, shall make and maintain, or cause to be made and maintained, a reasonably accurate map of the workings of such mine. At least once in every six months, or oftener, if necessary, the operator or engineer of such mine shall cause to be shown with reasonable accuracy on the map of said mine, all the excavations made therein during the time elapsed since such excavations were last shown on said map, and all parts of said mine, which were worked or abandoned during said elapsed period of time, shall be clearly indicated on said map, and all underground workings shall be surveyed and mapped before they are allowed to become inaccessible. Such maps shall, at all times, be open to the examination of the mine inspector or of his deputies.

Maps.

SEC. 19. (a) All explosives must be stored in a magazine provided for that purpose alone; said magazine to be placed far enough from the working shaft, tunnel, or incline to insure the same remaining intact in the event the entire stock of explosives in said magazine be exploded; no powder or other explosives shall be stored in underground workings where men are employed; all explosives in excess of the amount required for twenty-four hours work must be kept in said magazine: *And provided, further*, That such temporary supply shall not be kept at any place within such mine where its accidental discharge would cut off the escape of miners working therein. Each mine or operator shall provide a suitable device for thawing or warming powder and keeping the same in condition for use, and no powder shall be thawed except in such device; oils or other combustible substances or blasting caps shall not be kept or stored in the same magazine with explosives. All nitroglycerine, nitro or blasting powder, or other high explosives sold in the State of Arizona, shall be properly marked with the date of manufacture on each stick of powder, and no nitroglycerine, nitro or blasting powder, or other high explosives shall be sold or used after twelve months from date of manufacture.

Storage, etc.,
of explosives.

(b) The mine inspector shall have the authority to regulate and limit the amount of blasting or nitro powder or other high explosives stored or kept in general supply stores in mining camps or mining towns where there is no law governing the storage of same.

(c) No person shall, whether working for himself or in the employ of any person, company, or corporation, while loading or charging a hole with any blasting powder or other high explosive, use or employ any steel or iron tamping bar; nor shall any mine manager, superintendent, foreman, shift boss, or other person having the management or direction of mine labor, allow or permit the use of such steel, iron, or other metal tamping bar by employees under his management or direction.

Loading
holes.

(d) Every person, company, or corporation manufacturing, storing, selling, transferring, dealing in, or in any manner disposing of any powder, gunpowder, giant or hercules powder, giant caps, or other highly explosive substances, shall keep in a book for that purpose an accurate record of all transactions, with the date thereof, relating to the receiving and disposing of the same, which record shall show the amount of each such explosive

Records of
sales, etc.

received, of whom received, when received, disposition made of such explosive, with the amount thereof, and the name of the person to whom delivery of the same was made, who shall be required to receipt therefor. Such record shall at all times be open to the inspection of the State mine inspector, or any peace officer.

Firing shots. (e) Before firing charges warning must be given in every direction from which access may be had to the place where blasting is going on, and misfire holes shall be reported to the mine foreman or the shift boss, in charge of the locality of such holes. If the shots are fired by electricity, the place must be carefully examined before men are permitted to work therein. The miner in charge shall further instruct those employed in clearing away the loose rock to report to him immediately the finding of any wires in or under the loose rock, and in the event of such being discovered, he shall at once order the work to cease until the wires have been carefully traced to their terminals in order to determine whether a misfire has occurred.

Fire protection. SEC. 20. All mines having but one exit, and the same covered with a building containing the mechanical plant, furnace room or blacksmith shop, shall have fire protection, water if possible, and in mines where water is not available, chemical fire extinguishers or hand grenades shall be kept in convenient places for immediate use.

Escapement shafts. SEC. 21. It is hereby made the duty of every person, company, or corporation, who shall have on any mine a vertical shaft or incline to a greater depth than one hundred (100) feet, and who shall have drifted on or along the vein or veins a distance of two hundred (200) feet or more and shall have commenced to stope, to provide and maintain to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft, raise, or opening, or an underground opening or communication with some other contiguous mine: *Provided*, That in case such contiguous mine belongs to a different person, company, or corporation, the right to use the outlet through such contiguous mine, in all cases when necessary or in case of accident, must be secured and kept in force. Where such an escapement shaft or opening shall not be in existence at the time that stoping is commenced, work upon such an escapement shaft or opening must be commenced as soon as stoping begins and be diligently prosecuted until same is completed, and said escapement shaft, raise, or opening shall be continued to and connected with the lowest workings in the mine. The exit, escapement shaft, raise, or opening, provided for in this section must be of sufficient size to afford an easy passageway, and if it be a raise, or shaft, must be provided with substantial ladders from the deepest workings to the surface. Whenever the exit or outlet herein provided for is not in a direct or continuous course, signboards plainly marked showing the direction to be taken must be placed at each departure from the continuous course.

Hoisting engineers. SEC. 22. (a) No person addicted to the use of intoxicating liquors or drugs, or under eighteen years of age, shall be employed as a hoisting engineer.

Machinery. (b) All hoisting machinery using steam, electricity, air, gasoline, or hydraulic motive power, for the purpose of hoisting from or lowering into mines, employees and materials, except prospect shafts not exceeding three hundred (300) feet in depth, shall be equipped with an indicator, said indicator to be placed near to and in clear view or hearing of the engineer. This indicator must be in addition to marks on the rope, or cable, or drum.

(c) It shall be unlawful to hoist men out of, or lower men into, a mine at a speed greater than eight hundred (800) feet per minute. When it is shown that in running his engine at a greater speed than [than] eight hundred (800) feet per minute, the engineer has violated the orders of his employers, the engineer is subject to penalty.

(d) All hoisting machinery must be inspected once in every twenty-four hours by a competent person appointed by the mine manager or superintendent for that purpose, and such inspector shall immediately report in writing to said manager or superintendent any and all defects found.

(e) All ropes or cables used for hoisting purposes shall be of approved quality and manufacture; and in shafts and winzes of over two hundred (200) feet in depth wire ropes or cables only shall be used for hoisting purposes.

(f) All head frames where men are hoisted at a speed of over two hundred and fifty (250) feet per minute, and where more than twenty-five (25) men are employed, shall be so constructed as to allow at least twenty-five (25) feet above the hoist landing stage, in which the cage, skip, or bucket can travel freely in case of an overwind. The mine inspector may grant permission for the use of any head frame erected previous to the enactment of this law, which does not comply with the above conditions.

(g) It shall be unlawful for the operator of any mine to permit the hoisting or lowering of men in any shaft deeper than three hundred (300) feet, unless an iron-bonneted safety cage equipped with gates at least five feet in height to be used for the hoisting and lowering of such men; but this provision shall not apply to shafts in process of sinking; every cage must have overhead bars of such arrangement as to give every man on the cage an easy and secure handhold. Every cage or skip used for hoisting men must be provided with a safety catch of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft in the event that the hoisting cable should break. The inspector, or his deputy, must see that all cages and skips are equipped in compliance with this paragraph, and that on all cages the safety catches are kept well oiled and in good working condition. In any shaft of less than three hundred (300) feet depth where no safety cage is used, and where crosshead or crossheads are used, platforms for employees to ride upon, equipped with safety catches as for cages and skips herein provided, shall be provided.

Safety cages.

(h) All vertical shafts more than two hundred (200) feet deep from which hoisting is done by means of a bucket must be provided with suitable guides, and in connection with the bucket there must be a crosshead traveling upon these guides. The height of the crosshead shall be at least one and one-half times its width. If the crosshead be a type that is not secured to the hoisting rope, a stopper of design to be approved by the mine inspector must be securely and rigidly fastened to the hoisting rope at a suitable point above the rim of the bucket.

Guides in shafts.

(i) The number of persons permitted to ride on the deck of a case ['] in or on a skip, or bucket, shall be determined by the mine inspector, and in no case shall more than the number of men permitted by the mine inspector be allowed to ride on the deck of such cage or in or on such skip or bucket. No person shall ride upon a cage or in or on a skip or bucket when loaded with rock or ore.

Number of men to be hoisted.

(j) When tools, timber, or other materials are to be loaded or hoisted in the shaft, the ends, if projecting above the top of the bucket, skip, or other vehicle, shall be securely fastened to the hoisting rope or to the upper part of the vehicle, and tools, timber, or other material loaded erectly upon a cage must be securely lashed before being hoisted or carried.

Hoisting tools, etc.

(k) No person shall ride upon any cage, skip, or bucket, that is loaded with tools, timber, powder, or other material, except for the purpose of assisting in passing these through the shaft.

(l) In no case shall a cage, skip, or bucket, or other vehicle, be lowered directly to the bottom of a shaft when men are working there, but must be stopped at least fifteen (15) feet above the bottom until the signal to lower further has been given by one of the men at the bottom of the shaft. This rule shall not apply to shafts less than fifty feet in depth.

Signal required.

- Protection.** (m) Persons engaged in deepening a shaft in which regular hoisting from any upper level is going on shall be protected from the danger of falling material by a suitable covering, sufficient opening in the covering only being left for the passage of the bucket or other conveyance used in the sinking operations.
- Bulkheads to be used, when.** (n) In shafts, winzes, or raises, where two or more crews of men are working one crew above another, there shall be a bulkhead between each two crews of men, strong enough to stop any tools or other material that may fall from the men working above, and only the cage, skip, or bucket compartment be left open.
- (o) All shafts or winzes shall have a bulkhead over the men working in the bottom of the shaft or winze. Said bulkhead shall be built of timber not less than six inches in thickness, and said bulkhead shall be not more than fifty feet above the bottom of said shaft or winze, and provide ample protection for the men working in the bottom of said shaft or winze, and shall be so constructed as not to shut off the air circulation, the cage, skip, or bucket compartment only to be left open. All shafts or winzes shall be cleaned down below the bulkhead after each blasting.
- Windlasses.** (p) Windlasses and whims in use at or in mines shall be provided with a suitable plug or some other reliable device to prevent running back of the bucket or other conveyance.
- Hooks.** (q) No open hook shall be used with a bucket in hoisting, but only some approved form of safety hook or shackle hook.
- Signals.** (r) A release signal of one bell to the hoisting engineer shall be given to release the cage, skip, or bucket after it has been stopped at any station, to obviate the danger of movement of such cage, skip, or bucket to any other station or point in shaft.
- Hoist man.** (s) At any mine where men are hoisted by mechanical means, a hoist man charged with the hoisting thereof shall be kept on duty at the hoist at all times when men are underground.
- Outlets** SEC. 23. (a) Every mine shall have at least two outlets to the surface, except as hereinbefore provided. Such outlets must not lead to the surface in one and the same house, and must not at any point be nearer to one another than thirty (30) feet. In the event that two outlets of any mine, or part of them, do not belong to the same mine, the owners and operators of the respective mines shall be responsible for the outlet, or part of it, in their respective mines, being kept in proper repair; and should any obstruction arise in any such outlet, or anything occur in one of the mines to jeopardize the safety of the outlet, the occurrence shall be immediately reported to the owner, manager, or superintendent of the other mine or mines. If either of the two outlets or part of them, be situated in an abandoned mine or mines, the operators of the working mine or mines shall be jointly and severally responsible for the proper maintenance and repair of such outlet or outlets.
- D i v i d e d shafts.** (b) At every mine where a single shaft be allowed to afford the only means of ingress and egress to the persons employed underground, such shaft if more than two hundred (200) feet deep shall be divided into at least two compartments, and one of the compartments shall be set aside for a ladderway, which must be equipped as hereinafter provided. Whenever such a single shaft be covered by a building not absolutely fireproof, the ladderway shall be securely bulkheaded at a point at least twenty-five (25) feet below the collar of the shaft, and below this bulkhead, if the shaft is situated upon a side hill, a drift shall be driven to the surface; if the shaft be situated in a level country, this drift shall be driven to a safe distance beyond the walls of the building, but in no case less than thirty feet, and from there a raise shall be made to the surface. This raise shall be equipped with a ladderway, and it, together with the drift connecting with the main shaft, shall be kept in good repair and shall afford a safe escape in the event of fire.
- Structures at outlets.** (c) After the enactment of this law, no structure shall be erected over an outlet of a mine, except the headframe necessary for hoisting from a shaft and the hatch or door necessary for hoist-

ing from a shaft and the hatch or door quired [required] to protect, from inclemency of the weather, men obliged to work at the top of a shaft. If for the latter purpose a house be required, the mine inspector may, in writing, grant permission for its construction, but such a house must be as small as possible, must be constructed of unflammable material, and the storage of any inflammable material inside of it, or within thirty feet of it, is prohibited. In the case of existing houses covering the mouths of shafts and adits, no inflammable material shall be stored inside of them; nor outside of them within a distance of thirty feet from the exterior walls of the house.

(d) Every adit of which the mouth is covered by a house or building of any kind shall be provided with a fire-proof door, near the mouth of the adit, that can be closed from outside of the building by means of a pull wire or cable, so as to keep the gases of combustion from entering the mine in the event that fire destroys the building at the mouth of the adit.

(e) Every shaft, winze, raise, or incline, of steeper slope than forty degrees from the horizontal and deeper than forty feet, through which men are obliged to travel, shall be provided with a ladderway. Suitable ladders, or footways, shall be provided to connect floors of sets in stopes, and other places requiring communication in a mine. Every shaft shall have, in addition to any mechanical means of ingress and egress, at least one proper ladder or foot way communicating from the lowest workings of the mine to the surface.

Ladderways.

(f) Permanent ladderways, used for the ascent or descent of persons in the mine shall be sufficiently strong for the purpose demanded, and shall be firmly fastened and kept in good repair. In a vertical shaft the mine inspector may, in his own descretion [sic] by an order in writing, direct that the ladder shall be inclined at the most convenient angle which the space in which the ladder is fixed allows, and every such ladder shall have substantial platforms at intervals of not more than twenty feet.

The said platform shall be closely covered, with the exception of an opening large enough to permit the passage of a men [sic] and shall be so arranged that by no means could a person fall from one ladder through the opening to the next ladder.

(g) Ladderways shall be provided in all shafts in the course of sinking to within such distance from the bottom as will secure them from damage by blasting, but from the end of such ladderways, portable ladders shall be extended to the bottom of the shaft.

(h) All stations or levels shall have a passageway around the working shaft so that crossing over the hoisting compartments may be avoided. All sumps shall be securely planked over. At all shaft stations a gate or a guard rail must be provided and kept in place across the shaft, except when cage, skip, or bucket is being loaded, but this prohibition shall not forbid the temporary removal of the gate or rail for the purpose of repairs or other operations, if proper precaution to prevent danger to persons is taken.

Ways around shafts, etc.

(i) The top of every mining shaft shall be protected by a substantial gate, guardrail, or chain.

Entrances to be guarded.

(j) Winzes or raises shall not be started in the direct line of a drift, but shall be offset from the drift. And every winze or raise now opening from below directly on any drift or tunnel, traveled by men, shall be covered with a grizzly or by doors.

(k) The opening of such offset winze shall be protected by a fence or guardrail not less than three feet nor more than four feet in height above the level of the drift.

(l) Existing winzes, sumps, and all other openings in the floor of a drift or stope must be kept covered by a substantial hatch, or planking, or provided with guardrails.

SEC. 24. An adequate amount of pure air shall be made to circulate through and into the shafts, winzes, levels, and other working places of every mine, in such quantity as will maintain the same

Air to be pure.

in a fit state for working and passing therein, and where necessary an adequate spraying system shall be installed and used to settle dust or gases. The total quantity of carbon dioxide present in the air shall not exceed 0.25 per cent by volume, except that at any place where firing of explosives has been done a higher percentage of carbon dioxide shall be permissible [sic] for a reasonable length of time after the last explosion, and the operator shall provide respirators whenever needed. Waste timber in underground workings shall not be piled up and permitted to decay, but shall be removed as soon as practicable.

Lights.

SEC. 25. (a) Stationary lights, deemed sufficient by the mine inspector or deputy thereof, shall be provided during working hours at all stations in vertical and inclined shafts during the time while in actual use; and also at all stations in levels where hoisting or hauling is effected by means of machinery; and also at night at all working places on the surface.

(b) No candles shall be left burning in a mine, or any part of a mine, when the person using the candle departs from his work for the day.

Accumulations of water.

SEC. 26. (a) When advancing a drift, adit, level, or incline toward a mine working that is suspected to be filled with water, a bore hole must be kept at least twenty feet in advance of the breast of the drive; and also if necessary in directions laterally from the course of the drive. Such a working place must not exceed six feet in width and such additional precautionary measures shall be taken as may be deemed necessary by the mine inspector or deputy to obviate the danger of a sudden breaking through of water.

(b) No raise shall be allowed to approach within ten feet of any portion of a winze, or a stope, in which there is a dangerous accumulation of water, unless such winze or stope be first unwatered by bailing or pumping, or by means of a bore from the raise.

(c) In every mine where in the opinion of the mine inspector, there is a danger of a sudden inrush of water, such additional raises, drifts, or other workings shall be constructed as are necessary to insure the escape of workmen from the lower workings; and all sumps, and places for the storage of water in mines, shall be so constructed as to prevent leakage, as far as possible, and insure the safety of the men working below the same.

(d) It shall not be lawful for any operator to impound water or to keep water impounded within any mine in which men are working below the water so impounded, in such manner as to endanger the safety of such men, unless said water be impounded by a dam or dams, or wall or walls, approved by the mine inspector or a deputy mine inspector.

Age of boys.

SEC. 27. Boys under eighteen years of age shall not be employed underground in a mine.

Intoxication.

SEC. 28. No intoxicated person shall be allowed to enter a mine. No intoxicated person shall be allowed to remain in a mine. No intoxicating liquor shall be taken into a mine.

Visitors.

SEC. 29. Strangers and visitors shall not be allowed underground unless accompanied by the owner, official or employee, deputized to accompany them.

Wash rooms.

SEC. 30. Every mine employing twenty-five (25) men or more shall maintain and suitably equip a heated wash room and change room, immediately contiguous to said mine, which shall at all times be open to employees.

Injuring appliances, etc.

SEC. 31. No person shall knowingly injure or destroy a water gauge, barometer, air course, brattice, or other equipment, or machinery of any mine; nor, unless lawfully authorized so to do, obstruct or open an airway, handle or disturb any part of the machinery of the hoisting engine of the mine, open the door of a mine and neglect to close it, endanger the mine or those working therein, disobey an order given in pursuance of law; or do a willful act whereby the lives or health of persons working in

such mine, or the security of a mine, or the machinery connected therewith, may be endangered.

SEC. 32. Notices shall be placed by the superintendent or under his direction by the mine foreman or shift boss, at the entrance to any working place deemed dangerous, and at the entrance to old or abandoned workings; and no person other than those authorized by the operator, manager, or superintendent, shall remove or go beyond any caution board or danger signal so placed. Notices to be posted.

SEC. 33. At any mine employing twenty-five (25) or more men underground, the operator shall provide, and keep in a readily accessible place, at least two fire fighting helmets in condition to be used in case of emergency; also the operator or superintendent of such mine shall provide training for a crew in the use of said helmets, and tests at least once monthly of the helmets by the actual use thereof by such crew shall be made. Fire-fighting helmets.

SEC. 34. (a) Every shaft and each compartment thereof used for hoisting, if exceeding fifty (50) feet in depth, and not exempted in writing by the mine inspector, shall be provided with an efficient means of interchanging distinct and definite signals between the top of the shaft and the lowest level from which hoisting is being done, and the various intermediate levels for the time being in use. The signalling apparatus shall be either wire or cable, actuating a bell or whistle, or a speaking tube, or a telephone, or an electric system, or two or more of these may be used in conjunction. Signal system.

(b) In mines where a station tender is employed no person shall ring any signal bell except the station tender, except in case of danger, or when the main shaft is being sunk.

SEC. 35. Electric trolley wires in all mines now equipped with same shall be at least six and one-half feet above the floor and in all mines hereafter so equipped at least seven feet above the floor. Trolley wires.

SEC. 36. The following signal code shall be used in all mines: Code of signals.

- 1 bell, stop immediately if in motion.
- 1 bell, hoist muck.
- 1 bell, release cage, skip, or bucket.
- 2 bells, lower.
- 3—1 bells, hoist men. } NOTE. If bells rung slowly move slowly.
- 3—2 bells, lower men. }
- 5 bells, blasting or ready to shoot signal.

This is a caution signal and if the engineer is prepared to accept it he must acknowledge by raising the bucket or cage a few feet then lowering it again. After accepting this signal the engineer must be prepared to hoist men away from the blast as soon as the signal 1 bell is given and must accept no other signal in the meantime.

- 4 bells, steam on or off.
- 6 bells, air on or off.

7 bells, danger signal. Followed by station signal calls cage to that station.

This signal takes precedence over all others except an accepted blasting signal.

STATION SIGNALS.

Bells.	Name of Station.	Bells.	Name of Station.
1—2	Collar of shaft	4—2	10
1—3	1	4—3	11
1—4	2	4—4	12
1—5	3	4—5	13
2—1	4	5—1	14
2—2	5	5—2	15
2—3	6	5—3	16
2—4	7	5—4	17
2—5	8	5—5	18
4—1	9		

Station signal must be given before hoisting or lowering signal.

The engineer shall not move a cage, skip, or bucket unless he understands the signal.

One copy of this signal code shall be posted on the gallows frame, one at each station, and one before the engineer.

Additional signals. SEC. 37. Special signals in addition to the above may be used at any mine, provided they are easily distinguished by their sound, or otherwise, from the foregoing code, and do not interfere with it in any way.

Law to be accessible. SEC. 38. It shall be the duty of the superintendent of every mine within the provisions of this act to keep at all times in the office of said mine and in the timekeeper's office thereof, in an accessible place and subject to inspection by all workmen and persons interested in the same, at least one printed copy of this act.

Violations. SEC. 39. Any person who violates any of the provisions of this act where other penalty is not expressly provided shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than fifty dollars (\$50) and not more than three hundred dollars (\$300), or imprisonment in the county jail not less than thirty (30) days and not to exceed one (1) year, or both such fine and imprisonment.

Approved May 13, 1912.

CHAPTER 43.—*Railroads—Number of cars in a train.*

Limit of 70 freight cars. SECTION 1. It shall be unlawful for any person, firm, association, company or corporation, operating any railroad in the State of Arizona, to run, or permit to be run, over his, there [their], or its line or road, or any portion thereof, any train consisting of more than seventy freight, or other cars, exclusive of cabooses.

Fourteen passenger cars. SEC. 2. It shall be unlawful for any person, firm, association, company or corporation, operating any railroad in the State of Arizona, to run, or permit to be run, over his, their, or its line or road, or any portion thereof, any passenger train consisting of more than fourteen cars.

Violations. SEC. 3. Any person, firm, association, company or corporation, operating any railroad in the State of Arizona, who shall willfully violate any of the provisions of this act, shall be liable to the State of Arizona for a penalty of not less than one hundred dollars, nor more than one thousand dollars, for each offense; and such penalty shall be recovered, and suits therefor brought by the attorney general, or under his direction, in the name of the State of Arizona, in any county through which such railway may be run or operated: *Provided, however,* That this act shall not apply in cases of engine failures between terminals.

Approved May 16, 1912.

CHAPTER 47.—*Railroads—Qualifications of employees.*

Engineers. SECTION 1. If any person shall run or operate any locomotive engine upon any railroad in the State of Arizona, without having served three years prior thereto as a fireman or engineer on a locomotive engine, he shall be deemed guilty of a misdemeanor, and he shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

Conductors. SEC. 2. If any person shall act or engage to act as a conductor on a railroad train in this State without having for three years prior thereto served or worked in the capacity of a brakeman or conductor on a freight train on a line of railroad, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

Unlawful employment. SEC. 3. If any person shall knowingly engage, promise, require, persuade, prevail upon or cause any person to do any act in viola-

tion with the provisions of the two preceding sections of this act. he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

SEC. 4. Nothing in this act shall be construed as applying to the running or operating of engines, in taking said engines to and from trains at division terminals by engine hostlers, or the shifting of cars or making up trains, or doing any work appurtenant thereto at engine houses, train or freight yards by switchmen or yardmen, or in the case if [sic] the disability of an engineer or conductor while out on the road between division terminals. In case of emergency where such companies can not obtain the employees mentioned in this act who have the qualifications prescribed by the provisions thereof, then such companies may employ temporary engineers and conductors who have not the qualifications prescribed by this act until such trains reach their terminal.

Exemptions.

SEC. 4A. The provisions of this act shall not apply to any railroad company within this State or the receiver or lessee thereof, whose line of railway is less than twenty-five miles in length.

Short lines.

Approved May 16, 1912.

CHAPTER 50.—Hours of labor in dangerous occupations—Electric plants.

SECTION 1. The business of conducting and operating an electric light plant, or any electric power plant, is hereby declared to be hazardous and dangerous to those employed therein.

Employment hazardous.

SEC. 2. It shall be unlawful for any person, corporation or association operating or managing any electric light plant, or any electric power plant, or both, within this State, to permit, or cause to be permitted, any operating engineer or fireman, or switchboard operator, or any attendant in its service, employed in or about such plants, to be on duty more than eight hours in any twenty-four consecutive hours; except in cases of emergency when life or property is in imminent danger.

Eight-hour day.

SEC. 3. Any person, corporation or association that shall violate sec. 2 of this act, shall pay a fine not to exceed one hundred dollars (\$100) for each violation of this act. Each day's violation of any of the provisions of this section shall constitute a separate offense.

Violations.

Approved May 17, 1912.

CHAPTER 61.—Blacklisting.

SECTION 1. A labor "black list," for the purposes of this act, shall mean the name of a person, or list of names description or other means of identification of persons, when such name description or other means of identification or list shall be spoken, written, or printed for the purpose of being communicated or transmitted to any employer, whether individual, firm, association, company, or corporation, with intent to influence such employer to discharge such person or persons from or to refuse to employ such person or persons in, a gainful occupation, in pursuance of any agreement, compact, or conspiracy between the sender and the receiver thereof that the receiver of such name, description or other means of identification or list shall discharge from, or refuse to employ in, a gainful occupation any specified person, persons, or class of persons designed by the parties to such agreement, compact or conspiracy, on the receipt of such name, description or other means of identification, or list, to be discharged from, or prevented from securing employment.

Definition.

SEC. 2. Soliciting, giving out, or taking part in the exchanging, of any such labor "black list" by any individual, firm, association, company, or corporation is hereby prohibited.

Acts forbidden.

- Violation.** SEC. 3. Any individual, firm, association, company, or corporation, violating any of the provisions of sec. 2 of this act shall be liable in punitive damages to any person or persons injured by such violation by being discharged from or prevented from securing employment thereby, to be recovered by him or them in civil action. Any violation of the provisions of this act is further hereby declared to be a misdemeanor, and any individual, firm, association, company, or corporation violating any of the said provisions shall upon conviction therefor be punished by a fine of not less than fifty (\$50) dollars nor more than two hundred and fifty (\$250) dollars or by confinement in the county jail for not less than ten (10) days nor more than sixty (60) days, or both such fine and imprisonment.

Approved May 17, 1912.

CHAPTER 77.—*Employment of children—School attendance.*

- Children under 16.** SECTION 89. No child under the age of sixteen years shall be employed by any person, persons, company or corporation during the school hours of any school day of the school term of the public school in the school district where such child resides, unless such child presents a written permit from the board of trustees for reasons herein specified. Every such employer shall require proof that such child has been excused from such attendance, and shall keep a record of such proof, which shall be open to the inspection of an attendance officer, peace officer or school trustee, teacher, principal or superintendent, of the district. Any employer employing a child contrary to the provisions of this section shall be deemed guilty of a misdemeanor, and liable to a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100) to be placed to the credit of the school fund of the district. Every parent, guardian, or other person in the State of Arizona, having control of any child between the ages of eight and sixteen years shall be required to send such child to a public school or private school taught by a competent instructor for the full time that the public school is in session in the school district, such attendance to be continuous, for five days in the week during the hours prescribed by law: *Provided*, That such person, guardian or other person having control of such child shall be excused from such duty by the board of trustees of the district whenever it shall be shown to its satisfaction that one of the following reasons exist:
- Unlawful employment.**
- Exemptions.**
1. That such child is taught at home by a competent teacher in the branches taught in the common schools of the State;
 2. That he is attending a regularly organized private or parochial school taught by competent teachers, the regular school hours for five days in the week for the full time that the public school is in session in the district;
 3. That such child is in such physical or mental condition (as declared by a competent physician approved by the board) as to render such attendance inexpedient or impracticable;
 4. That such child has already completed the grammar school course prescribed by the State board of education.
- Violations.** SEC. 90. Any parent, guardian or other person failing to comply with the provisions of sec. 89 of this act shall be deemed guilty of a misdemeanor, and, upon conviction, be fined in a sum not less than five, and not more than twenty-five dollars (\$25), for such offense; said action shall be prosecuted in the name of the State of Arizona before any court of competent jurisdiction, and all fines so collected shall be paid into the county treasury and placed to the credit of the school fund of the district in which the offense occurs.

Approved May 20, 1912.

CHAPTER 78.—*Employment of labor on public works.*

SECTION 1. Eight hours, and no more, shall constitute a lawful day's work for all laborers, workmen, mechanics or other persons now employed or who may hereafter be employed by or on behalf of the State of Arizona or by or on behalf of any political subdivision of the State, except in cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight hours each calendar day for the protection of property or human life: *Provided*, That in all such cases the laborers, workmen, mechanics or other persons so employed and working to exceed eight hours each calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, and other persons so employed by or on behalf of the State of Arizona, or of any political subdivision of the State; and laborers, workmen, mechanics and other persons employed by contractors or subcontractors in the execution of any contract or contracts within the State of Arizona, or within any political subdivision of the State, shall be deemed to be employed by or on behalf of the State of Arizona, or of such county, city, township, or other municipality thereof.

Eight-hour day.

Current rates of wages.

SEC. 2. All contracts hereafter made by or on behalf of the State of Arizona, or by or on behalf of any political subdivision of the State, with any corporation, person or persons, for the performance of any work or the furnishing of any material manufactured within the State of Arizona, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons to require or permit any laborer, workman, mechanic or other person to work more than eight hours per calendar day in doing such work or in furnishing or manufacturing such material, except in the cases and upon the conditions provided in section 1 of this act.

Contracts.

SEC. 3. No person not a citizen or ward of the United States, or who has not declared his intentions to become a citizen, shall be employed upon, or in connection with, any State, county, or municipal works or employment: *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work, or other public work.

Citizens to be employed.

SEC. 4. Any officer of the State of Arizona, or of any political subdivision of the State, or any person acting under or for such officer, or any contractor with the State of Arizona, or any political subdivision of the State, or other person, violating any of the provisions of this act, shall for each offense be punished by a fine of not less than \$50 nor more than \$1,000, or by imprisonment not more than six months, or both such fine and imprisonment, in the discretion of the court.

Violations.

Approved May 18, 1912.

CHAPTER 85.—*Protection of employees as members of the National Guard.*

SECTION 134. Any person who, either by himself or with another, willfully deprives a member of the National Guard of his employment, or prevents his being employed by himself or another, or obstructs said member of the National Guard or his employer in respect to his trade, business or employment, because said member of said National Guard is such member, or dissuades any person from enlistment in the said National Guard by threat of injury to him in case he shall so enlist, in respect of his employment, trade, or business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10) nor exceeding one hundred dollars (\$100), or by imprisonment for not less than ten days nor

Preventing employment.

more than sixty days in the county jail, or by both such fine and imprisonment.

Approved May 24, 1912.

CHAPTER 89.—*Liability of employers for injuries to employees.*

Title.	SECTION 1. This act is and shall be declared [declared] to be an employer's liability law as prescribed in sec. 7 of Article XVIII of the State constitution.
Scope of law.	SEC. 2. To protect the safety of employees in all hazardous occupations in mining, smelting, manufacturing, railroad, or street railway, transportation, or any other industry, as provided in said sec. 7 of Article XVIII of the State constitution, any employer, whether individual, association, or corporation, shall be liable for the death or injury, caused by any accident due to a condition or conditions of such occupation, of any employee in the service of such employer in such hazardous occupation, in all cases in which such death or injury of such employee shall not have been caused by the negligence of the employee killed or injured.
E m p l o y - m e n t, h a z a r d - o u s.	SEC. 3. The labor and services of workmen at manual and mechanical labor, in the employment of any person, firm, association, company, or corporation, in the occupations enumerated in sec. 4 of this act are hereby declared and determined to be service in a hazardous occupation within the meaning of the terms of sec. 2 of this act. By reason of the nature and conditions of, and the means used and provided for doing the work in, said occupations, such service is especially dangerous and hazardous to the workmen therein, because of risks and hazards which are inherent in such occupations and which are unavoidable by the workmen therein.
List of oc- cupations.	SEC. 4. The occupations hereby declared and determined to be hazardous within the meaning of this act are as follows: 1. The operation of steam railroads, electrical railroads, street railroads, by locomotives, engines, trains, motors, or cars of any kind propelled by steam, electricity, cable or other mechanical power, including the construction, use or repair of machinery, plant, tracks, switches, bridges, roadbeds, upon, over, and by which such railway business is operated. 2. All work when making, using or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive. 3. The erection or demolition of any bridge, building or structure in which there is, or in which the plans and specifications require, iron or steel frame work. 4. The operation of all elevators, elevating machines or derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure. 5. All work on ladders or scaffolds of any kind elevated twenty (20) feet or more above the ground or floor beneath in the erection, construction, repair, painting or alteration of any building, bridge, structure or other work in which the same are used. 6. All work of construction, operation, alteration or repair where wires, cables, switchboards, or other apparatus or machinery are in use charged with electrical current. 7. All work in the construction, alteration, or repair of pole lines for telegraph, telephone or other purposes. 8. All work in or about quarries, open pits, open cuts, mines, ore reduction works and smelters. 9. All work in the construction and repair of tunnels, subways and viaducts. 10. All work in mills, shops, works, yards, plants and factories where steam, electricity, or any other mechanical power is used to operate machinery and appliances in and about such premises.

SEC. 5. Every employer, whether individual, firm, association, company or corporation, employing workmen in such occupation, of itself or through an agent, shall by rules, regulations, or instructions, inform all employees in such occupations as to the duties and restrictions of their employment, to the end of protecting the safety of employees in such employment. Rules, etc.

SEC. 6. When in the course of work in any of the employments or occupations enumerated in sec. 4. of this act, personal injury or death by any accident arising out of and in the course of such labor, service and employment, and due to a condition or conditions of such occupation or employment, is caused to or suffered by any workman engaged therein, in all cases in which such injury or death of such employee shall not have been caused by the negligence of the employee killed or injured, then the employer of such employee shall be liable in damages to employee injured, or, in case death ensues, to the personal representative of the deceased for the benefit of the surviving widow or husband and children of such employee; and, if none, then to such employee's parents; and, if none, then to the next of kin dependent upon such employee, and if none then to his personal representative, for the benefit of the estate of the deceased. Employer liable, when.

SEC. 7. In all actions hereafter brought against any such employer under or by virtue of any of the provisions of this act to recover damages for personal injuries to any employee, or where such injuries have resulted in his death, the question whether the employee may have been guilty of contributory negligence, or has assumed the risk, shall be a question of fact and shall at all times be left to the jury, as provided in sec. 5 of Article XVIII of the State constitution. Questions for jury.

SEC. 8. Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any employer to exempt himself or itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such employer under or by virtue of any of the provisions of this act, such employer may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity or that may have [been] paid to the injured employee or his personal representative on account of the injury or death for which said action was brought. Waivers.

SEC. 9. In all actions for damages brought under the provisions of this act, if the plaintiff be successful in obtaining judgment; and if the defendant appeals to a higher court; and if the plaintiff in the lower court be again successful; and the judgment of the lower court is sustained by the higher court or courts; then, and in that event the plaintiff shall have added to the amount of such judgment by such higher court or courts, interest at the rate of 12 per cent per annum on the amount of such judgment from the date of the filing of the suit in the first instance until the full amount of such judgment is paid. Appeals. Interest to be added.

SEC. 10. No action shall be maintained under this act unless commenced within two years from the day the cause of action accrued. Limitation.

Approved May 24, 1912.

CHAPTER 90.—*Corporation commission—Safety appliances—Accidents.*

SECTION 42. The [corporation] commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every public service corporation to maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices. Power to make rules, etc. Safety devices.

at grade crossings or junctions and block or other systems of signaling, to establish uniform or other standards of equipment, and to require the performance, of any other act which the health or safety of its employees, passengers, customers or the public may demand.

Investigation of accidents.

Sec. 44. The commission shall investigate the cause of all accidents occurring within this State upon the property of any public service corporation or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to persons or property and requiring, in the judgment of the commission, investigation by it, and shall have the power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable: *Provided*, That neither the order or recommendation of the commission nor any accident report filed with the commission shall be admitted as evidence in any action for damage based on or arising out of the loss of life, or injury to person or property, in this section referred to. Every public service corporation is hereby required to file with the commission, under such rules and regulations as the commission may prescribe, a report of each accident so occurring of such kinds or classes as the commission may from time to time designate.

Approved May 28, 1912.

ACTS OF 1912—EXTRA SESSION.

CHAPTER 10.—*Payment of wages.*

SECTION 1. Paragraph [Paragraph] 615 of * * * the Penal Code, Revised Statutes of Arizona, 1901, is hereby amended to read as follows:

Semi-monthly pay days.

Paragraph 615. The State of Arizona, every department and institution of the State, every county and municipal corporation within the State, every contractor (whether individual, firm, partnership, association, or corporation) employed under contract by the State or by any of said departments, institutions, counties, or municipal corporations, and every company or corporation doing business in the State, shall designate regular days not more than sixteen days apart as days fixed for the payment of wages to the employees thereof, and shall post and maintain notices, printed or written, in plain type or script, in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth said days as "pay days." And the State, and every such department, institution, corporation, or individual, shall pay on each of said days to its or his employees in lawful money of the United States, or in negotiable bank check, payable on demand, of the date of said day, all wages due said employees up to such pay day, except that said State, department, institution, corporation, or individual may withhold wages for not more than five days' labor due any employee remaining in the service thereof.

Payment in lawful money.

Sec. 2. Paragraph 617 of * * * the Penal Code, Revised Statutes of Arizona, 1901, is hereby amended to read as follows:

Violations.

Par. 617. Every contractor mentioned in paragraph 615 hereof and every corporation (except municipal corporations) violating any of the provisions of the two preceding sections shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each offense.

Approved June 8, 1912.

CHAPTER 14.—*Compensation for injuries to employees.*

Title.

SECTION 1. This act is a workman's compulsory compensation law as provided in sec. 8 of Article XVIII of the State constitution.

SEC. 2. Compulsory compensation shall be paid by his employer to any workman engaged in any employment declared and determined as in sec. 3 of this act (as provided in sec. 8 of Article XVIII of the State constitution) to be especially dangerous, whether said employer be a person, firm, association, company, or corporation, if in the course of the employment of said employee personal injury thereto from any accident arising out of, and in the course of, such employment is caused in whole, or in part, or is contributed to, by a necessary risk or danger of such employment, or a necessary risk or danger inherent in the nature thereof, or by failure of such employer, or any of his or its officers, agents, or employee or employees, to exercise due care, or to comply with any law affecting such employment.

Compensation to be paid, when.

SEC. 3. The employments hereby declared and determined to be especially dangerous (as provided in sec. 8 of Article XVIII of the State constitution) within the meaning of this act are as follows:

Especially dangerous employments.

1. The operation of steam railroads, electrical railroads, street railroads, by locomotives, engines, trains, motors, or cars of any kind propelled by a steam, electricity, cable or other mechanical power, including the construction, use or repair of machinery, plant, tracks, switches, bridges, roadbeds, upon, over, and by which such railway business is operated.

2. All work when making, using or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive.

3. The erection or demolition of any bridge, building or structure in which there is, or in which the plans and specifications require, iron or steel frame work.

4. The operation of all elevators, elevating machinery or derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure.

5. All work on ladders or scaffolds of any kind elevated twenty (20) feet or more above the ground or floor beneath in the erection, construction, repair, painting or alteration of any building, bridge, structure or other work in which the same are used.

6. All work of construction, operation, alteration or repair, where wires, cables, switchboards, or other apparatus or machinery are in use charged with electrical current.

7. All work in the construction, alteration or repair of pole lines for telegraph, telephone or other purposes.

8. All work in mines; and all work in quarries.

9. All work in the construction and repair of tunnels, subways and viaducts.

10. All work in mills, shops, works, yards, plants, and factories where steam, electricity, or any other mechanical power, is used to operate machinery and appliances in and about such premises.

SEC. 4. In case such employee or his personal representative shall refuse to settle for such compensation (as provided in sec. 8 of Article XVIII of the State constitution), and chooses to retain the right to sue said employer (as provided in any law provided for in sec. 7, Article XVIII of the State constitution) he may so refuse to settle and may retain said right.

Alternative rights of employees.

SEC. 5. It is hereby declared and determined to be contrary to public policy that any employer conducting any especially dangerous industry, through any of his or its officers, agents, or employee or employees, shall fail to exercise due care, or fail to comply with any law affecting such employment, in such manner as to endanger the lives and safety of employees thereof, without assuming the burden of the financial loss through disability entailed upon such employees, or their dependents, through such failure; and it is further declared and determined to be contrary to public policy that the burden of the financial loss to employees in such dangerous employments, or to their dependents, due to injuries to such employees received through such accidents as are

Failure to exercise due care.

hereinbefore mentioned shall be borne by said employees without due compensation paid to said employees, or their dependents, by the employer conducting such employment, owing to the inability of said employees to secure employment in said employments under a free contract as to the conditions under which they will work.

Liability without fault. Sec. 6. The common law doctrine of no liability without fault is hereby declared and determined to be abrogated in Arizona as far as it shall be sought to be applied to the accidents hereinbefore mentioned.

What injuries to be compensated. Sec. 7. When, in the course of work in any of the employments described in sec. 3 above, personal injury by accident arising out of and in the course of such labor, service, or employment, is caused to or suffered by any workman engaged therein, by any risk or failure specified in sec. 2 hereof, then such employer shall be liable to and must make and pay compensation to the workman injured, and his personal representative, when death ensues, for the benefit of the estate of the deceased, for such injury at the rates and in the manner hereinafter set out in this act:

Two weeks' waiting time. *Provided*, That the employer shall not be liable under this act in respect of any injury which does not disable the workman for a period of at least two weeks after the date of the accident from earning full wages at the work at which he was employed at the time of the injury; and

Provided, further, That the employer shall not be liable under this act in case the employee refuses to settle for such compensation and retains his right to sue as provided in sec. 4 of this act.

Amount of compensation. Sec. 8. When an injury is received by a workman engaged in any labor or service specified in sec. 3, and for which the employer is made liable as specified in sec. 7, then the measure and amount of compensation to be made by the employer to such workman or his personal representative for such injuries, shall be as follows:

For nonfatal injuries. 1. If the injury by accident does not result in death within six months from the date of the accident, but does produce or result in total incapacity of the workman for work at any gainful employment for more than two (2) weeks after the accident then the compensation to be made to such workman by his employer shall be a semimonthly payment commencing from the date of the accident and continuing during such total incapacity, of a sum equal to fifty (50) per centum of the workman's average semimonthly earnings when at work on full time during the preceding year, if he shall have been in the employment of such employer for such length of time; but if not for a full year, then fifty (50) per centum of the average wages, whether semimonthly, weekly, or daily, being earned by such workman during the time he was at work for his employer before and at the time of the accident.

Partial disability. 2. In case (1) the accident does not wholly incapacitate the workman from the same or other gainful employment; or (2) in case the workman, being at first wholly incapacitated, thereafter recovers so as to be able to engage at labor in the same or other gainful employment, thereby earning wages, then in each case the amount of the semimonthly payment shall be one-half of the difference between the average earnings of the workman at the time of the accident determined as above provided, and the average amount he is earning, or is capable of earning, thereafter, semimonthly in the same or other employment—it being the intent and purpose of this act, that the semimonthly payments shall not exceed, but equal, from time to time one-half the difference between the amount of average earnings ascertained as aforesaid at the time of the accident, and the average amount which the workman is earning, or is capable of earning, in the same or other employment or otherwise, after the accident, and at the time of such semimonthly payment. Such payments shall cease upon the workman [re]covering and earning, or being capable of earning, in the same or other gainful employment or otherwise, wages equal to the amount being earned at the time of the accident:

Provided, however, That the payments shall continue to be made as herein determined to the workman so long as incapacity to earn wages in the same or other employment continues, but in no case shall the total amount of such payments as provided in subsections 1 and 2 of this section exceed four thousand (\$4,000) dollars.

3. When the death of the workman results from the accident within six months thereafter, and the workman, at the time of his death, leaves a widow, and a minor child, or children dependent on such workman's earnings for support and education, then the employer shall pay to the personal representative of the deceased workman for the exclusive benefit of such widow and child, or children, a sum equal to twenty-four hundred times one-half the daily wages or earnings of the decedent, determined as aforesaid, but in no event more than the sum of four thousand dollars (\$4,000). Such sum shall be paid in lump and held in trust by such representative for such widow and children and applied by him to the support of the widow while she remains unmarried, and to the support and education of the children so long as necessary, and until eighteen (18) years of age, in such way and manner as to him shall seem best and just, under and in accordance with the directions of the court having jurisdiction of the estate of the decedent; any balance remaining unapplied at the closing of the estate of the decedent shall be distributed to the decedent's widow (if still his widow), and the children or next of kin, as provided by the law of descents. The personal representative may pay out of said fund the reasonable and necessary expenses of medical attendance and burial of the decedent. If the workman leaves no widow or child, or children, but a father or mother or sister dependent on him for support, then said sum shall be for their benefit to be applied as above provided. If the deceased workman leaves no widow, children, or other dependents, then the employer shall pay the reasonable expenses of medical attendance upon the decedent and also provide and secure his burial in a proper cemetery, which may be chosen by the friends of the decedent.

Death.

Sec. 9. Any workman claiming compensation under the provisions of this act shall, if requested by the employer, or upon written notice by him given to the employer, submit himself for bodily examination by some competent licensed medical practitioner or surgeon of the county in which the workman then resides, to ascertain and determine the nature, character, extent, and effect of the injury to such workman at the time of such examination for the purpose of ascertaining the semimonthly compensation then and thereafter to be made. The employer or the workman not having requested the examination may have present at the examination a medical representative by him chosen. Each party shall pay his chosen representative the expenses of such examination. The said notice shall be given at least ten (10) days before the date fixed for the examination, and the place shall be convenient for the workman to be examined. In case the employer is a corporation, the notice may be served on any officer or agent thereof in the said county, and if none there, then elsewhere in the State. The examiner shall make a verified report in writing in duplicate within ten (10) days after the examination and furnish one copy to the employer and one to the workman. If any workman neglects or refuses to submit to an examination, his right to compensation, if any, shall be suspended until he notifies the employer in writing of his readiness to submit thereto. No persons other than the physicians and surgeons aforesaid shall attend any examination except by agreement of the parties. If the employer and the workman each have an examiner, and they shall agree upon and join in a report, the same shall be conclusive so long as it remains in force. If either the employer or the employee, having opportunity, fails to provide an examiner, then the report of the examiner making such examination shall likewise be conclusive so long as the same remains in force. If the

Medical examinations.

workman and the employer each have an examiner present, and they disagree as to the nature, character, extent, or effect of the injury, and the degree of incapacity, if any, for labor on the part of the workman at the time of such examination, then they shall join in a written report stating the matters in which they agree, and in which they disagree, and mutually select some disinterested medical practitioner or surgeon of the county to whom the same shall be referred, and who shall proceed promptly to make an examination of the workman as to the matters in disagreement, and the same shall be conclusive so long as such report remains in force, which report shall be made by such disinterested examiner and verified, and a copy thereof furnished to the employer and the workman. For making such examination, such examiner shall be entitled to a fee of ten dollars (\$10), to be paid one-half by the employer and one-half by the workman at the time of such examination. Such examination may be required by the workman or the employer at periods not shorter than three months from the date of the last examination. The report of any examination shall supersede all previous reports. When there is disagreement between the examiners aforesaid, and they cannot agree upon a third person as above provided, then it shall be the duty of the chairman of the board of supervisors of the county, on written notice of either the workman or employer, to appoint some licensed medical practitioner or surgeon, who shall be a resident of the county, to make such examination, and said appointee shall be entitled to the same compensation.

Notice.

SEC. 10. Every workman seeking compensation under the provisions of this act, where the same is not fatal or does not render him incompetent to give the notice, shall, within two weeks after the day of the accident, give notice in writing to the employer, or his representative employing such workman, or to the foreman or other employee of the employer under whom he was working at the time of the accident, and before the workman has voluntarily left the service of the employer and during his disability. The notice shall state (1) the name and address of such workman, (2) the date and place of the accident, (3) and state in simple words the cause thereof, (4) the nature and degree of the injury sustained, (5) and that compensation is claimed under this act. The notice may be written and served personally by the workman or by any one in his behalf on any person named above in this section, or by mail, postpaid, to such person, addressed to the office, place of business or residence of the person notified. No want or defect or inaccuracy of the notice shall be a bar to the right of the workman to claim and receive compensation under this act, or to maintain any proceeding to secure the same, unless the employer proves that he has been seriously prejudiced by such lack of notice. No compensation shall be claimed or allowed so long as such notice is not given. If the workman is killed, or otherwise rendered incompetent to give the notice, the same is not hereby required, nor is any notice required to be given by the personal representative of such deceased person. It shall be the duty of any one giving a notice as in this section provided, to mail a duplicate copy to the attorney general of this State.

Settlement
of disputes.

SEC. 11. Any question which may arise between the employer and the workman or his personal representative, under this act, shall be determined either (1) by written agreement between the parties, or (2) by arbitration, or (3) by reference and submission to the attorney general of this State; and in case of a refusal or failure of the employer and workman, or such personal representative, to agree upon a settlement by either of the modes above provided, then by a civil action at law, showing such refusal or failure as a reason for suit. If any employer fails to make and pay compensation, as in this act provided, for a period of three months after the date of the accident, or for any two months or more after payment of the last monthly compensation, then the injured workman, if surviving, or the personal representative, in case of death, may bring an action in any court of competent

jurisdiction to recover and enforce the compensation herein provided. Such action shall be conducted as near as may be in the same manner as other civil actions at law. The action shall be brought within one year after the happening of the accident, or after the nonpayment of any semimonthly installment theretofore fixed by agreement or otherwise; or within one year after the appointment of a personal representative of the decedent. The judgment in such action, when in favor of the plaintiff, shall be for a sum equal to the amount of payments then due and prospectively due under the provisions of this act. The judgment shall be for the total amount thereof and collectible without relief from valuation or appraisal laws. And the court awarding the judgment shall, by proper order, direct that the same shall be paid ratably to the workman, if living, in semimonthly installments until the determination of the periods provided in this act the same as if such payments were being made voluntarily or without suit in conformity with this act. The judgment by agreement, if it appears to the court to be for the best interests of the workman, may be paid in lump and not otherwise. The court rendering the judgment is hereby given power from time to time to make such orders touching the matter of payments as may appear best to provide for the maintenance and support of the workman and his family during his infirmity, and for his and their benefit and security. The employer shall have the right to stay the judgment in whole, whether the same is to be paid in lump sum or monthly installments, upon securing the same by one or more freehold sureties or a surety company, to be approved by the court rendering the judgment, who shall enter into a recognition acknowledging themselves bound for the defendant for the payment of the judgment in lump or in partial payments as the same is, or shall be made, payable, together with interest and costs. On failure of any one or more of such payments by the employer, execution may issue out of said court and cause, against such defendant, and his bail from time to time leviable and collectible without relief from valuation or appraisal or stay laws. The recognition shall be written upon the order book of the court and immediately following the entry of the judgment and signed by such bail and docketed in the judgment docket of the court against such defendant and bailors, which shall bind the property of the same in the same manner as the judgment binds the property of the employer. In an action by a personal representative of a deceased workman, the court shall determine the proportions of the judgment, whether in lump or in installments, to be distributed between the widow and child, or children, with power to alter and amend the proportionment from time to time on petition of any party interested as the court may deem best for the support, maintenance, and education of such widow and children.

Payments.

Distribution.

In any action under this act the court shall fix and allow, at the time of entering the judgment against the employer, a reasonable fee to the workman's attorney, to be taxed against the employer as costs, and collectible in the same manner. From such allowance there shall be no right of appeal. Such attorney shall have no claim for compensation upon the judgment or its proceeds, other than as herein provided. But no allowance, or any fee payable by the workman to an attorney for services, or any fee payable by the workman to an attorney for services [sic] in securing a recovery or disbursement, shall ever exceed twenty-five (25) per centum of the principal of the sum recovered; and the same shall not be made a lien on the recovery of its proceeds, except as may be determined and allowed and fixed by the court.

Attorney's fees.

SEC. 12. Any workman entitled to monthly or other payments from or to any judgment against any employer as above provided, as compensation shall have the same preferential claim therefor against the property and assets of the employer and any bailor, as now is allowed by law for unpaid wages or personal services. No judgment or any part thereof, nor monthly payments due, or

Payments are preferred claims.

coming due, under this act shall be assignable by the workman or subject to mortgage, levy, execution, or attachment. But the same shall stand as a continuing provision for the maintenance and support of such injured workman during his incapacity for the periods provided in this act.

Mental in-competence. SEC. 13. In case an injured workman, having a right of action under the provisions of this act, shall be mentally incompetent at the time when any right or privilege accrues thereunder to him, a guardian may be appointed by any court having jurisdiction, to secure and protect the rights of such workman; and the guardian may claim and exercise any and all of such rights or privileges with the same force and effect as if the workman himself had been competent and had claimed or exercised any such right or privilege; and no limitation of time provided in any of the foregoing sections shall run so long as said incompetent workman has no guardian.

Act in effect. SEC. 14. This act shall take effect on the 1st day of September, 1912; and ten days from and thereafter, it shall be taken and held in law that all workmen then in the employ, and all workmen afterwards employed by an employer at manual and mechanical labor of the kinds defined in sec. 3 of this act, are employed and working under this act, and the employer and workman shall alike be bound by and shall have each and every benefit and right given in this act the same as if a mutual contract to that effect were entered into between the employer and the workman at any time before the happening of the accident. It shall be lawful, however, for the employer or workman to disaffirm an employment under the provisions of this act by written contract between them, or by written notice by one to, and served upon, the other to that effect before the day of the accident.

Existing con-tracts. and working under this act, and the employer and workman shall alike be bound by and shall have each and every benefit and right given in this act the same as if a mutual contract to that effect were entered into between the employer and the workman at any time before the happening of the accident. It shall be lawful, however, for the employer or workman to disaffirm an employment under the provisions of this act by written contract between them, or by written notice by one to, and served upon, the other to that effect before the day of the accident.

S u b s t i t u t e schemes. *Provided*, Such written contract does not provide for less compensation than as provided in this act. And in the absence of such written contract or written notice, served as above provided, it shall be taken and held that the employment and service is under this act; and the same shall be the sole measure of their respective rights and liabilities when and as provided in this act:

Suits. *Provided*, If, after the accident, either the employer or the workman shall refuse to make or accept compensation under this act or to proceed under or rely upon the provisions hereof for relief, then the other may pursue his remedy or make his defense under other existing statutes, the State constitution, or the common law, except as herein provided, as his rights may at the time exist. Any suit brought by the workman for a recovery shall be held as an election to pursue such remedy exclusively.

Agreements. SEC. 15. Any employer employing workman (workmen) to perform labor or services of other kinds than as defined in this act, and such workmen and employees may, by agreement, at any time during the employment, accept and adopt the provisions of this act as to liability for accident, compensation, and the methods and means of paying and securing and enforcing the same. And in every such case the provisions of this act shall be taken in law and fact to bind the parties as fully as if they were specifically mentioned and embraced in the provisions of this act.

Nature of act. SEC. 16. This act is remedial in its purpose and shall be construed and applied so as to secure promptly and without burdensome expense to the workmen the compensation herein provided and apportioned so as to provide support during the periods named for the loss of ability to earn full wages.

Construction. SEC. 17. Nothing in this act shall be deemed or taken to repeal or affect in any way any other acts or laws passed by the first legislature of the State of Arizona, and as [sic] in so far as it refers to the same subject in other acts it shall be deemed to be accumulative only.

Approved June 8, 1912.

CHAPTER 16.—*Obtaining labor under false pretenses.*

SECTION 1. Any person, persons, partnership, association, company, or corporation, (his or its officers, directors, or agents), who or which shall employ upon wages any person or persons in any occupation, and who or which at the time of employing such person or persons shall not have sufficient assets within the State, over and above the exemptions allowed by law, to cover the amount of wages accruing to said employee or employees for the term of two (2) weeks, and who shall make any false representation, or pretenses as to having such assets, and who after labor has been done under such employment by said employee or employees shall fail upon the discharge or resignation of such employee or employees, or for a period of five days after such wages are legally payable, to pay said employee or employees on demand the wages due said employee or employees for such labor, shall be deemed guilty of obtaining labor under false pretense, and, upon conviction therefor shall be punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not exceeding three (3) times the amount of the wages so due, and upon the facts being shown shall be liable to the plaintiff, in civil process for the collection of said wages, for the amount of said wages and costs of recovery including a reasonable compensation to plaintiff for time lost and an attorney's fee to be fixed by the judge who hears the case.

False pretenses as to assets.

Failure to pay wages.

Penalty.

Approved June 11, 1912.

CHAPTER 66.—*Employment of aliens on public works.*

SECTION 9. No person not a citizen or ward of the United States or who has not declared his intention to become a citizen, shall be employed upon or in connection with, any State, county or municipal works or employment: *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State, any county, or by any municipality thereof, on street or road work, or other public work: *And provided further*, That the board of control shall require all contractors, under the provisions of this act, to comply with the restrictions in this section contained.

Citizens to be employed.

Approved June 20, 1912.

CALIFORNIA.

CONSTITUTION.

ARTICLE XX.—*Miscellaneous—Compensation of workmen for injuries.*

SECTION 21. The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this constitution to the contrary notwithstanding.

Compulsory laws authorized.

Settlement of disputes.

Amendment adopted October 10, 1911.

ACTS OF 1911—EXTRA SESSION.

CHAPTER 14.—*Railroad commission—Accidents.*

SECTION 44. The [railroad] commission shall investigate the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of

Causes of accidents to be investigated.

life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and shall have the power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable: *Provided*, That neither the order or recommendation of the commission nor any accident report filed with the commission shall be admitted as evidence in any action for damages based on or arising out of the loss of life, or injury to person or property, in this section referred to. Every public utility is hereby required to file with the commission, under such rules and regulations as the commission may prescribe, a report of each accident so occurring of such kinds or classes as the commission may from time to time designate.

Reports.

Approved December 23, 1911.

CHAPTER 17.—*Time to vote to be allowed employees.*

SECTION 2. Section 3 of said [primary election] act is hereby amended to read as follows:

Two hours to be allowed.

SEC. 3. * * * The day of the September primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of section 10 of the Political Code. Any person entitled to vote at such September or May primary elections shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages. * * *

Approved December 24, 1911.

CHAPTER 39.—*Industrial accident board—Accident statistics.*

Duties of industrial accident board. SECTION 1. It shall be the duty of the industrial accident board to collect and compile statistics in regard to industrial accidents happening in this State resulting in personal injury and the cost and probable causes thereof, to investigate methods and devices for the prevention of such accidents, to investigate the comparative merits and relative cost of the various forms of insurance against liability and compensation for personal injuries resulting from industrial accidents.

Duties of employers and insurance companies. SEC. 2. It shall be the duty of every employer of labor and of persons, firms, associations or corporations insuring against liability of employers for damages or compensation for personal injuries to employees by industrial accidents to furnish to the industrial accident board, upon the written request of a member thereof or an examiner appointed thereby, any and all information in his or its possession or under his or its control, pertinent to any of the matters referred to in the preceding section of this act. It shall be unlawful for the said board, or any member thereof, or any examiner appointed thereby, to divulge any information obtained from any employer of labor, or from any person, firm, association or corporation insuring against liability or compensation for industrial accidents, without the written consent of such employer, and of such person, firm, association or corporation; and any member of the said board, or any examiner appointed thereby who violates the provisions of this section of this act, shall be guilty of a misdemeanor, and for each and every such violation shall be, upon conviction thereof, punishable by a fine of not less than ten dollars (\$10) or more than one hundred dollars (\$100) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and any information so obtained shall not be used against any such employer, person, firm, association or corporation, in any action brought against such employer, person, firm, association or corporation without the written consent of such employer, person, firm, asso-

ciation or corporation: *Provided, however,* That this section shall not prevent the industrial accident board from making and publishing the results of its investigations and researches, as provided in sections 5 and 6 of this act.

SEC. 3. Any member of the said board or examiner appointed thereby may, during reasonable business hours, enter any place of employment for the purpose of collecting facts and statistics and examining the provisions made for the safety and welfare of the employees therein. Entering establishments.

SEC. 4. It shall be unlawful for any person, firm, corporation, agent or officer of a firm or corporation to fail, neglect or refuse to comply with any of the foregoing provisions of this act. Any person, firm, corporation, agent or officer of a firm or corporation that knowingly violates or omits to comply with any of the provisions of this act, shall be guilty of a misdemeanor for each and every offense and shall be, upon conviction thereof, punishable by a fine of not more than ten dollars. Hindering entrance.

SEC. 5. The industrial accident board shall report the results of its investigations covering the calendar year of 1912 to the governor of the State not later than February 1, 1913. Report of board.

SEC. 6. The industrial accident board is authorized and empowered to make public and publish at such times and in such manner as it deems best, the results of its investigations and researches together with all such other information in relation to the liability of employers for damages or compensation for personal injuries to their employees as it may deem essential to fully acquaint the people of the State with the present law and its purpose and operation. Publication of reports, etc.

SEC. 7. The industrial accident board is hereby authorized to draw upon and expend for the purposes set forth in this act a sum not in excess of fifteen thousand dollars, the same to be paid out of the sum of fifty thousand dollars appropriated for the use of said board under section 29 of an act entitled "An act relating to the liability of employers for injuries or death sustained by their employees, establishing an industrial accident board, making appropriation therefor, defining its powers and providing for a review of its awards, approved April 8, 1911," and the controller is hereby directed to draw his warrants in favor of said board for sums so expended when duly audited and approved by the State board of control, and the treasurer is hereby authorized and directed to pay the same. Appropriation.

Approved January 2, 1912.

CHAPTER 53.—*Accidents to be reported.*

SECTION 1. Every employer of labor in this State shall keep a full, true and correct record of every personal injury suffered by his or its employees, arising out of or in the course of the employment, and resulting in death, or in disability extending over a period of a week or more. Within fifteen days after the happening of any such personal injury, a written report thereof shall be mailed by the employer to the industrial accident board informally, or on blanks to be provided by said board for this purpose. The said report shall contain the name of the employer, location of place of employment, nature of employment, name, address, age, nationality, sex and occupation of the injured person, length of time the injured person had worked at the particular employment previous to injury, date and hour of the day or night of the accident, the hour at which the injured employee began work on the date of the accident, nature of the injury, cause of the injury and rate of wages of the injured employees. Employers to report accidents.

SEC. 2. Upon the termination of the disability of the injured employee or at the expiration of sixty days from the date of the accident, if the disability should extend beyond such period, the employer shall mail to the industrial accident board a supplemental report in relation to such disability, informally or on blanks to be provided by said board for this purpose. Such report Report of termination of disability.

must contain complete statements as to any claim made by the injured employee for indemnification for the injury sustained, payment made to him or in his behalf for medical, surgical or other care, claim for compensation or damages made for such injuries and any compromise or settlement of claim for compensation or damages entered into between the employer and such injured employee, his heirs, dependents, or legal representative. In the event that any payment shall be made to such injured employee, or his dependents at any time thereafter, in compromise or settlement of a claim for compensation or damages, the amount of such payment shall be forthwith reported by the employer to the industrial accident board.

Reports by physicians. Sec. 3. Every physician who attends any such injured employee shall keep a record of his case. Within ten days from the date of his first attendance upon the injured employee, he shall mail to the industrial accident board a report, informally or on blanks to be provided by the said board for this purpose. The said report shall contain the name and address of the employer, name, address, sex and age of the injured employee, date of accident, description of the injury, probable nature and extent of disability. Upon the termination of the disability of the injured employee or the termination of said physician's attendance upon his case, he shall forthwith mail to the industrial accident board a supplemental report in relation to such case describing the physical condition of the injured employee, his disability, convalescence or discharge from the doctor's care.

Reports as to insurance. Sec. 4. Every person, firm, association or corporation insuring against liability of employers for damages or compensation for personal injury to employees or indemnifying any employer for, or on account of any such liability shall keep a record thereof, and shall within the first five days of each and every month, report in writing to the industrial accident board, informally or on blanks to be provided by said board for this purpose, every such injury to employees reported to it, every claim for damages or compensation for such injury filed with such person, firm, association or corporation and any settlement or compromise of any such claim for damages or compensation whether made with such injured employee, his heirs, dependents or legal representative.

Other information. Sec. 5. Every employer, physician or insurance company, firm or association, shall furnish to the industrial accident board all further information required by it in order to constitute a substantially complete and accurate history of each injury and the damages or compensation paid therefor.

Records to be open. Sec. 6. The record required to be kept in pursuance of the provisions of this act shall at all times be open to inspection of the industrial accident board or any member thereof, or any examiner appointed thereby. Any statement contained in such report shall not be admissible as evidence in any action arising out of the death or injury of any employee by reason of the accident reported.

Violations. Sec. 7. It shall be unlawful for any person, firm, corporation, agent or officer of a firm or corporation to fail, neglect or refuse to comply with any of the provisions of this act. Any person, firm, corporation, agent or officer of a firm or corporation that violates or omits to comply with any of the provisions of this act, shall be guilty of a misdemeanor for each and every offense and shall be, upon conviction thereof, punishable by fine of not less than ten dollars or more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Exemptions. Sec. 8. Nothing in this act shall apply to employers of labor engaged in farming, dairying, agricultural or horticultural pursuits, in poultry raising or domestic service.

Approved January 10, 1912.

GEORGIA.

ACTS OF 1912.

Sunday labor—Railway trains.

(Page 76.)

[This act amends subsection 3 of section 414 of the Penal Code of 1910 by adding the operation of ice trains and the switching of ice cars to the list of employments permitted on Sunday.] Ice cars, etc.

Sunday labor—Railway trains.

(Page 77.)

[This act amends section 414 of the Penal Code of 1910 by excepting from its prohibitions the operation on Sunday of trains run by request of the governor of the State or of the military authorities.] Military service.

Examination, etc., of stationary engineers and firemen.

(Page 158.)

[This act amends the act, page 112, Acts of 1910, by making its provisions applicable to stationary engineers and firemen in counties having a population of 70,000 inhabitants or more, instead of 117,000 as formerly.] Act extended.

Bonds of employees of common carriers.

(Page 159.)

SECTION 1. From and after January 1st, 1913, no common carrier authorized to do business in this State when requiring of an employee that he give bond or undertaking of any nature whatsoever shall require as surety thereon any one or more specific or certain bonding company or companies as surety thereon: *Provided, however,* That nothing herein shall be construed so as to prevent any common carrier from specifying the form or verbiage [verbiage] of such bond. Freedom in choice of companies.

SEC. 2. Any such employee who shall have given any such bond or undertaking, shall, upon the breach of any of the conditions thereof by the other party or parties thereto, have the power to cancel the same by giving the surety or sureties thereon and the common carrier for the benefit of whom same shall have been made at least ten days' notice in writing, setting out in full the reasons for cancelling the same. Any such notice to a company, corporation or association may be served by leaving the same with any person upon whom service of legal process upon such company, corporation or association may be had. Any surety or [on] any such bond or undertaking shall, upon the breach of any of the conditions thereof by the common carrier employee for whom same shall have been made, have power to cancel the same by giving such employees at least ten days' notice in writing, setting out in full the reasons for cancelling same, the said notice to be signed by an agent or manager of such surety: *Provided,* That nothing therein shall effect [affect] any right of action accruing to any person upon the breach of a contract. Cancellation on breach.

SEC. 3. Any person, officer or manager, company, corporation, association or firm who shall violate any of the provisions of this act shall be deemed guilty of misdemeanor and be punished as provided in section 1065 of the Penal Code of 1910. Violations.

Approved August 19, 1912.

IDAHO.

ACTS OF 1912.—EXTRA SESSION.

CHAPTER 4.—*Liability of employers for road taxes of employees.*

Employers to furnish names. [This chapter amends section 908 of the Revised Codes by requiring employers to furnish lists of names only of "all able-bodied adult male persons between the ages of twenty-one (21) and fifty (50) years employed by such employer," instead of "all persons employed," as formerly, and the provision as to withholding the amount of the road poll tax from the wages is limited in the same manner.]

ILLINOIS.

SECOND SPECIAL SESSION—1912.

Mutual casualty insurance companies—Employers' risks.

(Page 48.)

Who may form companies. SECTION 1. Any number of persons not less than twenty, the majority of whom shall be bona fide citizens of the State of Illinois, by complying with the provisions of this act, may become, together with others that may hereafter be associated with them or their successors, a body corporate, for the purpose of carrying on the business of a mutual insurance company insuring risks hereinafter designated and none other: *Provided, however,* That any person who shall be a partner in any firm, or a stockholder in any corporation, shall be deemed a person for the purpose of associating in the formation of any corporation under the provisions of this act.

Powers of companies. SEC. 13. Any company organized under the provisions of this act is empowered and authorized to make contracts of insurance or indemnity, insuring or indemnifying employers against loss or liability in consequence of accidents or casualties of any kind to any employee or employees, or to any person or persons, resulting from any act or acts of any employee or employees; or accidents or casualties to any person or persons or any employee or employees, resulting from any reason or cause whatsoever, and occurring in or connected with the transaction of the business of any employer.

Restrictions. Sec. 13½. Except as herein provided no insurance business of the kind provided for in this act shall be transacted by any other than a legally incorporated company authorized to do such business under the laws of Illinois, or by such corporation of other States as are authorized to do such business in this State: *Provided, however,* That the insurance superintendent may authorize individuals, firms and corporations, by themselves or their attorney in fact, to provide among themselves insurance or indemnity to each other, of the kind provided for in this act, through the medium of reciprocal or inter insurance contracts, if, in his opinion, the plan proposed and the financial strength of the parties in interest will properly safeguard the interest of the insured.

Approved June 14, 1912.

KENTUCKY.

ACTS OF 1912.

CHAPTER 77.—*Employment of females—Hours of labor, etc.*

Sixty hours per week for minors. SECTION 1. No female under twenty-one years of age shall be employed or suffered or permitted to work at any gainful occupation except domestic service and nursing, more than sixty hours in any one week, nor more than ten hours in any one day.

SEC. 2. No female of whatever age shall be employed, or suffered, or permitted to work in any laundry, bakery, factory, workshop, store, or mercantile, manufacturing or mechanical establishment or hotel, restaurant, telephone exchange or telegraph office, more than sixty hours in any one week, nor more than ten hours in any one day. Ten-hour day
in certain oc-
cupations.

SEC. 3. Every person, firm or corporation employing females shall be provided [sic] seats for their use in the room where they work and shall maintain and keep them there, and shall permit the use of such by them when not necessarily engaged in the actives duties for which they are employed. In stores and mercantile establishments at least one seat shall be provided for every three females employed. If the duties of the female employees, for the use of whom the seats are furnished, are to be principally performed in front of a counter, table, desk or fixture, such seats shall be placed in front thereof. If such duties are to be principally performed behind such counter, table, desk or fixture, such seats shall be placed behind the same. The provision of seats that fold when not in use shall not be deemed a compliance with this section. Seats.

SEC. 4. Every person, firm or corporation employing females shall provide suitable and proper wash rooms and water-closets, or privy closets where sewer connection is impossible, and shall keep such closets at all times clean and properly screened and ventilated and free from obscene writing or marking. If male persons also be employed in the same establishment such employer shall provide closets for the men in a room entirely separate from, and having an entrance entirely distinct and separate from that to the room containing the women's closet. A dressing room shall be provided by the employer for the women when the nature of their work in [is] such as to require any change in clothing. Wash rooms,
etc.

SEC. 5. Every person, firm or corporation employing females in laundry, bakery, factory, workshop, store, or mercantile, manufacturing or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office, shall keep a time book in which shall be correctly recorded the name of each female employee and the number of hours she is employed each day, which book shall at all times be open to the inspection of the State labor inspector and his assistants. Any such employer or agent of such employer who knowingly makes any false record in this book, and any such employer who fails to keep such book or fails to produce it upon request to the State labor inspector or his assistants for inspection shall be guilty of a violation of this act. Time books
to be kept.

SEC. 6. Every person, firm or corporation employing females in laundry, bakery, factory, workshop, store, or mercantile, manufacturing, or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office, shall cause to be posted and at all times keep in a conspicuous place in each workroom wherein females are employed in the establishment of such employer— Act to be
posted.

(a) A plainly printed copy of this act, and

(b) A printed notice, in a form which shall be furnished by the State labor inspector, stating the number of hours per day for each day of the work required of the females employed, and the time when such work shall begin and end.

SEC. 7. Any person, firm or corporation who or which violates any of the provisions of this act, or suffers or permits any female to be employed in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction, unless otherwise herein expressly provided, shall be punished by a fine of not more than fifty dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense by imprisonment for not more than ninety days and not less than ten days, or by a fine of not less than fifty dollars nor more than two hundred dollars, or by both fine and imprisonment. Violations.

SEC. 8. If any section of this bill [act] shall be held to be unconstitutional, in whole or in part, the fact shall not affect any other Construction
of statute.

section of the act, it being the intention of the general assembly in enacting this bill [act] to enact each section separately.

Approved March 14, 1912.

CHAPTER 108.—*Bureau of agriculture, labor and statistics—Inspection of factories, etc.*

SECTION 1. Section 1 of * * * section 33a of the Kentucky Statutes. [shall] be amended * * * so that said section will read as follows:

Labor inspectors.

[1.] In the bureau of agriculture, labor and statistics there shall be appointed by the commissioner, with the approval of the governor, two labor inspectors and two assistant labor inspectors. One of said inspectors and one assistant inspector shall be men having practical knowledge of factories, machine or workshops, and the other inspector and assistant inspector shall be women, and said inspectors and assistants shall be under the supervision of the commissioner.

Sec. 2. Section 2 of said act [shall] be amended * * * so that said section will read as follows:

Duties.

[2.] It shall be the duty of the male labor inspectors to visit and inspect the various factories, machine and workshops in this State; and it shall be the duty of the female labor inspectors to visit and inspect the various factories, laundries, workshops, stores, or mercantile, manufacturing or mechanical establishments or hotels, restaurants, telephone exchanges or telegraph offices in which women are employed. It shall be the duty of all such inspectors under the direction of the commissioner, to report to the Commonwealth's attorney and county attorney any violation occurring in said county of any law or laws enacted for the protection of women, children and other persons employed in such county.

Sec. 3. Section 3 of said act [shall] be amended * * * so that said section will read as follows:

Inspectors to be admitted.

[3.] It shall be the duty of every owner, manager and agent of any factory, machine or workshop where male laborers are employed, and of any factory, workshop, laundry, store, or mercantile, manufacturing or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office where women are employed, to admit the labor inspector during reasonable hours and while the same is open, for the purpose of making an inspection of same, and any person who shall refuse to admit such inspectors in violation of the provisions of this section shall be fined not to exceed one hundred (\$100) dollars, or to be imprisoned in jail not more than six months, or both so fined and imprisoned in the discretion of the jury.

Sec. 4. Section 4 of said act [shall] be amended * * * so that said section will read as follows:

Statistics.

[4.] It shall further be the duty of the labor inspectors to collect statistics concerning labor wherever and however employed in this State and report the same to the commissioner at such times as he may direct, and it shall be the duty of the owner, officers, manager or agent of any factory, machine or workshop where male laborers are employed, and of any factory, workshop, laundry, store, or mercantile, manufacturing or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office where females are employed, to furnish upon demand of the labor inspector statistical information concerning the number and sex of persons employed, the exact amount of compensation paid to each of such laborers, or women, the amount and kind of labor or work performed by each of said men and women so employed, and such other reasonable information as may be required by the commissioner: *Provided*, That no person shall be required to furnish the labor inspectors information touching matters not contemplated in the provisions of this act: *And provided, further*, That no labor inspector for the purpose of gathering statistics shall interfere or detain from work any laborer, or any woman employee while on duty during working hours.

Sec. 5. Section 7 of said act [shall] be amended * * * so that said section will read as follows:

[7.] Neither the labor inspectors nor assistant labor inspectors shall take any part, interfere or become involved in any strike or similar labor difficulty other than the performance of his or her duty as prescribed by law, upon penalty of forfeiting his, or her, office. Not to interfere with strikes.

[Subsection 8 is changed merely by making the word "inspector" where it appears plural instead of singular.]

Approved March 15, 1912.

CHAPTER 126.—*Assignments of wages.*

SECTION 1. No assignment, sale, pledge, mortgage or other transfer of wages to be earned or paid in the future where the whole or a part of the consideration for said assignment, sale, pledge, mortgage or other transfer, is a sum of money of less than \$200, shall be valid unless the instrument evidencing the same— Contents of assignments.

(a) Be in writing subscribed by the assignor, and bear the true date of its signature by the assignor, and the true date of delivery of such sum of money.

(c) Contain a true statement of the consideration, the amount of money advanced or paid, of the interest and all other fees and charges paid or agreed to be paid by the assignor and the time when said debt matures; and if said debt is to be paid in installments, the date of payment of each installment.

(d) The full name or names and address or addresses of the assignee, vendee, pledgee or mortgagee; if a firm or partnership, the name of each member of the partnership; and in case of a nonresident partnership or individual, and of a corporation, the name and address of some person in the State upon whom process may be served in any litigation involving said instrument.

Sec. 2. No such instrument shall be valid against the employer of the person to whom such wages are payable unless and until said employer shall signify in writing upon said instrument his assent to said assignment, sale, pledge, mortgage or other transfer: *Provided, however,* That if notice of said assignment be given to said employer by delivering to him a copy of said instrument within three days after the date of the making thereof, the acceptance of said employer shall not be necessary to the validity of said instrument. Assent by employer.

Sec. 3. No such instrument shall be valid against such wage earner unless a full, true and complete copy thereof be delivered to the wage earner at or before the time of the payment of the consideration to him; nor shall any such instrument be valid against any such wage earner in any case where it shall appear that said copy was taken from his possession with or without his consent thereafter by the assignee, pledgee, vendee or mortgagee, or his agent, directly or indirectly, or mutilated, altered or destroyed directly or indirectly by such assignee, vendee, pledgee or mortgagee, or his agent, with or without the consent of said wage earner or his agent. Said assignee, vendee, pledgee or mortgagee shall upon demand furnish an exact copy of said instrument to said wage earner upon the payment of the sum of ten cents, and any false statement made in such copy shall make the original instrument invalid against such wage earner. The time and amount of all payments made by such wage earner under the terms of such instrument shall be indorsed on said copy and on the original and shall be a part thereof; and a failure to so indorse such payments, if any, thereon, shall make such instrument invalid. Assignor to have copy.

Sec. 4. No such assignment, sale, pledge, mortgage or transfer shall be valid or enforceable unless it be for a fixed and definite part of the wages earned or of wages to be earned during a period not exceeding ninety days immediately following the date of said instrument. Any such instrument which shall be dated any other date than that of its execution shall be void. Restrictions.

- Exemptions.** SEC. 5. National banks and all State banks and trust companies shall be exempt from the provisions of this act.
- Construction of act.** SEC. 6. The invalidity of any portion of this act shall not affect the validity of any other portion thereof, which can be given effect without such invalid parts.

Approved March 18, 1912.

LOUISIANA.

ACTS OF 1912.

ACT No. 20.—*Seats for employees on street cars.*

- Seats to be provided.** SECTION 1. From and after the passage of this act, it is made the duty of all persons, partnerships and corporations engaged in the operation of street railroads to provide the cars operated by them with good substantial seats on each platform of every car and to maintain them in good order for the use of the operator and conductor on the car and to permit and allow the operator and conductor of the car to use the seats so provided and seat and rest themselves thereon when in service on the cars on which they are employed while the cars are passing over portions of the road bed out of the business district of any city, town or village in this State.
- Use.** Any persons, partnership or corporation found guilty of violating any of the provisions of this act shall upon conviction be fined not less than fifty dollars nor more than five hundred dollars or be imprisoned in the parish jail not less than three months nor more than one year.

Approved June 24, 1912.

ACT No. 25.—*Employment of children in pool and billiard rooms.*

- Employment forbidden.** SECTION 1. It shall be unlawful for any person, whether as proprietor, agent, manager, employee, lessee or otherwise, conducting or carrying on any place where pool or billiard games of any sort are operated, for pay or otherwise, to allow or permit minors under the age of seventeen years within such places, or to be employed therein, or to allow or permit such minors to engage or take part in any game of pool or billiards in such places, or to allow or permit such minors to use or play upon any pool or billiard tables therein.
- Violations.** SEC. 2. Whoever shall violate any of the provisions of this act shall be regarded as contributing to the neglect and delinquency of children and shall be guilty of a misdemeanor, and upon conviction for violation of any of the provisions of this act shall be fined not less than twenty-five dollars nor more than one hundred dollars, or shall be sentenced to be confined in the parish jail or prison for not more than three months, or may be both fined and imprisoned as above set forth, in the discretion of the court.

Approved June 26, 1912.

ACT No. 27.—*Payment of wages—Semimonthly pay day.*

- Wages to be paid semi-monthly.** SECTION 1. All public service corporations doing business in the State who shall employ any salesmen, mechanics, laborers or other servants for the transaction of their business, shall pay the wages of such employees at least semimonthly.
- Violations.** SEC. 2. Any corporation that shall, through its president or otherwise, violate section 1 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars for each offense.

Approved June 26, 1912.

ACT No. 61.—*Factory inspection—City of New Orleans.*

SECTION 1. Section 23 of Act 301 of 1908 * * * shall be amended and reenacted so as to read as follows:

"Section 23. The mayor of the city of New Orleans, with the consent of the council, shall appoint a factory inspector, who may be either male or female, to see that the regulations of this act are observed and also to prosecute all persons who shall violate the same. Such inspector shall be paid a salary of not more than twelve hundred dollars per annum."

Approved July 5, 1912.

ACT No. 142.—*Employers' liability commission.*

SECTION 1. There is hereby created a commission to be called "An Employer's Liability Commission," to be composed of five members appointed by the governor of the State, whose duty it shall be to enter into an investigation of the true and proper relations between employers and employees with reference to accidents occurring to employees during the course of their employment, involving necessarily the duties of employer and employee towards each other. They shall investigate and report upon the defences which should be allowed to the employer sued for damages arising from the injury or death of the employee.

They shall investigate and report upon the advisability of the adoption of the system of compulsory compensation to the injured employee, or to his relatives in the event of his death; or for a system of voluntary insurance borne by employer and employee on an equitable basis to the end of bringing prompt relief to the employee injured, or in the event of his death, to his legal representative.

The term of life of this commission shall be two years from the date of its appointment, and it shall report to the general assembly during the first week of its session in 1914. The members shall serve without compensation; the governor shall designate the chairman; and meetings shall be held at such time and such place as the chairman, with the concurrence of two members, shall fix. The chairman of the committee shall be authorized to appoint a clerk.

Approved July 10, 1912.

ACT No. 177.—*Railroads—Frogs, etc., to be blocked.*

SECTION 1. Every railroad corporation, receiver or other persons operating a railroad or part of railroad, other than a logging or plantation road, within this State, shall adjust, fill or block all angles in frogs and crossings on its roads and in its yards, divisional and terminal stations where trains are made up, with suitable material, which shall be so placed and be of such design as will prevent the wedging of the feet of employees and other persons in such angles.

SEC. 2. Whoever, owning, operating or controlling a railroad fails to comply with the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction before any court of competent jurisdiction, shall be fined in a sum of not less than fifty dollars nor more than one hundred dollars.

SEC. 3. This act shall take effect and be in force from and after January 1st, 1913.

SEC. 4. All laws or parts of laws in conflict herewith be and the same are hereby repealed on and after January 1, 1913.

SEC. 5. The present act, and every clause, article, sentence and word comprised in the same, shall be taken and accepted according to the plain words, sentences, articles and clauses therein contained, and shall not be interpreted nor expounded by color of any pretense or clause, or by any subtle argument or inven-

tion or reason, to the hindrance, disturbance or derogation of this act or any part thereof.

Approved July 11, 1912.

ACT No. 184.—*Employment of children in certain occupations forbidden.*

- To whom act applies.** SECTION 1. A person who employs or causes to be employed, or who exhibits, uses, or has in custody, or trains for the purpose of exhibition, use or employment of, any child actually or apparently under the age of sixteen years, or who has the care, custody or control of such a child as parent, relative, guardian, employer or otherwise, sells, lets out, gives away, so trains, or in any way procures or consents to the employment, or to such training or use, or exhibition of such child; or who neglects or refuses to restrain such child from such training or from engaging or acting:
- Employments forbidden.**
1. As a rope or wire walker, gymnast, wrestler, contortionist, rider or acrobat, or upon any bicycle or similar mechanical vehicle or contrivance; or
 2. In singing; or dancing; or playing upon a musical instrument; or in a theatrical exhibition; or in any wandering occupation; or,
 3. In any illegal, indecent or immoral exhibition or practice; or in the exhibition of any such child when insane, idiotic, or when presenting the appearance of any deformity or unnatural physical formation or development; or,
 4. In any practice or exhibition or place dangerous or injurious to the life, limbs, health or morals of the child; shall be regarded as contributing to the neglect and delinquency of children and guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than twenty-five dollars nor more than two hundred and fifty dollars, or shall be imprisoned in the parish jail or parish prison for not more than two years, or by both such fine and imprisonment: *And provided further*, That any person, firm or corporation licensed as or holding a license for any theater within this State, who shall be convicted hereunder, shall, upon such conviction forfeit such license.
- Exception.** But this act does not apply, nor shall any act prior thereto apply, to the employment of any child as a singer or musician in a church, school of [or] academy, or in teaching or learning the science or practice of music, or in a theatrical exhibition, or as a musician in any concert, where a permit therefor has first been secured from a judge of a juvenile court, or a district court acting as a juvenile court.
- Non residents.** In the case of a nonresident child no permit shall be granted unless such child be accompanied by a parent or a guardian or a custodian duly designated in writing, attested by a notary public by said child's parents or guardian; nor shall said permit be granted unless it be shown to the satisfaction of the court that said child is receiving and during the period of said permit will receive proper instruction and teaching in common school studies.
- Permits.** The court granting such permit shall have the power to exact from the employer of the child, as a condition precedent to the granting of such permit, under such stipulations and conditions as may be determined by the judge of such court, a bond in a sum not exceeding two thousand dollars, to be executed in favor of the State of Louisiana, and conditioned to secure and guarantee the proper tuition as well as the moral and physical health of such child while in such employment. Such bond may be forfeited by showing a breach thereof in the State of Louisiana or elsewhere, and in such proceedings testimony may be taken as provided by law in civil cases in the civil courts of this State. Such permit shall not be given unless previous [sic] twenty-four hours' previous notice of the application therefor shall have been served in writing upon the Society for the Prevention of Cruelty to Children, if there be one in the parish, and a hearing had thereof, if requested, and such permit shall be revocable at the will and

discretion of the authority granting it. The permit shall specify the name of the child, its age, the names and residence of its parents, or guardians, and its employers; the nature, time, duration, and number of performances permitted, together with the place and character of the exhibition. But no such permit shall be deemed to authorize any violation of the first, third or fourth subdivisions enumerated above.

Approved July 11, 1912.

ACT. No. 187.—*Employers' liability—Defenses.*

SECTION 1. Assumption of risks by an employee, or the negligence of a fellow servant shall not be a defense to an action for damages for personal injury, but may be considered by the court in determining the measure of damages: *Provided*, The provisions of this act shall apply only to public service corporations.

How defenses considered.

Proviso.

Approved July 11, 1912.

ACT No. 222.—*Bonds of employees.*

SECTION 1. Whenever public utilities corporations in this State shall require of their employees or any employee in their or any such corporation's employ, bond for his or her fidelity and honesty, it shall be and it is hereby declared unlawful for such corporation or the officers or the managers thereof to require such employee to make such bond by giving as surety any certain bonding company designated or named by such corporations, its officers or managers: *Provided*, That any bonding company authorized to do business under the laws of the State of Louisiana that may be selected by such employee shall be accepted as surety on such bond or bonds when such bonding company is offered as such surety: *Provided*, That when satisfactory to such employers, bond may be made in such cases by the employee giving private surety: *Provided*, That this act shall not apply to bonds whereon the premium is paid by the employer and is not charged to the employee in any manner.

Freedom to choose company.

SEC. 2. Any one violating any of the provisions of section 1 of this act shall upon conviction thereof by a court of competent jurisdiction be subject to a fine not exceeding \$500 or imprisonment not exceeding six months.

Violations.

Approved July 11, 1912.

ACT No. 237.—*Printing offices—Ventilation.*

SECTION 1. Hereafter all newspaper and printing concerns operating in the State of Louisiana, using three or more linotype or other type-casting machines, shall be required to install in the room or rooms in which said machines are operated, an exhaust fan or other device of sufficient capacity to keep pure air circulating in said room, and to expel the poisonous metal fumes arising from said linotype machines.

Fans to be installed.

SEC. 2. All newspaper and printing concerns operating in the State of Louisiana, using three or more linotype or other type machines shall be required to install vent pipes on each machine running from the metal pot to a flue or other aperture leading to the outside of the building.

Vent pipes.

SEC. 3. The penalty for the violation of the provisions of this act shall be a fine of not less than \$25, nor more than \$100 or imprisonment not to exceed sixty days or both, in the discretion of the court for each offense; and every fifteen days that elapse without complying with the act will be deemed a separate offense.

Violations.

Approved July 11, 1912.

ACT No. 240.—*Loans to employees—Rate of interest.*

SECTION 1. It shall be unlawful for any individual whether for his own account or for that of any other individual or corpora-

Maximum rate fixed.

tion to lend or advance money to one of his employees, or to a laborer engaged in constructural, paving or other manual employment at a greater rate of interest than 8 per cent per annum, otherwise he shall be deemed guilty of a misdemeanor and upon the complaint of any victim or other person he shall be tried before a court of competent jurisdiction, and upon conviction shall be fined not less than \$25 nor more than \$100 or imprisoned for a period of not more than three months or both at the discretion of the court.

Approved July 11, 1912.

ACT No. 245.—*Hours of labor of stationary engineers.*

Eight - hour
day in certain
establissh-
ments.

SECTION 1. No factory, manufacturing establishment, office building, warehouse, workshop, or any business establishment keeping open or running day and night, shall permit except in cases of emergency, or compel the stationary firemen therein employed to work consecutively in any one day, more than eight hours; that a full day's labor shall be composed of eight hours and no more: *Provided*, That the provisions of this act shall not apply to stationary firemen or assistants employed in the petroleum industry, in any cotton gin, on any sugar plantation, or in the saw mill industry.

Refusal to
work over-
time.

SEC. 2. The refusal by a stationary fireman, to work in such establishments, for more than eight consecutive hours, for each day's work, shall not be a lawful cause for discharging such fireman.

Violations.

SEC. 3. Any person, or corporation who shall violate any of the provisions of this act, shall be deemed to be guilty of a misdemeanor for each violation thereof, and, upon conviction for the same such person, or the president of such corporation shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and by imprisonment in the parish jail or parish prison, for not more than fifteen days.

En force-
ment.

SEC. 4. In all cities and parishes, it shall be the duty of the inspector of police, superintendent of police, or the chief officer of police, by suitable inspections to see that the regulations of this act are observed, and to prosecute all persons, or corporations through their presidents who shall violate the same. Such inspector, superintendent, or chief officer of police, shall detail such portion of the force under him as he shall deem necessary for the inspection, from time to time of all the aforesaid places where stationary firemen may be employed. In towns, and parishes the mayor thereof shall perform the duties above imposed on the inspector, superintendent or chief of police in cities.

Definition.

SEC. 5. The term "stationary fireman," wherever used in this act shall be deemed to mean, and apply to any person employed in the generation of steam in stationary boilers, and in attending to the water supply for such boilers.

Approved July 11, 1912.

ACT No. 250.—*Payment of wages due discharged employees.*

Wages to be
paid on dis-
charge.

SECTION 1. It shall be the duty of every individual, firm and corporation employing laborers of any kind whatever, when they shall have discharged the said laborer or laborers, to immediately pay the laborer or laborers the amount due him or them under the terms of his or their employment, whether by the day, week or month.

Violations.

SEC. 2. Any individual, firm or corporation employing laborers in this State who shall fail or refuse to comply with the provisions of Article 1 of this act shall be liable to the said laborer or laborers for his full wages until the said individual, firm or corporation shall pay or tender for payment the amount due such laborer or laborers.

Approved July 11, 1912.

MARYLAND.

ACTS OF 1912.

CHAPTER 79.—*Employment of women—Hours of labor.*

SECTION 1. Article 100 of the Code of Public General Laws, title "Work-hours of, in factories," is hereby amended by the addition thereto of five sections, to be known respectively as sections 14, 15, 16, 17 and 18, to follow section 13 of the said article, as now enacted, under the subtitle "Hours of labor for females," and to read as follows:

SECTION 14. No female shall be employed or permitted to work in any manufacturing, mechanical, mercantile, printing, baking or laundering establishment more than ten hours in any one day, nor more than sixty hours in any one week, nor more than eight hours in any one day if any part of her work is done before six o'clock in the morning or after 10 o'clock in the evening of the said day; nor shall any female be employed or permitted to work for more than six hours continuously at any one time in any of the aforesaid establishments in which three or more such persons are employed, without an interval of, at least, a half hour, except that such female may be so employed for not more than six and a half hours continuously at one time if she shall not be permitted to work during the remainder of the day in her said employment: *Provided*, That in Allegany County any person or persons subject to this act in whose establishment the average working-day for the entire year does not exceed nine hours and in which the entire working force is employed on full time for the entire year and who for a period not less than four months has established for such employes a working-day of less than nine hours, may for a period immediately thereafter, not exceeding six weeks employ their employees for not more than twelve hours in any one calendar day, to meet the exigencies of exceptional seasonable demands upon the trade or industry in which they are employed: *Provided further*, That the invalidity of any portion of this act shall in no way affect the validity of any other portion thereof which can be given effect [effect] without such invalid part. But the provisions of this section shall not apply to females employed in the canning or preserving or preparing for canning or preserving of perishable fruits and vegetables.

Ten-hour day.

Eight-hour day.

Rest periods.

Seasonal employment in Allegany County.

Exemptions.

Sec. 15. Every employer shall post in a conspicuous place in every room of any manufacturing, mechanical, mercantile, printing, baking or laundering establishment in which any females are employed, a printed notice stating the provisions of this law and the hours of beginning and stopping work. The printed form of such notice shall be furnished by the chief of the Maryland Bureau of Statistics and Information.

Schedule of hours.

Sec. 16. The governor shall appoint in the year 1912 and every fourth year thereafter, in the month of May, an inspector and two assistant inspectors of female labor, who shall be female citizens of this State of good moral character. The inspector shall receive a salary of \$800 annually, and each of the assistant inspectors a salary of \$600 annually, and they shall be further paid the actual and necessary expense incurred by them in the discharge of their duties. They shall hold office for four years and until their respective successors shall have been appointed and have qualified, but may be removed by the governor at any time, a specific written statement of his reasons for such removal being furnished in each case by the governor to the person removed. All vacancies in the offices hereby created shall be immediately filled by the governor for the remainder of the unexpired term. The sum of six thousand dollars (\$6,000) per annum, or so much thereof as may be needed in each year is hereby appropriated to carry out the provisions of this and the next succeeding sections.

Female inspectors.

Sec. 17. The said inspector and her said assistants, in the discharge of their duties, may enter any place, building or room of

Duties of inspectors.

any establishment mentioned in section 14 of this article and shall visit and inspect all establishments named in said section 14 as often as practicable during reasonable hours, and shall cause the provisions of this act to be enforced therein; they shall report any cases of illegal employment or other violations of sections 14 and 15 of this article to the State's attorney and the grand jury of the county or city where the said offenses shall have been committed.

Violations. SEC. 18. Any person violating any of the provisions of section 14 or of section 15 of this article or interfering with, molesting or obstructing the said inspector or either of her assistants in the discharge of her duties shall be deemed guilty of a misdemeanor and upon conviction shall be punished, for the first offense, by a fine of not more than \$100, for a second or subsequent offense, by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both penalties in the discretion of the court.

Approved April 1, 1912.

CHAPTER 165.—*Occupational diseases to be reported.*

SECTION 1. A new section [shall] be added to article 43 of the Code of Public General Laws of Maryland of 1904, title "Health," subtitle "State Board of Health," to follow after section 5 of said article, to be known as section 5a, * * * to read as follows:

Physicians to report.

SECTION 5a. Every physician attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease contracted as a result of the nature of the patient's employment, shall send to the State board of health a written notice stating the name and full postal address and place of employment of the patient, and the nature of the occupation and the disease from which in the opinion of the physician the patient is suffering; with such other specific information as may be required by the State board of health. If any physician, when required by this section to send notice, fails forthwith to send the same, he shall be liable to a fine not exceeding ten dollars. It shall be the duty of the State board of health to enforce the provisions of this act, and it may call upon the local boards of health and health officers for assistance, and it shall be the duty of all boards and officers so called upon for such assistance to render the same. It shall furthermore be the duty of said State board of health to transmit such data to the chief of the Maryland Bureau of Statistics and Information, who shall record said data and include the same and a summary thereof in his annual report.

Approved April 8, 1912.

CHAPTER 173.—*Employment of children—School attendance.*

SECTION 1. Sections 124, 125, 126, * * * 130, * * * 137 and 138 of Chapter 269 of the Acts of the General Assembly of 1902 are hereby repealed and reenacted with amendments, so as to read as follows:

School attendance at Baltimore in city.

SECTION 124. Every child residing in Baltimore city between eight and fourteen years of age shall attend some school regularly as defined in section 131 of this subtitle, during the entire period of each year, the public day schools in said city in which said child resides are in session, unless it can be shown that the child is elsewhere receiving regularly thorough instruction during said period in the studies usually taught in the said public schools to children of the same age: *Provided*, That the superintendent or principal of any school, or person or persons fully authorized by said superintendent or principal may excuse cases of necessary absence among its enrolled pupils: *And provided further*, That the provisions of this section shall not apply to a child whose mental or physical condition is such as to render its instruction

as above described inexpedient or impracticable. Every person having under his control a child between eight and fourteen years of age shall cause such child to attend school or receive instruction as required by this section [sic] children over fourteen years of age and under the age of sixteen years; [sic] and every person having under his control such a child shall be subject to the requirements of this section, unless such children are regularly and lawfully employed to labor at home or elsewhere.

[The punctuation of the last sentence of the above section is obviously incorrect. The semicolon after the words "sixteen years" should apparently follow the word "section" in the line above.]

SEC. 124a. Every child residing in any county of this State between eight and fourteen years of age shall attend some day school regularly as defined in section 131 of this subtitle during such consecutive period of each year (in no case less than four months) as shall be prescribed by the board of school commissioners of the county in which the said child may reside, unless it can be shown that such child is elsewhere receiving regularly thorough instruction during said period in the studies usually taught in the public schools of the county to children of the same age: *Provided*, That the superintendent or principal of any school or person or persons duly authorized by such superintendent or principal may excuse cases of necessary absence among its enrolled pupils: *And provided further*, That the provisions of this section shall not apply to children whose mental or physical condition is such as to render instruction above described inexpedient or impracticable. Every person having under his control a child between eight and fourteen years of age shall cause such child to attend school or receive instructions as required by this section. Children over fourteen years of age and under the age of sixteen years, and every person having under his control such a child shall be subject to the requirements of this section, unless such children are regularly and lawfully employed to labor at home or elsewhere: *Provided, however*, That this section shall not apply to Baltimore city: *Provided further*, That this section shall apply only in those counties where the board of county school commissioners shall approve the same and appoint an attendance officer or attendance officers for its enforcement as provided in this act.

In other parts of the State.

SEC. 125. Any person who has a child under his control and who fails to comply with any of the provisions of the preceding sections 124 and 124a, shall be deemed guilty of a misdemeanor and be fined not exceeding five dollars for each offense.

Violations.

SEC. 126. Any person who induces or attempts to induce any child to absent himself unlawfully from school, or employs or harbors while school is in session any child absent unlawfully from school shall be deemed guilty of a misdemeanor, and be fined not more than fifty dollars.

Inducing delinquency.

SEC. 130. It shall be the duty of the police commissioners of Baltimore city at the same time that the census of legal voters in said city is taken under their direction as provided by section 17 of article 33 of the Code of Public General Laws, also to cause to be made by the members of the force under their control annually a separate record of the full name, age, color and sex of every child between six and sixteen years of age in each precinct of the said city, and the place where and the year and month when such children last attended school, together with the name and address of the parents, guardians or persons in parental relation, and of employers of such children, which record shall be furnished by said police commissioners to the board of school commissioners of Baltimore city. Whosoever has under his control a child between said ages and withholds information in his possession from any officer demanding it relating to the items aforesaid or makes any false statement in regard to the same, shall be deemed guilty of a misdemeanor and be fined not more than twenty dollars.

Records.

SEC. 137. Attendance officers may visit all establishments where minors are employed in their several cities and counties, and

Enforcement.

ascertain whether any minors are employed therein contrary to law. Attendance officers may require that the certificates provided for in article 100 of the Code of Public General Laws of Maryland relating to minors employed in such establishments shall be produced for inspection.

Violations. Sec. 138. Any person violating any provisions of this subtitle where no special provision as to the penalty for such violation is made, shall be deemed guilty of a misdemeanor and be fined not exceeding fifty dollars for each offense.

Exemptions. Sec. 4. * * * Nothing in this act shall be taken to apply to Howard, Kent, Anne Arundel, Worcester, St. Mary's and Somerset Counties, but the existing laws which this act undertakes to repeal and reenact shall remain in force as far as they now apply to the said Howard, Kent, Anne Arundel, Worcester, St. Mary's and Somerset Counties.

Approved April 9, 1912.

CHAPTER 441.—*Miners' hospital.*

Building provided for. SECTION 1. The sum of \$25,000 is hereby appropriated for the purpose of building a hospital to be known as the Miner's Hospital, in the city of Frostburg, Allegany County, payable out of any funds in the treasury available for that purpose, said sum of money to be used for the purpose of building and furnishing the said Miner's Hospital under the direction of the directors hereinafter provided for, the same to be as far as possible maintained as an emergency hospital for the use of persons injured in accidents in mines in the neighboring regions.

Purpose.

Powers of board. SEC. 4. The board of directors of the Miner's Hospital shall have the power to hold title to such lands as may be necessary for the purpose of erecting and maintaining the Miner's Hospital upon the same, and shall be empowered to receive bequests and devises subject to the general laws of the State of Maryland, for the purpose of operating and maintaining said hospital in Frostburg.

Same subject. SEC. 5. The said board of directors of the Miner's Hospital shall have the power and authority to employ competent persons to draw plans, to build and furnish said hospital, to employ and discharge such agents and servants as they shall deem necessary in the maintaining and operating of said Miner's Hospital, and to pass such rules and regulations as they see fit for the receiving and discharging of patients, and the amount to be charged for the care of the same, and the operation and government of said hospital.

Maintenance. SEC. 6. The sum of \$5,000 shall be paid by the treasurer of the State of Maryland out of such funds as may be available, in quarterly installments, from the time that the said hospital shall be opened for the reception of patients, provided such time shall be before January 1, 1914, for the maintenance of said hospital until the next session of the General Assembly of Maryland.

Approved April 8, 1912.

CHAPTER 445.—*Miners' cooperative insurance fund—Allegany and Garrett Counties.*

SECTION 1. Sections 3 and 7 of article 1 of the Code of Public Local Laws of Maryland, title "Allegany County," and article 12, title "Garrett County," subtitle "Miners and Operators' Cooperative Relief Fund," as the same was enacted by chapter 153 of the Acts of the General Assembly of Maryland passed in the year 1910, is [are] hereby repealed and reenacted so as to read as follows:

Fund established. Section 3. There is hereby created for Allegany and Garrett Counties, respectively, a fund for the relief and sustenance of employees and their dependents, when such said employees have sustained injuries or disability in the discharge of their duty, and for the relief and sustenance of the dependents of such em-

ployees when death has resulted from such injuries, said fund to be made up of the proceeds of the tax hereinafter levied and the increments from the investments thereof, as well as such donations and legacies as may be made thereto.

In order to create and maintain said fund a tax is hereby levied and imposed upon each operator and employee as follows: ^{Contributions.}
 Upon each employee in Allegany County a tax of twenty-seven cents and upon each employee in Garrett County a tax of thirty-eight cents for each month or fraction of a month that he is employed by any operator, and upon each operator in Allegany County a tax of twenty-seven cents and in Garrett County a tax of thirty-eight cents for each month or fraction of a month in respect of each employee paying the tax aforesaid and employed by said operator in Allegany and Garrett Counties.

Such tax shall be due and payable monthly to the treasurer of Allegany and Garrett counties, respectively, in which the mine is operated, and payable on or before the twenty-fifth day of the month next succeeding the month for which such tax is payable. ^{Deductions from wages.}
 In order to secure the effectual payments of such tax each operator is authorized and required to deduct and retain from the wages of each employee employed by him on his pay rolls in Allegany County the sum of twenty-seven cents and in Garrett County the sum of thirty-eight cents per month or fraction of a month if said employee be employed for less than a month and on or before the fifteenth day of the month next succeeding the month for which such deduction is made shall make a report of the number of employees so employed, under oath to the treasurers of Allegany or Garrett Counties, where the particular mine is located. And on or before the twenty-fifth day of said succeeding month shall pay over into the treasurer of Allegany or Garrett County, as the case may be, the total amount so deducted and retained from the wages of the employees for the preceding month, together with a like amount to be paid by the operator. It shall be the duty of the county commissioners of Allegany and Garrett Counties, respectively, to enforce, by appropriate remedies, the collection and payment of the tax hereby levied; and to all taxes in default there shall be added and collected interest at the rate of six per centum per annum from the date when due.

SEC. 7. When the assessments imposed and collected by the treasurer of Allegany County shall amount to thirty-five thousand dollars surplus and in Garrett County shall amount to fifteen thousand dollars surplus [surplus] over and above the pending and accrued claims on the same under this act, such treasurer shall report the fact to the county commissioners of their respective county; whereupon the said board of county commissioners are hereby empowered and directed to remit temporarily the taxes hereby imposed from month to month, as long as (and no longer) such surplus shall exceed thirty-five thousand dollars in Allegany County and fifteen thousand dollars in Garrett County, and when it shall be reduced to said sums or under, mentioned above, the said tax shall become again payable as provided by this act. It shall be the duty of the treasurer of his respective county to invest under the orders of the county commissioners any surplus above the sum of two thousand dollars in his hands, in such public bonds as said commissioners may direct, and to credit such fund with the interest derived therefrom; and upon the retirement from office or any disqualification to act of such treasurer the entire fund, including such bonds and the books and papers pertaining to such fund, shall be delivered by such treasurer to his successor in office, who shall receipt for the same. ^{Taxes omitted, when.}

Approved April 8, 1912.

CHAPTER 731.—*Employment of children—General provisions.*

SECTION 1. Section 4 of article 100 of the Code of Public General Laws of Maryland, title "Work, hours of, in factories," as repealed and reenacted with amendments by chapter 192 of the Acts ^{Sections repealed.}

of the General Assembly of Maryland for 1906, and sections 5 to 12, both inclusive, of said article 100, as enacted by chapter 192 of the Acts of the General Assembly of Maryland for 1906, and section 4 of said chapter 192 of the Acts of the General Assembly of Maryland for 1906, are hereby repealed, and in lieu of said sections so repealed the following 47 new sections, to be known as sections 4 to 50, both inclusive, of said article 100, title "Work, hours of, in factories," subtitle "Employment of minors," are hereby enacted, to read as follows:

- Age limit :**
14 years. **Section 4.** No child under 14 years of age shall be employed, permitted or suffered to work in, about, or in connection with any mill, factory, workshop, mechanical establishment, tenement house manufactory or workshop, office building, restaurant, bakery, barber shop, hotel, apartment house, bootblack stand or establishment, public stable, garage, laundry, or as a driver, or in any brick or lumber yard, or in the construction or repair of buildings, or as a messenger for telegraph, telephone, or messenger companies.
- 12 years. **SEC. 5.** No child under 12 years of age shall be employed, permitted or suffered to work in, about, or in connection with any canning or packing establishment, mercantile establishment, store, office, boarding house, place of amusement, club or in the distribution, transmission or sale of merchandise.
- Employment during school hours.** **SEC. 6.** It shall be unlawful for any person, firm or corporation to employ, permit or suffer to work for hire or remuneration any child under fourteen years of age in any business or service whatever during any of the hours when the public schools of the district in which said child resides are in session, unless said child shall have previously fulfilled during the current school year such requirements as to school attendance as now or may hereafter be prescribed by law.
- Occupations forbidden.** **SEC. 7.** No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations, or in any of the following positions: Adjusting any belt to any machinery; sewing or lacing machine belts in any workshop or factory; oiling, wiping or cleaning machinery or assisting therein; operating or assisting in operating any of the following machines: Circular or band saws, wood shapers, wood jointers, planers, sandpaper or wood-polishing machinery, wood-turning or boring machinery, picker machines or machines used in picking wool, cotton, hair or any other material, carding machines, paper-lace machines, leather-burnishing machines, job or cylinder printing presses operated by power other than foot power, boring or drill presses, stamping machines used in sheet-metal and tinware or in paper and leather manufacturing or in washer or nut factories, metal or paper cutting machines, corner-staying machines in paper-box factories, corrugating rolls, such as are used in corrugated paper, roofing or washboard factories, steam boilers, dough brakes or cracker machinery of any description, wire or iron straightening or drawing machinery, rolling-mill machinery, power punches or shears, washing, grinding or mixing machinery, calender rolls in paper and rubber manufacturing, laundering machinery; or in proximity to any hazardous or unguarded belts, machinery or gearing; or upon any railroad, whether steam, electric or hydraulic; or upon any vessel or boat engaged in navigation or commerce.
- Same subject.** **SEC. 8.** No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity in, about or in connection with any processes in which dangerous or poisonous acids are used; nor in the manufacture or packing of paints, colors, white or red lead; nor in soldering; nor in occupations causing dust in injurious quantities; nor in the manufacture or use of dangerous or poisonous dyes, nor in the manufacture or preparation of compositions with dangerous or poisonous gases; nor in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; nor on scaffolding; nor in heavy work in the building trades; nor in any tunnel or excavation; nor in, about or in connection with any mine, coal breaker,

coke oven, or quarry; nor in assorting, manufacturing or packing tobacco; nor in operating any automobile, motor car or truck; nor in a pool or billiard room; nor in any other occupation dangerous to the life and limb, or injurious to the health or morals of such child; nor shall any child under the age of sixteen years be employed upon the stage of any theater or concert hall or in connection with any theatrical performance or other exhibition or show; *Provided*, That the chief of the Maryland Bureau of Statistics and Information may issue a permit allowing a child under such age to appear in connection with theatrical performances or other exhibition or show, for a period not exceeding two weeks, when, in his opinion, such permit is justified by the evidence presented to him.

SEC. 9. No child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section[s] 4 and 5 unless the person, firm or corporation employing such child procures and keeps on file, and accessible to any attendance officer, inspector of factories, or other authorized inspector or officer charged with the enforcement of this act, the employment certificate as hereinafter provided, issued to said child; and keeps two complete lists of the names, together with the ages, of all boys under sixteen years of age and all girls under eighteen years of age employed in or for such establishment or in such occupation, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed; and unless such employment, permission or sufferance to work in, about or in connection with said establishments or occupations shall be in accordance with the terms and regulations laid down for said employment certificates as hereinafter provided.

SEC. 10. Attendance officers, inspectors of factories, or other authorized inspectors or officers charged with the enforcement of this act shall require that the employment certificates and lists provided for in this act be produced for their inspection.

SEC. 11. On termination of the employment of a child under sixteen years of age, the employment certificate issued to such child shall be returned by registered mail by the employer to the official issuing the same within twenty-four hours if said return is demanded by said child and otherwise within fifteen days of the termination of said employment, and the official to whom said certificate is so returned shall file said certificate and preserve the same, and on the return of said certificate shall notify the chief of the bureau of statistics and information of said return. Any child whose employment certificate has been returned as above provided shall be entitled to a new certificate without reexamination except a physician's certificate that the child is physically able to undertake the work for which the new certificate is to be issued, and such reissue of a certificate shall be subject to all conditions as to recording and reporting governing the original issue.

SEC. 12. An employment certificate shall be issued in Baltimore city by the chief of the Maryland Bureau of Statistics and Information, and in the counties by said chief or by the county superintendent of schools of the county in which said child resides, or is employed, or by some person designated in writing by said superintendent. The employment certificate shall be issued only upon the application in person of the parent, guardian or legal custodian of the child desiring such employment, or if said child have no parent, guardian or legal custodian, then by next friend, but no certificate shall be issued by any person for any child then in, or about to enter such person's own employment, or the employment of a firm or corporation of which said person is a member, officer or employee. Employment certificates shall be of two classes: General employment certificates and vacation employment certificates. General employment certificates shall entitle the child to work during the entire year; vacation employment certificates shall entitle the child to work during the entire year,

excepting during such time as said child is required to attend public or private schools under the provisions of the laws now in force, or hereafter to be enacted.

Data re-
quired.

Sec. 13. The person authorized to issue a general employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers, duly executed, viz:

(1) The school record of such child properly filled out and signed, as provided in this act, which school record shall be furnished without charge to any child applying therefor by the superintendent or teacher in charge of the school or schools attended by said child.

(2) A certificate signed by a physician appointed by the officer authorized to issue such permit stating that such child has been examined by him, and, in his opinion, has reached the normal development of a child of its age, and is in sufficiently sound health and physically able to be employed in the occupation or process for which a permit is applied for.

(3) Evidence of age showing that the child is fourteen years old or upwards, which shall consist of one of the following proofs of age and shall be required in the order herein designated as follows:

(a) A duly attested transcript of the birth certificate filed according to law with a register of vital statistics, or other officer charged with the duty of recording births, which certificate shall be prima facie evidence of the age of such child.

(b) A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(c) In case none of the above proofs of age can be produced, other documentary evidence of age which shall appear to be satisfactory to the officer issuing the certificate (aside from the school record of such child or the affidavit of parent, guardian, legal custodian or next friend), may be accepted in lieu thereof. In such case a school census or enumeration record, duly attested, may be used as proof of age in the discretion of the officer issuing the certificate.

(d) In case no documentary proof of age of any kind can be produced, the officer issuing the certificate may receive and file an application signed by the parent, guardian, legal custodian or next friend of the child for physician's certificate. Such application shall contain the name, alleged age, place and date of birth, and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall contain a statement certifying that the parent, guardian, legal custodian, or next friend, signing such application, is unable to produce any of the documentary proofs of age specified in the preceding subdivision of this section. Such application shall be filed for not less than ten days to enable the person authorized to issue certificates to investigate the truth of the statements contained in said application, and in case no facts appear within such period of ten days discrediting or contradicting any material statement of such application, the person authorized to issue certificates shall direct the physician hereinbefore provided for to add to his statement as to the physical condition of said child a certificate stating whether said child is, in the opinion of said physician, of the full age of 14 years; and in case said physician shall so certify that said child is, in his opinion, at least of the full age of fourteen years, said person authorized to issue certificates shall accept said physician's certificate as sufficient proof of the age of such child for the purposes of this section.

The officer issuing the certificate shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent,

guardian, legal custodian or next friend, showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, date and place of birth, and present residence of such child.

SEC. 14. No general employment certificate shall be issued until the child in question has personally appeared before and been examined by the officer issuing the certificate, nor until such officer, after making such examination, has signed and filed in his office a statement that the child can read intelligently and write legibly simple sentences in the English languages [language].

SEC. 15. The person authorized to issue a vacation employment certificate shall not issue such certificate until the child in question has personally appeared before said person authorized to issue said certificate, and until said person so authorized has received and filed the following papers duly executed, viz:

(1) Evidence of age, showing that said child is 12 years old or upwards, which evidence of age shall consist of A, B or C as set forth in section 13 above, or in lieu of said evidence A, B or C, in case they can not be prevented [presented], a statement from a regular physician designated by said person authorized to issue said certificate, certifying that he has examined said child, and that in his opinion said child is of the age of 12 years or upward, together with the affidavit of the parent, guardian, legal custodian or next friend of such child, that such child is above the age of 12 years.

(2) A statement from a regular physician designated as above, certifying that he has examined said child, and that in his opinion said child is physically able to undertake the work for which said certificate is to be issued.

SEC. 16. All employment certificates shall be issued on forms supplied by the bureau of statistics and information. All certificates issued in Baltimore city shall be in duplicate and one copy shall be retained together with the preliminary papers required by sections 13 and 15 above in the files of said bureau for the period of four years from the date of issue. All certificates issued in any of the counties of Maryland shall be made out in triplicate and one copy, together with the preliminary papers required by sections 13 and 15 shall be delivered by the person issuing said certificate to the county superintendent of schools who shall preserve said documents for the period of four years from their date of issue, or in event of his death, resignation or removal, said papers shall be delivered to his successor and by him preserved; and the third copy of said certificate shall be delivered by the person issuing the same to the bureau of statistics and information and shall be preserved in the files of said bureau for the period of four years from the date of said issue. Whenever a certificate shall be refused to any child, a statement of the name and address of said child, together with reasons for the refusal of said certificate and the school which said child should attend, shall be forwarded by the person refusing to issue said certificate to the county superintendent of schools of the county in which said child resides, if said child resides in one of the counties of this State, and to the bureau of statistics and information and said statements shall be placed on file and preserved until such time as such child, if living, shall have reached the full age of sixteen years. All employment certificates shall also contain the name and address of the prospective employer and the nature of the occupation in which said child is to be engaged, and no certificates shall be valid excepting in the hands of the employer so named and for the occupation so described.

SEC. 17. The school record required by this act shall be filled out and signed by the principal or chief executive officer of the school which such child has last attended and shall be furnished to a child who after due examination and investigation may be entitled thereto; it shall contain a statement certifying that the child has regularly attended the public schools or private or

Personal appearance.

Literacy.

Vacation employment certificates.

Forms, etc. of certificates.

Refusal of certificate.

Employment to be specified.

School record.

parochial schools for not less than such a minimum period of attendance as is now or may hereafter be prescribed by law during any period of twelve months after such child shall have arrived at the age of thirteen years and that such child is able to read intelligently and write legibly simple sentences in the English language, and has completed a course of study equivalent to five yearly grades in reading, spelling, writing [.] English language and geography, and is familiar with the fundamental operation of arithmetic up to and including fractions. Such school record shall give the name, date of birth and residence of the child as shown on the records of the school and the name of the parent or guardian or custodian.

The provisions of this section relating to school attendance shall not be enforced against any child who has been granted a permit under the provisions of chapter 192 of the act of 1906: *Provided, however,* That such child is able otherwise to meet the educational requirements of this section.

Who to furnish forms.

SEC. 18. Certificates and other papers required in the issue of employment certificates shall be formulated by the bureau of statistics and information and furnished by it to the superintendents of schools of the various counties of this State: *Provided,* That the preliminary papers required under sections 13 and 15 of this article shall be sufficient if they state fully the facts called for by said sections, and shall not be rejected because they are not upon the forms furnished by the bureau of statistics and information.

Power of inspectors, etc.

SEC. 19. An inspector of factories, or attendance officer or other officers charged with the enforcement of this act may make demand on any employer in or about whose place or establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall either furnish to the person authorized to issue a certificate for said child within fifteen days satisfactory evidence that such child is in fact over sixteen years of age, or shall cease to employ, or permit or suffer such child to work in such place or establishment. The person authorized to issue said certificate shall require from such employer the same evidence of age of such child as is required upon the issuance of an employment certificate and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

Failure to produce certificate.

SEC. 20. In case any employer shall fail to produce and deliver to the proper authorities within fifteen days after demand made pursuant to section 19 of this act, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the making of such demand and of such failure to produce and deliver such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.

Children under 18.

SEC. 21. No child under the age of eighteen years shall be employed, permitted or suffered to work in, about or in connection with blast furnaces, docks or wharves; or in the outside erection and repair of electric wires; in the running or management of elevators, lifts or hoisting machines or dynamos; in oiling or cleaning machinery in motion; in the operation of emery wheels or any abrasive polishing or buffing wheel [where] articles of the baser metals or iridium are manufactured; at switch tending, gate tending, track repairing or as brakemen, firemen, engineers, motormen or conductors upon railroads, or as railroad telegraph operators; pilots, firemen or engineers upon boats and vessels; or in or about establishments where nitroglycerin, dynamite, dualin, guncotton, gunpowder or other high or dangerous explosives are manufactured, compounded or stored; or in the manufacture of white or yellow phosphorus or phosphorus matches; or in any distillery, brewery or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; or in any

theater, concert hall, club or other place of amusement wherein intoxicating liquors are sold.

Sec. 22. No minor under twenty-one years of age shall be employed, permitted or suffered to work in, about or in connection with any saloon or barroom where intoxicating liquors are sold. Minors.

Sec. 23. No female under eighteen years of age shall be employed, permitted or suffered to work in any capacity where such employment compels her to remain standing constantly. Females under 18.

Sec. 24. In cities having a population of 20,000 or over no person under the age of eighteen years shall be employed, permitted or suffered to work as a messenger for telegraph, telephone or messenger companies in the distribution, transmission or delivery of goods or messages before six o'clock in the morning or after ten o'clock in the evening of any day. Messenger service.

Sec. 25. Every employer shall post and keep posted in a conspicuous place in every establishment wherein any person under the age of eighteen is employed, permitted or suffered to work, a printed copy of the sections of this act relating to hours of labor. Such copies shall be prepared by the Maryland Bureau of Statistics and Information and be furnished by it on application of such employer. Law to be posted.

Sec. 26. No boy under 12 years of age and no girl under 16 years of age shall in any city having a population of 20,000 or over distribute, sell, expose or offer for sale newspapers, magazines or periodicals in any street or public place, provided that nothing herein shall be construed to forbid the serving of newspapers on a regular route by boys under said age, provided said service shall not be made during the hours when the public schools of said city are in session. Newsboys.

Sec. 27. No boy under fourteen years of age and no girl under sixteen years of age shall in any city having a population of 20,000 or over be employed or permitted or suffered to work at any time as a bootblack or in any other trade or occupation performed in any street or public place, or in the distribution of hand bills or circulars, or any other articles except newspapers, magazines and periodicals as herein provided. Bootblacks, etc.

Sec. 28. No boy under sixteen years of age shall have authority in his discretion¹ in any city having a population of 20,000 or over distribute, sell, expose or offer for sale in any street or public place any newspapers, magazines or periodicals or work in any of the trades or occupations mentioned in section 27, unless he complies with all of the legal requirements concerning school attendance and unless a permit and badge as hereinafter provided shall have been issued to him by the officer authorized to issue employment permits under this act, upon the application in person of the parent, guardian or custodian of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian, then upon the application of his next friend, being an adult. Badges for newsboys.

Sec. 29. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and filed the following papers, duly executed, viz:

(1) Evidence that such boy is of the age required by section 26 or 27, as the case may be. Such evidence of age shall consist of the proof of age required for the issuing of an employment certificate as specified in section 13, subdivision (3) of this article. Data required.

(2) The written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school with the grade such child shall have attained. After having received, examined and placed on file such papers, the officer shall have authority in his discretion to issue to the child a permit and badge: *Provided*, That in the case of a boy between the ages of fourteen and sixteen having an employment certificate, such certificate shall be ac-

¹ The words "have authority in his discretion" seem to be an interpolation by error.

cepted by the officer issuing such permit and badge in lieu of any other requirements. The officer issuing such permits and badges shall keep a complete list of all children to whom permits and badges have been issued as herein provided.

Contents of
permit, etc.

SEC. 30. Such permit shall state the name and the date and place of birth of the child, the name and address of the parent or guardian or custodian or next friend making application for such permit, and shall describe the color of the hair and eyes, the height and weight, and any distinguishing facial marks of such child, and shall further state that the papers required by the preceding sections have been duly examined and signed, and that the child named in such permit has personally appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit and the name of the child. Every such permit and every such badge on its reverse side shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Badge.

SEC. 31. The badge provided for herein shall be worn conspicuously at all times by such child while so working. All such permits and badges shall expire annually on the first day of January, and no such permit or badge shall be authority beyond the period fixed therein for its duration. The color of the badge shall be changed each year.

No child to whom such permit and badge are issued shall transfer the same to any other person. He shall exhibit the same upon demand at any time to any officer charged with the duty of enforcing the provisions of this act relating to street trades.

Time news-
boys may sell.

SEC. 32. No child under sixteen to whom a permit and badge are issued as provided for in the preceding sections of this act shall distribute, sell, expose, or offer for sale, any newspapers, magazines or periodicals, or work at any of the trades or occupations mentioned in section 27 in any street or public place after eight o'clock in the evening, or before six o'clock in the morning nor during the hours when the public schools in the city in which such child resides are in session, unless provided with an employment certificate.

Violations by
children.

SEC. 33. Any child in any city having a population of 20,000 or over who shall distribute, sell, expose or offer for sale newspapers, magazines or periodicals, or shall work at any of the trades or occupations mentioned in section 27 in violation of any of the provisions of this act shall be deemed delinquent and may be arrested by any officer or inspector charged with the enforcement of this act or by any probation officer of a juvenile court and brought before the juvenile court if there be any juvenile court in the city where such child resides, or, if not, before any court or magistrate having jurisdiction over offenses committed by children, and shall be dealt with according to law. Upon the recommendation of the principal or chief executive officer of the school which such child is attending or upon the complaint of any officer charged with the duty of enforcing this act, or of any police officer, attendance officer or probation officer of a juvenile court, the permit of any child who violates any of the provisions of this act, or who becomes delinquent or fails to comply with all the legal requirements concerning school attendance, may be revoked by the officer issuing the same for a period of six months, and the badge taken from such child. The refusal of any child to surrender such permit and badge, or the working at any of the occupations above mentioned in any street or public place by any child after notice of the revocation of such permit, shall be deemed a violation of this act.

Enforcement.

SEC. 34. Inspectors of factories, attendance officers and others [other] authorized inspectors may, within their respective districts or jurisdictions, visit and inspect at any time any place of employment mentioned in this act, and shall ascertain whether any minors are employed therein contrary to the provisions of this act; and shall report weekly all cases of illegal employment

to the officer authorized to issue employment certificates in the county or Baltimore city wherein said child shall reside, and shall also report weekly said cases of illegal employment to the county superintendent of schools, or to the board of school commissioners of Baltimore city having jurisdiction over the school which said child should attend. It shall be the duty of factory inspectors, attendance officers and other officers charged with the enforcement of this act, to make complaints against any person violating any of the provisions of this act and to prosecute the same. This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints.

Sec. 35. A failure by an employer to produce to an attendance officer, factory inspector or other authorized inspector or officer charged with the enforcement of this act, any employment certificate or list required by this act shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not so listed.

Evidence.

Sec. 36. Nothing in this act shall prevent children of any age from receiving industrial education furnished by the United States, by this State, or by any city or town in this State, or by any private or parochial school, and duly approved by the State board of education or by other duly constituted public authority.

Industrial education.

Sec. 37. Any person, firm or corporation, agent or manager of any firm or corporation, who, whether for himself or for such firm or corporation, or by himself, or through agents, servants or foremen, employs any child, and whoever having under his control as parent, guardian, custodian or otherwise, any child, permits or suffers such child to be employed or to work, in violation of any of the provisions of this act, shall, for a first offense be punished by a fine of not more than fifty dollars; for a second offense by a fine of not more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment.

Violations by employers.

Sec. 38. Whoever continues to employ any child in violation of any of the provisions of this act, after being notified thereof in writing by a factory inspector, attendance officer or other officer charged with the enforcement of this act, shall, for every day thereafter that such employment continues, be fined not more than twenty dollars.

Continuing offenses.

Sec. 39. Any person, firm or corporation retaining an employment certificate in violation of section 11 of this act shall be fined not more than fifty dollars.

Sec. 40. Every employer who fails to procure and keep on file employment certificates for all children employed under the age of sixteen years, or who fails to keep and post lists, as provided in section 9 of this act, shall be fined not more than one hundred dollars.

Penalty.

Sec. 41. Any employer who fails to post and keep posted the printed notices required by section 25 of this act in the manner therein specified shall be fined not more than fifty dollars.

Failure to post law.

Sec. 42. Any person, firm or corporation who hinders or delays any factory inspector, attendance officer, or any other officer charged with the enforcement of any of the provisions of this act in the performance of his or her duties, or refuses to admit or locks out any such inspector or officer from any place which said inspectors or officers are authorized to inspect shall be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment.

Hindering inspectors.

Sec. 43. Any inspector of factories, or other authorized inspector, attendance officer, superintendent of schools or other person authorized to issue employment certificates or permits and badges as required by this act, or other person charged with the enforcement of any of the provisions of this act, who knowingly and willfully violates or fails to comply with any of the provisions of this act, shall be fined not more than one hundred dollars, and, if an employee of the bureau of statistics and in-

Violations by inspectors, etc.

formation, in addition thereto be subject to dismissal by the chief of said bureau.

**False certifi-
cations.** SEC. 44. Any person authorized to sign any certificate, affidavit or paper called for by this act, who knowingly certifies to any materially false statement therein shall be fined not more than one hundred dollars.

**Children re-
fusing infor-
mation.** SEC. 45. Any child working in or in connection with any of the establishments or place or in any of the occupations mentioned in this act, who refuses to give to the factory inspector or other authorized inspector or attendance officer his or her name, age and place of residence, shall be forthwith conducted by the inspector or attendance officer before the juvenile court if there be any juvenile court in the city or county where such child resides, or if not, before any court or magistrate having jurisdiction of offenses committed by children for examination and to be dealt with according to law.

**Selling to
children.** SEC. 46. Any person who either for himself or herself or as agent of any other person or of any corporation, furnishes or sells to any minor any article of any description with the knowledge that said minor intends to sell said article in violation of the provisions of this act, or who shall continue to furnish or sell articles of any description to a minor after having received written notice from any officer charged with the enforcement of this act, or from the officer issuing the permit and badge required by section 28, that said minor is unlicensed to sell such articles, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

**Fees for per-
mits, etc.** SEC. 47. No fee shall be charged or collected from any minor, or from his parents, guardian, legal custodian or next friend, for any service rendered by the bureau of statistics and information, or by any school superintendent, or other officer issuing a permit, or for any school certificate or physician's certificate issued under the provisions of this act; but in the counties the physician or physicians designated by the superintendent of schools for each county, shall be entitled to receive a fee of fifty cents for each physician's certificate issued by him under the provisions of this article, said sum to be paid by the county commissioners of said county on the warrant of the superintendent of schools of said county.

Inspectors. SEC. 48. The chief of the Maryland Bureau of Statistics and Information is hereby authorized to appoint eight inspectors to carry out the provisions of this act at a compensation not exceeding nine hundred dollars each per annum; they shall also be allowed their actual expenses when away from the city of Baltimore in the business of their office; they shall be attached to and be part of the Maryland Bureau of Statistics and Information; and be subject to the order of the chief of said bureau, whose duty it shall be to see that the provisions of this act are enforced; and said chief of said bureau is further empowered to designate one or more regular physicians, who shall be attached to and be part of the Maryland Bureau of Statistics and Information and be subject to the order of the chief of said bureau, who shall have such duties and receive such compensation as shall be determined by said chief: *Provided, however,* That the total compensation of all physicians so employed by said chief of the Maryland Bureau of Statistics and Information shall not exceed twenty-five hundred dollars per annum and the salaries of said physicians shall be paid by the mayor and city council of Baltimore upon the warrant of the chief of the Maryland Bureau of Statistics and Information.

**Power as to
oaths.** SEC. 49. All persons authorized to issue employment certificates under this act are hereby authorized to take such affidavits or administer such oaths as may be called for in the issuance of certificates in this act, and are hereby forbidden to charge or receive a fee therefor.

SEC. 50. The sum of twelve thousand dollars per annum is hereby appropriated to carry out the provisions of this act. Appropriation.

SEC. 4. This act shall take effect from and after December 1, 1912. Act in effect.

Approved April 11, 1912.

CHAPTER 837.—*Compensation of workmen for injuries—Cooperative insurance.*

SECTION 1. It shall be lawful for any employer to make a contract in writing with any employee whereby the parties may agree that [the] employee shall become insured against accident occurring in the course of employment which results in personal injury or death, in accordance with the provisions of this act, and that in consideration of such insurance the employer shall be relieved from the consequences of acts or omissions by reason of which he would without such contract become liable toward such employee or toward the legal representative, widow, widower, or next of kin of such employee. Agreements to accept law. Effect on liability.

SEC. 2. Such insurance shall be effected in some casualty company organized under the laws of the State of Maryland or admitted to do business in this State, provided that any employer employing not less than fifteen hundred (1,500) employees may establish an insurance fund from sums contributed by himself and his employees upon condition that he undertake and agree to make up any deficiency in insurance benefits that may arise out of the inadequacy of such fund. Such fund shall be inviolably appropriated as a trust fund for the purpose of such insurance and shall not be invested otherwise. Provision shall be made for the election by the insured employees of an advisory committee, which shall be kept informed regarding the state of the insurance fund, and shall have the right to examine the books kept in connection therewith. Such books shall also be subject to the inspection of the insurance commissioner of this State in the same manner as books of insurance companies doing business in this State. Who may write insurance. Establishment funds.

Upon the request of the employer or upon the request of the advisory committee, the insurance commissioner shall act as depository of the securities in which such funds may be invested.

If any employer desires to discontinue an insurance fund maintained by him, or if he discontinues his business without transferring the same to a successor or assign, taking over and agreeing to maintain such fund, he shall notify the insurance commissioner of his purpose, who shall thereupon supervise the disposition of the insurance fund. Such fund shall be distributed among those equitably entitled to it according to their contribution (not taking into consideration expenses of the management), and where those entitled to any part of the fund can not be discovered or ascertained the money remaining unclaimed shall be paid into the insurance department, to be held and disposed of as may be provided by law. Discontinuances.

The insurance commissioner shall be entitled to be paid out of such fund the reasonable expenses of his supervision, including a compensation not to exceed ten dollars per day for the time of any person or persons (other than a salaried employee of his office) employed by him for the purpose of such supervision necessarily spent in connection therewith.

SEC. 3. Such insurance shall cover the risk of personal injury by accident arising out of and in course of the employment resulting in death, provided death occur within twelve months from the time of such injury, or resulting in disability, whether the same be total or partial, permanent or temporary. But no one shall be entitled to any benefit hereunder where the injury is the result of the employee's intoxication, or willful and deliberate act or deliberate intention to produce such injury. Scope of insurance.

SEC. 4. The insurance in case of death shall be for the benefit of such persons being the widow, widower, father, mother, son or Beneficiaries.

daughter, as are dependent wholly or in part for their support upon the earnings of such employee (all of which persons are hereinafter designated as dependents of such employee), or of such of them as may be named in the contract or policy to which it refers and the person for whose benefit such insurance is made should be bound by the agreement authorized by the first section of this act.

Benefits.

SEC. 5. In order to satisfy the requirements of this act, the benefits payable under such insurance shall be at least as follows:

Death.

(I) In case of death:

(a) If the employee insures for the benefit of any dependent wholly dependent upon his wages at the time of his death, a sum equal to his wages in the employment of said employer during a period of three years next preceding the accident, but not less in any case than the sum of one thousand dollars: *Provided*, That the amount of any weekly payment made under such insurance or any lump sum paid in redemption thereof, may be deducted from such sum; and if the period of the employee's employment by said employer has been less than said three years, then the amount of his earnings during said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment by said employer.

(b) If the employee insures for the benefit only of persons partly dependent upon his wages at the time of his death, then a sum equal to the payment provided for the benefit of persons wholly dependent, less six times the average annual earnings; or if employed for less than a year, then less three hundred times the average weekly earnings of said dependent person or persons partly dependent on his wages.

(c) If the employee leaves no dependents, then the reasonable expenses of his medical attendance shall be paid, and in addition burial expenses not less than seventy-five dollars nor more than one hundred dollars.

And the contract or policy therein referred to may provide for the payment, instead of a lump sum, of a weekly sum which, in the case of persons wholly dependent, shall not be less than the weekly payment in case of total disability hereinafter provided for, and which, in case of persons partly dependent, shall not be less than the weekly payment in case of total disability, less the amounts earned by the persons partly dependent, and which sum may be divided between the dependent in such a manner as such contract or policy may provide or as may otherwise be agreed upon; or such contract or policy may provide for a combination of lump sums, weekly payment, or for the substitute of one for the other.

Nonfatal injuries.

(II) In case of injury not resulting in death, when total disability results from the injury, a weekly payment during the period of such disability shall be paid to the insured, which shall not be less than fifty per cent of his average weekly wages during the previous twelve months, if he has been so long employed by the contracting employer; if not, then a weekly benefit during such shorter period as he has been in the employment of said employer.

(III) In case of injury not resulting in death, where partial disability results, such weekly payments shall be made during the period of such partial disability as is equal to the difference between the weekly benefit payment, during the period of total disability and the average amount which the injured person is able to earn after the accident.

Loss by actual separation at or above the wrist or ankles of both hands or both feet, or of one hand and one foot, or the irrevocable loss of both eyes, shall be deemed to be equal to total disability.

The loss by actual separation at or above the wrist or ankle of one hand or foot shall be equal to one-half of total disability, and the loss of one eye shall be equal to one-fifth of total disability. Total disability shall be deemed to mean inability to carry on any gainful occupation.

The contract or policy herein referred to may provide that no benefits shall be paid in case of any inquiry which does not incapacitate the employee for a period of at least one week from earning full wages at the work at which he was employed at the time of the accident.

SEC. 6. Any contract in order to satisfy the requirements of this act shall provide that the employer shall contribute not less than fifty per cent of the insurance premiums and the employees shall contribute the remainder of the premiums. Contributions.

In case the employer provides any insurance fund out of contributions made by himself and his own employees as above provided, such employer shall pay the whole of the expenses of the management of such fund, and all contributions shall be paid into such fund without any deduction by reason of such expense.

SEC. 7. The contract may provide that upon penalty of forfeiture of the benefits of the insurances, the employee shall give reasonable and timely notice to his employer, to be fixed by the terms of this contract, of any accident which may entitle him to the benefit of such insurance; and that he shall submit himself to medical examination as required by the employer at the employer's expense. Notice of accidents.

SEC. 8. The contract may provide that the premium payable by the employees shall be deducted from their wages. Deductions from wages.

An employer who shall willfully and feloniously appropriate the amounts so deducted from the wages to any use other than the payment of insurance premium as stipulated in the contract, shall be guilty of embezzlement and shall be punished accordingly.

SEC. 9. The contract between the employer and employee may provide that the insurance premiums shall be paid into the hands of a treasurer to be elected or appointed by the employees or by the employer and the employees in such manner and under such voting arrangement as the contract may specify. Treasurer.

The payment of the premiums to the treasurer shall relieve the employer, and the penalty above prescribed for misappropriation of the funds required to be applied to insurance shall apply to such treasurer.

SEC. 10. In case of nonpayment of the premiums within one month after the same are payable, the insurance company shall within two months after the expiration of such month send notice of such default by mail to the insured and to the insurance commissioner of the State. Nonpayment of premiums.

The insurance policy or contract between the employer and employee may specify a shorter period than the one herein provided for.

Until the required notice shall have been sent, the policy shall not be forfeited for nonpayment of the premium.

SEC. 11. The employer may also advance the premiums of insurance for such number of employees and at such rates as may be agreed upon between him and the insurance company, and may thereupon be supplied by the insurance company with blank policies to be filled in by him with name of any beneficiary under the provisions of this act, and to be executed by him as agent of such company, and he may thereupon reimburse himself for the amounts payable by the employee by deducting the same from the wages of such employee. Advances by employers.

SEC. 12. Such contract may provide that upon termination of his employment from any cause whatever the employee and his dependent shall cease to be entitled to the benefits of such insurance except as regards accidents occurring before the termination of his employment. Termination of contracts.

SEC. 13. Such contract may provide that any controversy regarding the extent of disability or the extent of dependency, or any controversy between dependents as to the amounts payable to them respectively, shall be settled by arbitration, the arbitrations [arbitrators] to be named by mutual consent of the parties; and should the parties fail to agree upon an arbitrator, then the arbitrator to be named by a judge of the circuit court of the Disputes.

- county or city of Baltimore in which the accident happened, and the award of such arbitrator shall be binding upon both employee or his dependents, as the case may be.
- Exemption from attachment, etc.** Sec. 14. Any insurance paid in accordance with the provisions of this act shall not be liable to attachment by trustee, garnishee or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process or by operation of law, to pay any debt or liability of the insured or any beneficiary, nor shall any claim to insurance money be assignable by payee before the same is paid.
- Failure to supply safe-guards.** Sec. 15. A contract of insurance in pursuance of the terms of this act shall not relieve the employer from liability for any accident directly due to his failure to supply any safeguard required to be provided for the protection of employees, by or pursuant to any statute or ordinance, or any regulation under any statute or ordinance, unless it shall have been impossible to comply with such requirement by the time the accident happened, or unless the enforcement thereof has been suspended or [on] order of a court of competent jurisdiction.
- Forms to be filed.** Sec. 16. Every employer shall file with the insurance commissioner a copy of the form of contract and policy which he shall use under the provisions of this act, and in the event of such form being departed from in any particular case shall also file a copy of such particular contract.
- If he shall fail to do so, he shall be liable to a penalty of fifty dollars in each case, to be recovered in an action of debt in the name of the State.
- Quarterly reports.** Sec. 17. A quarterly report of all settlement and payment of insurance benefits shall be filed by the employer with the insurance commissioner. If such employer shall fail to make such report in thirty days after demand by insurance commissioner, he shall be liable to a penalty of fifty dollars [dollars], to be recovered in an action of debt in the name of the State.
- Blanks.** Sec. 18. The insurance commissioner shall prepare blanks of contract and policy complying with the provisions of this act, and shall distribute the same, upon application, free of charge.
- Contracts not to be condition of employment.** Sec. 19. Nothing in this act contained shall be construed as authorizing any employer, any officer or agent of such employer to require any employee or any person seeking employment, as a condition of such employment or of the continuance of such employment, to enter into a contract, or to continue in such contract, such as is authorized to be made by section 1 of this act.
- Act in effect.** Sec. 21. This act shall take effect and be in force from the date of its passage.

Approved April 15, 1912.

MASSACHUSETTS.

ACTS OF 1912.

CHAPTER 96.—*Seats for female employees.*

SECTION 1. Chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by striking out section seventy-two and inserting in place thereof the following:

- Seats to be provided.** Section 72. Whoever employs women or children in any manufacturing, mechanical or mercantile establishment shall provide for their use and permit them to use suitable seats whenever they are not necessarily engaged in the active duties of their employment, and shall also provide for their use and permit them to use suitable seats while they are at work, except in such cases and at such times as the work cannot properly be performed in a sitting position. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than thirty dollars for each offence.

Approved February 14, 1912.

CHAPTER 191.—*Employment of children—Illiterates.*

SECTION 1. The third paragraph of section seventeen of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine * * * is hereby amended * * * so as to read as follows:

“Child” or “minor” shall mean a person under eighteen years of age, except that in regard to the compulsory attendance of illiterate minors at day or evening schools, the word “minor” shall mean a person under the age of twenty-one years. Age for school attendance.

Approved March 2, 1912.

CHAPTER 251.—*Liability of employers for injuries to employees.*

[This act amends section 132 of chapter 514, Acts of 1909, relating to notice of claim for recovery of damages, by adding thereto the following:]

Any form of written communication signed by the person so injured, or by some person in his behalf, or by his executor or administrator, or by some person in behalf of such executor or administrator, which contains the information that the person was so injured, giving the time, place and cause of the injury or death, shall be considered a sufficient notice. Form of notice of claim.

CHAPTER 318.—*Guards for dangerous machinery.*

SECTION 1. Section ninety-four of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by striking out the said section and substituting the following:

Section 94. The belting, shafting, gearing, drums, elevators and all machinery having movable parts in all factories, mechanical establishments, workshops and mercantile establishments, if so placed as, in the opinion of an inspector of factories and public buildings, to be dangerous to employees therein while engaged in their ordinary duties, shall be, so far as is practicable, securely guarded. No machinery except steam engines in a factory, mechanical establishment, workshop, or mercantile establishment shall be cleaned while running if objection in writing is made by one of said inspectors. All factories, mechanical establishments, workshops and mercantile establishments shall be well lighted and well ventilated, and shall be kept clean, and this last requirement shall be enforced by the State inspectors of health. Guards to be provided.

Approved March 25, 1912.

CHAPTER 354.—*Liability of railroad companies for injuries to employees.*

SECTION 1. Section sixty-three of Part I, of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, as amended * * * is hereby further amended * * * so that the last two sentences of the said section will read as follows:

If an employee of a railroad corporation, being in the exercise of due care, is killed under such circumstances as would have entitled him to maintain an action for damages against such corporation if death had not resulted, the corporation shall be liable in the sum of not less than five hundred nor more than ten thousand dollars, in the same manner as it would have been if the deceased had not been an employee. But no executor or administrator shall, for the same cause, avail himself of more than one of the remedies given by the provisions of this section. Rights of personal representatives.

Approved April 1, 1912.

CHAPTER 358.—*Protection of employees as members of the militia, etc.*

SECTION 1. Any person who willfully either deprives a member of the militia or naval reserve of his employment, or denies him employment, or prevents his being employed by another, or ob- Interference with employment.

structs or annoys him or his employer in respect of his trade, business, or employment, because of such member's connection with the militia or naval reserve or because of his necessary absence from business in performance of his duty as such member, and whoever dissuades any person from enlisting in the militia or naval reserve by threat of injury to him in respect of his employment, trade or business or of other injury, in case he shall so enlist, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

Approved April 1, 1912.

CHAPTER 363.—*Retirement system for employees of the State.*

SECTION 1. Section one of chapter five hundred and thirty-two of the acts of the year nineteen hundred and eleven is hereby amended * * * so as to read as follows:

Definitions. Section 1. In this act, unless the context otherwise requires—
(a) The words "retirement system" mean the arrangements provided in this act for the payment of pensions.

(b) The word "annuities" means the payments for life derived from money contributed by the employees.

(c) The word "employees" means permanent and regular employees in the direct service of the Commonwealth or in the metropolitan district service, whose only or principal employment is in such service.

(d) The word "pensions" means the payments for life derived from money contributed by the Commonwealth.

(e) The words "regular interest" mean interest at three per cent per annum compounded semi-annually on the last days of December and June, and reckoned for full three and six months' periods only.

(f) The words "continuous service" mean uninterrupted employment, with these exceptions: A lay off on account of illness or reduction of force, and a leave of absence, suspension or dismissal followed by reinstatement within one year. As to appointees of the sergeant at arms the interval between sessions of the general court shall not be considered as breaking the continuity of service.

In the case of employees of any department or institution formerly administered by a city, county or corporation and later taken over by the Commonwealth, service rendered prior to such transfer shall be counted as a part of the continuous service for the purposes of this act.

[Section 2 amends sec. 3 of the act named by increasing to 90 days the period of employment before employees become automatically members of the retirement association, instead of 30 as formerly. A new subsection numbered (6) is added to sec. 3, as follows:]

Employees of county and State. (6) Employees who are paid partly by the Commonwealth and partly by a county having a retirement system shall be enrolled as members of the State retirement association. Such employees shall be assessed on their full wages or salaries and the assessments on the part of such wages or salaries paid by the county shall be deducted by the treasurer of the county and turned over by him to the retirement association fund of the Commonwealth. When any such employee is retired under the provisions of this act the treasurer of the Commonwealth shall be reimbursed out of the treasury of the county for a part of the pension payments to such employee equivalent to the amount of the annuity payable on the assessments on that part of his wages or salary paid by the county which was deducted and turned over to the retirement association fund of the Commonwealth in the manner hereinbefore provided.

SEC. 3. Paragraph (3) of section four of said chapter five hundred and thirty-two is hereby amended * * * so that said paragraph will read as follows:

(3) The State treasurer shall have charge and control of the funds of the system, subject to the approval of the board of retirement, and shall invest and reinvest the same, and may from time to time sell any securities held by him and invest and reinvest the proceeds, and any and all unappropriated income of said funds: *Provided, however,* That all funds received by him, and not required for current disbursements, shall be invested in accordance with the provisions of the laws of this Commonwealth relating to the investment of the funds of savings banks. He shall in the investment of the funds give preference to the securities that are legal for the investment of the sinking funds of the Commonwealth. He may, whenever he sells such securities, deliver the securities so sold upon receiving the proceeds thereof, and may execute any and all documents necessary to transfer the title thereto.

SEC. 4. Paragraph (2) *C (b)* of section six of said chapter first hundred and thirty-two is hereby amended * * * so that said paragraph (2) *C (b)*, will read as follows:

(b) Pensions based upon prior service. Any member of the association who reaches the age of sixty years, having been in the continuous service of the Commonwealth for fifteen years or more immediately preceding, and then or thereafter retires or is retired and any member who completes thirty-five years of continuous service and then or thereafter retires or is retired, shall receive in addition to the annuity and pension provided for by paragraphs (2) *B* and *C (a)* of this section, an extra pension for life as large as the amount of the annuity and pension to which he might have acquired a claim if the retirement system had been in operation at the time when he entered the service of the Commonwealth, and if accordingly he had paid regular contributions from that date to the date of the establishment of the retirement association at the same rate as that first adopted by the board of retirement, and if such deductions had been accumulated with regular interest.

In the case of employees who are paid partly by the Commonwealth and partly by a county having a retirement system, or who have rendered service in the past both for the Commonwealth and for such county, all of the continuous service rendered by any such employee either for the Commonwealth or for the county before the establishment of the retirement system shall be counted as part of the prior service for the purposes of this act.

In the case of members of the association related as husband and wife, if one of the two retires or is retired the other shall have the right also to retire, and shall be paid a retiring allowance proportionate to the amount of his or her accumulated contributions to date, or, in case the allowance thus calculated is less than the minimum allowance of two hundred dollars hereinafter provided for, shall be paid that sum annually.

If the accumulated contributions of any employee retired under the provisions of this act exceed the amount required to provide an annuity equal to one-fourth of the average wages or salary of such employee during the last ten years prior to his retirement, the excess above that amount shall be paid to such employee in a lump sum with the first monthly payment on the account of his retiring allowance.

Any employee who had already reached the age of fifty-five years on the date when the retirement system was established, and also became a member of the association may be retired under the provisions of the preceding paragraph without having completed the otherwise required service period of fifteen years. For the purpose of computing any pension payable for prior service, the board of retirement may estimate on the basis determined by them the wages received at any period for which they may deem it impracticable to consult the original records.

Any employee not a member of the association who had already reached the age of fifty-five years on the date when the retirement system was established may be retired at any time and

shall be paid a pension equivalent to the minimum payment hereinafter provided for.

Approved April 2, 1912.

CHAPTER 369.—*Inspection and regulation of factories, etc.—Fire proof stairways.*

SECTION 1. [Paragraph seven of] section twelve of chapter five hundred and fifty of the acts of the year nineteen hundred and seven is hereby amended * * * so that said paragraph seven as amended will read as follows:

Means of egress.

Every building shall have, with reference to its height, condition, construction, surroundings, character of occupation and number of occupants, reasonable means of egress in case of fire, satisfactory to the commissioner, except that in all factories or workshops hereafter built or altered, of second class construction, where ten or more persons are employed above the second floor, one exit shall consist of a fireproof stairway enclosed in incombustible material. No building hereafter erected shall be occupied or permitted to be occupied until said means of egress have been provided in accordance with plans and drawings approved by the building commissioner.

Approved April 3, 1912.

CHAPTER 409.—*Accidents to be reported.*

SECTION 1. Chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by striking out section one hundred and forty-four and inserting in place thereof the following:

Records.

Section 144. All employers shall keep a correct record of any accident occurring to an employee while at work for the employer, whether such accident results in the death of the employee or in such bodily injury as shall prevent him from returning to work within four days thereafter. The said record shall be open to inspection by an inspector of factories of the district police.

Reports.

Within ninety-six hours after the time of the accident a written report thereof shall be furnished to the chief of the district police, upon forms to be furnished by him. No statements contained in any such report shall be admissible in any action arising out of the accident therein reported. The chief of the district police shall furnish the sender with a written or printed acknowledgment of the receipt of the report, shall keep a record of all accidents so reported to him, and shall include an abstract of the record in his annual report. An employer who fails to keep the record or to furnish the report to the chief of the district police required by this section shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars for each offense.

Approved April 6, 1912.

CHAPTER 452.—*Employment of women and children in workshops of mercantile establishments.*

Law restricted.

[This act amends section 1 of chapter 313, Acts of 1911, by striking out the word "making" in the clause defining the application of the law, making it apply to altering and repairing only.]

CHAPTER 477.—*Hours of labor of women and children.*

SECTION 1. Section forty-eight of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, as amended, * * * is hereby further amended * * * so as to read as follows:

Ten-hour day.

Section 48. No child under eighteen years of age and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day; and in no case

shall the hours of labor exceed fifty-four in a week, and if any child or woman shall be employed in more than one manufacturing or mechanical establishment, the total number of hours of such employment shall not exceed fifty-four hours in any one week; except that in any such establishment where the employment is by seasons, the number of such hours in any one week may exceed fifty-four, but not fifty-eight: *Provided*, That the total number of such hours in any year shall not exceed an average of fifty-four hours a week for the whole year, excluding Sundays and holidays. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends or, in the case of establishments exempted from the provisions of sections sixty-seven and sixty-eight, the time, if any, allowed for meals. The printed forms of such notices shall be provided by the chief of the district police, after approval by the attorney general. The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon which he was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the chief of the district police or to an inspector of factories and public buildings.

Overtime.

Approved April 12, 1912.

CHAPTER 479.—*Seats for operators of passenger elevators.*

SECTION 1. All elevators used for the carriage of passengers shall be provided with a suitable seat for the operator in charge of the same. Seats re-
quired.

SEC. 2. Failure to comply with the provisions of this act shall be punished by a fine not exceeding twenty dollars for each offense. Violations.

SEC. 3. This act shall be enforced by the inspectors of factories and public buildings of the district police. Enforcement.

Approved April 12, 1912.

CHAPTER 495.—*Bribery, corruption, etc., of employees.*

[This act amends section 28 of chapter 514, Acts of 1909, by adding to the penal provisions thereof the following:]

Except that if the person who commits the said offense acts as agent or officer of any person, partnership or corporation to employ persons as clerks, laborers or otherwise, the offense shall be felony punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the State prison for not more than three years. The district attorneys in their respective districts shall prosecute all violations of this section. Violations by
corporations,
etc.

Approved April 16, 1912.

CHAPTER 503.—*Retirement of laborers employed by municipalities.*

SECTION 1. Any laborer in the employ of a city or town which accepts this act, who has reached the age of sixty years and has been in such employ for a period of not less than twenty-five years and has become physically or mentally incapacitated for labor, and any laborer in the employ of such city or town who has been in such employ for a period of not less than fifteen years and has become physically or mentally incapacitated for labor by reason of any in- Who may be
retired.

jury received in the performance of his duties for such city or town may, at his request, and in cities, with the approval of the mayor, or in towns, with the approval of the selectmen, be retired from service, and if so retired he shall receive from the city or town for the remainder of his life, an annual pension equal to one half of the average annual compensation paid to him as a laborer during the two years next prior to his retirement. Any laborer in the employ of such a city or town who has reached the age of sixty-five years and has been in such employ for a period of not less than twenty-five years shall be retired from service and shall receive from the city or town an annual pension computed in the manner hereinbefore set forth.

Referendum. SEC. 2. This act shall be submitted to the voters of each of the cities and towns of the Commonwealth at the next annual State election for their acceptance or rejection, and shall take effect in any city or town upon its acceptance by a majority of the voters of such city or town voting thereon.

Period of notice. SEC. 3. Not less than two weeks and not more than four weeks before the election at which this act shall be submitted to the voters, the city clerk of each city shall cause to be mailed to each of the registered voters in his city a copy of this act, together with a statement that it is to be submitted to the voters at the coming election.

Exemption. SEC. 4. This act shall not apply to the city of Boston.
[Became a law April 16, 1912.]

CHAPTER 531.—*Inspection, etc., of steam boilers.*

SECTION 1. Section one of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven, as amended * * * is hereby further amended * * * so as to read as follows:

Application of law. Section 1. All steam boilers and their appurtenances, except boilers of railroad locomotives, motor road vehicles, boilers in private residences, boilers in public buildings and in apartment houses used solely for heating, and carrying pressures not exceeding fifteen pounds per square inch, and having less than four square feet of grate surface, boilers of not more than three horsepower, boilers used for horticultural and agricultural purposes exclusively, and boilers under the jurisdiction of the United States, shall be thoroughly inspected internally and externally at intervals of not over one year, and no person shall operate or cause to be operated any boiler not exempted by the provisions of this section until the boiler has been inspected as hereinafter provided, nor until the certificate of inspection as hereinafter provided has been issued and so placed as to be easily read in the engine or boiler room of the plant where the boiler is located, except that such certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times; and no person shall operate or cause to be operated any boiler not exempted by the provisions of this section at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned, which pressure is to be ascertained by rules established by the board of boiler rules, to be appointed as hereinafter provided; and shall be equipped with such appliances to insure safety of operation as shall be prescribed by said board. All such boilers installed after January first, nineteen hundred and eight, shall be so inspected when installed. A boiler in this Commonwealth at the time of the passage of this act which does not conform to the rules of construction formulated by the board of boiler rules may be installed after a thorough internal and external inspection and hydrostatic pressure test by a member of the boiler inspection department of the district police, or by an inspector holding a certificate of competency as an inspector of steam boilers, as provided by section six of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven,

and employed by the company insuring the boiler. The pressure allowed on such boilers is to be ascertained by rules formulated by the board of boiler rules. No certificate of inspection shall be granted on any boiler installed after May first, nineteen hundred and eight, which does not conform to the rules formulated by the board of boiler rules.

SEC. 2. Section two of said chapter four hundred and sixty-five is hereby amended * * * so as to read as follows:

Sec. 2. Whoever owns, or uses or causes to be used, any such boiler, unless the same is under the periodically guaranteed inspection of insurance companies authorized to insure boilers in this Commonwealth, shall report in writing to the chief inspector of the boiler inspection department of the district police the location of such boiler, before the work of installation of such boiler is completed; and annually thereafter: *Provided, however,* That whoever owns, or uses or causes to be used, any such boiler, shall also report in writing immediately to the chief inspector of the boiler inspection department of the district police when the periodically guaranteed inspection of an insurance company authorized to insure boilers in this Commonwealth ceases on such boiler for any cause, and annually thereafter so long as such boiler is not under the periodically guaranteed inspection of an insurance company authorized to insure boilers in this Commonwealth.

Duties of owners, etc.

SEC. 3. Section five of said chapter four hundred and sixty-five is hereby amended * * * so as to read as follows:

Sec. 5. No person shall act as an inspector of boilers which are under the periodically guaranteed inspection of companies that have complied with the laws of this Commonwealth, unless he holds a certificate of competency as hereinafter provided. Every insurance company authorized to inspect and insure steam boilers in this Commonwealth shall have in its employ at least one inspector who holds a certificate of competency as hereinafter provided, and who resides in this Commonwealth.

Who may inspect.

SEC. 4. Said chapter four hundred and sixty-five is hereby further amended by striking out section thirteen and inserting in place thereof the following:

Sec. 13. The owner or user of a boiler herein required to be inspected shall prepare the boiler for inspection as directed by the inspector. The inspector shall give the owner or user at least fourteen days' notice to prepare a boiler for inspection, if requested by the owner or user to give such notice: *Provided, however,* That the inspector shall not be required to give notice of external inspection under steam, and that such notice need not be given if the boiler is in process of installation, or if the boiler has not been inspected within one year and a certificate of inspection issued. If, in the judgment of an inspector of the boiler inspection department of the district police, any boiler or its appurtenances, which are herein required to be inspected, are in a defective or dangerous condition, he may immediately order the boiler discontinued from service, whether or not such boiler is under the periodically guaranteed inspection of an insurance company authorized to insure steam boilers in this Commonwealth; and no person shall again operate such boiler, or cause it to be operated, until a certificate of inspection has been issued by an inspector of the boiler inspection department of the district police.

Preparation for inspection.

SEC. 5. Section fourteen of said chapter four hundred and sixty-five is hereby amended * * * so as to read as follows:

Sec. 14. The owner or user of a boiler inspected by the boiler inspection department shall pay to the inspector five dollars for each boiler internally and externally inspected, and two dollars for each visit for external inspection under steam, and two dollars for each cast-iron sectional boiler inspected. The inspector shall give receipts for the same, and shall pay all sums so received to the chief inspector of the boiler inspection department, who shall pay the same to the treasurer of the Commonwealth.

Fees.

Sec. 6. Section fifteen of said chapter four hundred and sixty-five is hereby amended * * * so as to read as follows:

Certificates.

Sec. 15. If, upon inspection the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, and the boiler and its appendages conform to the rules formulated by the board of boiler rules, he shall issue to the owner or user thereof a certificate of inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules established by the board of boiler rules, and thereupon such owner or user may operate the boiler mentioned in the certificate. If the inspector finds that the boiler is not in safe working condition, or is not provided with fittings necessary to safety, or if the fittings are improperly arranged, or if the boiler and its appendages do not conform to the rules formulated by the board of boiler rules, he shall withhold his certificate until the boiler and its fittings are put in a condition to insure safety of operation, and the boiler and its appendages do conform to the rules formulated by the board of boiler rules; and the owner or user shall not operate the boiler, or cause it to be operated, until such certificate has been granted.

Sec. 7. Section seventeen of said chapter four hundred and sixty-five is hereby amended * * * so as to read as follows:

Inspections
by insurance
companies.

Sec. 17. Insurance companies engaged in the business of inspecting and insuring steam boilers shall, after each internal and external inspection, if the boiler and its appendages conform to the rules formulated by the board of boiler rules, and if they deem the boiler to be in safe working condition otherwise, issue a certificate of inspection stating the maximum pressure at which the boiler may be operated. This maximum pressure shall be determined under the rules established by the board of boiler rules.

Approved April 25, 1912.

CHAPTER 533.—*Hours of labor of employes on street railways.*

Repeal.

SECTION 1. Section ninety-five of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby repealed and the work of all conductors, motormen and trainmen who are employed by or on behalf of a street railway or elevated railway company shall be arranged as provided in this act.

Nine-hour
day.

SEC. 2. A day's work for all conductors, motormen and trainmen shall be arranged by the employer upon the basis of nine hours' platform work: *Provided, however,* That if in any case the schedule cannot be so arranged as to furnish a day's work of approximately nine hours and it is possible to provide one not exceeding nine and one half hours, the schedule may be so arranged, the platform time above the nine hours to be paid for as an addition to the nine hours' work. The day's work of men employed on regular cars shall be arranged to be performed within twelve consecutive hours. The work of any extra man who is regularly employed may, with his consent, be arranged in early and late halves or portions, but there shall be an interval of not less than eight hours between the close of the work of one day for such extra men and the beginning of the work of the next day, within which they shall not be required to perform any work except in cases of emergency. Nothing herein contained shall be held to prohibit spare men from performing, as substitutes in case of emergency, the work of employees unexpectedly absent.

Requiring
overtime.

SEC. 3. No officer or agent of any such company shall require from said employees more than nine hours' platform work for a day's labor except as is herein expressly provided. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment by the employees, or threat to refrain from employing any employee in the future shall be considered coercion and "requiring" within the meaning of this section. On legal holidays and on Sundays and in case of unavoidable delay or other emergency, or at any time at the request of the employee, extra labor

may be performed for extra compensation. A company which violates the provisions of this act shall forfeit for each offense not less than one hundred nor more than five hundred dollars.

SEC. 4. This act shall not affect any written contract existing at the date of its passage. Existing contracts.

SEC. 5. This act shall take effect on the first day of January, nineteen hundred and thirteen. Act in effect.

Approved April 25, 1912.

CHAPTER 545.—*Advertisements for labor—Notice of strike.*

SECTION 1. Chapter four hundred and forty-five of the acts of the year nineteen hundred and ten is hereby amended by inserting after section one the following new section, to be numbered section two:

Section 2. The provisions of this act shall cease to be operative when the State board of conciliation and arbitration shall determine that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. Said board shall determine this question as soon as may be, upon the application of the employer. End of strike.

Approved April 27, 1912.

CHAPTER 560.—*Bureau of statistics.*

SECTION 1. Chapter three hundred and seventy-one of the acts of the year nineteen hundred and nine is hereby amended by striking out section two and inserting in place thereof the following: Officials.

Section 2. Said bureau shall be in charge of a director who shall be appointed by the governor, with the advice and consent of the council, to serve for a term of three years and until his successor is appointed and qualified. He shall receive an annual salary of four thousand dollars. He shall appoint a deputy director, who, in the absence of the director or in case of his disability or in the event of his death pending the appointment and qualification of his successor, shall have authority to perform all the duties of the director as prescribed by law. The deputy director shall receive an annual salary of twenty-five hundred dollars. The director may expend for clerical assistance, special agents and contingent expenses such amount as the general court may annually appropriate for these purposes. He may require the attendance of witnesses and the production of books and documents, and may examine witnesses under oath; and such witnesses shall be examined in the same manner and be paid the same fees as witnesses before the superior court.

Approved May 4, 1912.

CHAPTER 571.—*Compensation of workmen for injuries.*

SECTION 1. Section three of Part II of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven is hereby amended * * * so as to read as follows:

Section 3. If the employee is injured by reason of the serious and willful misconduct of a subscriber or of any person regularly entrusted with and exercising the powers of superintendence, the amounts of compensation hereinafter provided shall be doubled. In such case the subscriber shall repay to the association the extra compensation paid to the employee. If a claim is made under this section the subscriber shall be allowed to appear and defend against such claim only. Who may defend.

SEC. 2. Section eleven of Part II of said chapter seven hundred and fifty-one is hereby amended * * * so that clause (a) shall read as follows:

(a) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or the loss of one hand and one foot, or the reduction to one tenth of normal vision in both Degree of disability.

eyes with glasses, one-half of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of one hundred weeks,— and * * * so that clause (b) shall read as follows:

(b) For the loss by severance of either hand at or above the wrist, or either foot at or above the ankle, or the reduction to one-tenth of normal vision in either eye with glasses, one-half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of fifty weeks.

SEC. 3. Section sixteen of Part II of said chapter, as amended by chapter one hundred and seventy-two of the acts of the year nineteen hundred and twelve, is hereby further amended by striking out said section and inserting in place thereof the following:

Notice.

Sec. 16. The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury, and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf, or by a person to whom payments may be due under this act or by a person in his behalf. Any form of written communication signed by any person who may give the notice as above provided, which contains the information that the person has been so injured, giving the time, place and cause of the injury, shall be considered a sufficient notice.

SEC. 4. Section nineteen of Part II of said chapter seven hundred and fifty-one is hereby amended * * * so as to read as follows:

Medical examinations.

Sec. 19. After an employee has received an injury, and from time to time thereafter during the continuance of his disability he shall, if so requested by the association or subscriber, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the commonwealth, furnished and paid for by the association or subscriber. The employee shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to submit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited.

SEC. 5. Part II of said chapter seven hundred and fifty-one is hereby amended by adding at the end thereof a new section as follows:

Claims.

Sec. 23. The claim for compensation shall be in writing and shall state the time, place, cause and nature of the injury; it shall be signed by the person injured or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf, or by a person to whom payments may be due under this act or by a person in his behalf, and shall be filed with the industrial accident board. The failure to make a claim within the period prescribed by section fifteen shall not be a bar to the maintenance of proceedings under this act if it is found that it was occasioned by mistake or other reasonable cause.

SEC. 6. Section one of Part III of said chapter seven hundred and fifty-one is hereby amended * * * so as to read as follows:

Industrial accident board.

Sec. 1. There shall be an industrial accident board consisting of five members, to be appointed by the governor, by and with the advice and consent of the council, one of whom shall be designated by the governor as chairman. The term of office of members of this board shall be five years, except that when first constituted one member shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter one member shall be appointed every year for the full term of five years.

SEC. 7. Section two of Part III of said chapter seven hundred and fifty-one is hereby amended * * * so as to read as follows:

Salaries.

Sec. 2. The salaries and expenses of the board shall be paid by the commonwealth. The salary of the chairman shall be five

thousand dollars a year, and the salary of the other members shall be forty-five hundred dollars a year each. The board may appoint a secretary at a salary of not more than three thousand dollars a year, and may remove him. It shall also be allowed an annual sum, not exceeding ten thousand dollars, for clerical service, and traveling and other necessary expenses. The board shall be provided with an office in the statehouse or in some other suitable building in the city of Boston, in which its records shall be kept.

Sec. 8. Section three of Part III of said chapter seven hundred and fifty-one is hereby amended * * * so as to read as follows:

Sec. 3. The board may make rules not inconsistent with this act for carrying out the provisions of the act. Process and procedure under this act shall be as summary as reasonably may be. The board or any member thereof shall have the power to subpoena witnesses, administer oaths, and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. The fees for attending as a witness before the industrial accident board shall be one dollar and fifty cents a day, for attending before an arbitration committee fifty cents a day; in both cases five cents a mile for travel out and home.

Powers of board.

The superior court shall have power to enforce by proper proceedings the provisions of this section relating to the attendance and testimony of witnesses and the examination of books and records.

Sec. 9. Section four of Part III of said chapter seven hundred and fifty-one is hereby amended * * * so as to read as follows:

Sec. 4. If the association and the injured employee reach an agreement in regard to compensation under this act, a memorandum of the agreement shall be filed with the industrial accident board and, if approved by it, thereupon the memorandum shall for all purposes be enforceable under the provisions of Part III, section eleven. Such agreements shall be approved by said board only when the terms conform to the provisions of this act.

Agreements to be filed.

Sec. 10. Section five of Part III of said chapter seven hundred and fifty-one is hereby amended * * * so as to read as follows:

Sec. 5. If the association and the injured employee fail to reach an agreement in regard to compensation under this act, either party may notify the industrial accident board who shall thereupon call for the formation of a committee of arbitration. The committee of arbitration shall consist of three members, one of whom shall be a member of the industrial accident board, and shall act as chairman. The other two members shall be named, respectively, by the two parties. If the subscriber has appeared under the provisions of Part II, section three, the member named by the association shall be subject to his approval. If a vacancy occurs it shall be filled by the party whose representative is unable to act.

Arbitration.

The arbitrators appointed by the parties shall be sworn by the chairman as follows: I ——— do solemnly swear that I will faithfully perform my duty as arbitrator and will not be influenced in my decision by any feeling of friendship or partiality toward either party. So help me God.

Sec. 11. Section six of Part III of said chapter seven hundred and fifty-one is hereby amended * * * so as to read as follows:

Sec. 6. It shall be the duty of the industrial accident board, upon notification that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The board shall designate one of its members to act as chairman, and, if either party does not appoint its member on this committee within seven days after notification, as above provided, or after a vacancy has occurred,

Duty of board.

the board or any member thereof shall fill the vacancy and notify the parties to that effect.

Sec. 12. Part III of said chapter is hereby amended by striking out section seven and inserting in place thereof the following:

Investigation.

Sec. 7. The committee on arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee shall be held in the city or town where the injury occurred, and the decision of the committee, together with a statement of the evidence submitted before it, its findings of fact, rulings of law and any other matters pertinent to questions arising before it shall be filed with the industrial accident board. Unless a claim for a review is filed by either party within seven days, the decision shall be enforceable under the provisions of Part III, section eleven.

Sec. 13. Section ten of Part III of said chapter is hereby amended * * * so as to read as follows:

Review.

Sec. 10. If a claim for a review is filed, as provided in Part III, section seven, the board shall hear the parties and may hear evidence in regard to any or all matters pertinent thereto and may revise the decision of the committee in whole or in part, or may refer the matter back to the committee for further findings of fact, and shall file its decision with the records of the proceedings and notify the parties thereof. No party shall as a matter of right be entitled to a second hearing upon any question of fact.

Sec. 14. Part III of said chapter is hereby further amended by striking out section eleven and inserting in place thereof the following:

Decrees by courts.

Sec. 11. Any party in interest may present certified copies of an order or decision of the board, a decision of an arbitration committee from which no claim for review has been filed within the time allowed therefor, or a memorandum of agreement approved by the board, and all papers in connection therewith, to the superior court for the county in which the injury occurred or for the county of Suffolk, whereupon said court shall render a decree in accordance therewith and notify the parties. Such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom upon questions of fact, or where the decree is based upon a decision of an arbitration committee or a memorandum of agreement, and that there shall be no appeal from a decree based upon an order or decision of the board which has not been presented to the court within ten days after the notice of the filing thereof by the board. Upon the presentation to it of a certified copy of a decision of the industrial accident board ending, diminishing or increasing a weekly payment under the provisions of Part III, section twelve, the court shall revoke or modify the decree to conform to such decision.

Sec. 15. Section sixteen of Part III of said chapter is hereby amended * * * so as to read as follows:

Disputes.

Sec. 6. All questions arising under this act, if not settled by agreement by the parties interested therein, shall, except as otherwise herein provided, be determined by the industrial accident board. The decisions of the industrial accident board shall for all purposes be enforceable under the provisions of Part III, section eleven.

Sec. 16. Section twenty-one of Part IV of said chapter is hereby amended * * * so as to read as follows:

Notice by subscribers.

Sec. 21. Every subscriber shall give notice in writing or print to every person with whom he is about to enter into a contract of hire that he has provided for payment to injured employees by the association. If an employer ceases to be a subscriber he shall, on or before the day on which his policy expires, give notice thereof in writing or print to all persons under contract with him. In case of the renewal of the policy no notice shall be required under the provisions of this act. He shall file a

copy of said notice with the industrial accident board. The notices required by this and the preceding section may be given in the manner therein provided or in such other manner as may be approved by the industrial accident board.

SEC. 17. Part V of said chapter is hereby amended by striking out section three and inserting in place thereof the following:

Sec. 3. Any liability insurance company authorized to do business within this Commonwealth shall have the same right as the association to insure the liability to pay the compensation provided for by Part II of this act, and when such liability company issues a policy conditioned to pay such compensation the holder of such policy shall be regarded as a subscriber so far as applicable within the meaning of this act, and when any such company insures such payment of compensation it shall be subject to the provisions of Parts I, II, III and V and of section twenty-two of Part IV of this act, and shall file with the insurance department its classifications of risks and premiums relating thereto and any subsequent proposed classifications or premiums, none of which shall take effect until the insurance commissioner has approved the same as adequate for the risks to which they respectively apply.

Who may write insurance.

SEC. 18. Section four of Part V of said chapter is hereby amended * * * so as to read as follows:

Sec. 4. Sections one hundred and thirty-six to one hundred and thirty-nine, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine are hereby repealed.

Repeals.

Approved May 10, 1912.

CHAPTER 653.—*Employment of women in core rooms.*

SECTION 1. The State board of health shall investigate core rooms where women are employed and shall make rules regulating the employment of women therein. The rules shall relate to the structure and location of the rooms, the emission of gases and fumes from ovens, and the size and weight which the women shall be allowed to lift or work on. A copy of the rules shall be posted in every core room where women are employed.

Rules to be made.

SEC. 2. The State inspectors of health shall, under the direction of the State board of health, enforce any rules made in accordance with the provisions of this act.

Enforcement.

SEC. 3. Whoever violates any rule established under the provisions of this act shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars.

Violations.

Approved May 27, 1912.

CHAPTER 666.—*Compensation of workmen for injuries—Regulation of insurance.*

SECTION 1. The insurance commissioner may withdraw his approval of any premium or distribution of subscribers given by him to the Massachusetts Employees Insurance Association under the provisions of section seventeen of Part IV of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, or of any premium or rate made by an insurance company and approved by him under the provisions of section three of Part V of said chapter seven hundred and fifty-one as amended by section seventeen of chapter five hundred and seventy-one of the acts of the year nineteen hundred and twelve.

Disapproval of rates, etc.

SEC. 2. The notices required by section five of Part I of said chapter seven hundred and fifty-one shall be given in such manner as the industrial accident board may approve.

Approved May 28, 1912.

CHAPTER 675.—*Assignments of wages.*

[This act amends section 22 of chapter 727, Acts of 1911, by inserting after the words "resident of the Commonwealth," the following clause:]

Form of
assignment.

Nor shall it be valid unless said assignment is in form and purport as prescribed in chapter three hundred and ninety of the acts of the year nineteen hundred and six, and acts in amendment thereof.

Approved May 29, 1912.

CHAPTER 683.—*Employment of women in State bathhouses.*

Scale of
wages.

SECTION 1. Hereafter in the State bathhouses under the care of the metropolitan park commission the women attendants shall receive the same scale of wages as the men attendants, when performing similar work.

Approved May 29, 1912.

CHAPTER 706.—*Wages of women and children—Minimum wage commission.*

Commission
established.

SECTION 1. There is hereby established a commission to be known as the minimum wage commission. It shall consist of three persons, one of whom may be a woman, to be appointed by the governor, with the advice and consent of the council. One of the commissioners shall be designated by the governor as chairman. The first appointments shall be made within ninety days after the passage of this act, one for a term ending October first, nineteen hundred and thirteen, one for a term ending October first, nineteen hundred and fourteen, and one for a term ending October first, nineteen hundred and fifteen; and beginning with the year nineteen hundred and thirteen, one member shall be appointed annually for the term of three years from the first day of October and until his successor is qualified. Any vacancy that may occur shall be filled in like manner for the unexpired part of the term.

Expenses,
etc.

SEC. 2. Each commissioner shall be paid ten dollars for each day's service, in addition to the traveling and other expenses incurred in the performance of his official duties. The commission may appoint a secretary, who shall be the executive officer of the board and to whose appointment the rules of the civil service commission shall not apply. It shall determine his salary, subject to the approval of the governor and council. The commission may incur other necessary expenses not exceeding the annual appropriation therefor, and shall be provided with an office in the statehouse or in some other suitable building in the city of Boston.

Duties.

SEC. 3. It shall be the duty of the commission to inquire into the wages paid to the female employees in any occupation in the Commonwealth, if the commission has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

Wage boards.

SEC. 4. If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, the commission shall establish a wage board consisting of not less than six representatives of employers in the occupation in question and of an equal number of persons to represent the female employees in said occupation, and of one or more disinterested persons appointed by the commission to represent the public, but the representatives of the public shall not exceed one half of the number of representatives of either of the other parties. The commission shall designate the chairman from among the representatives of the public, and shall make rules and regulations governing the selection of members and the modes of procedure of

the boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determinations of the boards. The members of wage boards shall be compensated at the same rate as jurors; they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission.

SEC. 5. The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors below the age of eighteen years. When two thirds of the members of a wage board shall agree upon minimum wage determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto, and also the names, so far as they can be ascertained by the board of employers who pay less than the minimum wage so determined.

SEC. 6. Upon receipt of a report from a wage board, the commission shall review the same, and may approve any or all of the determinations recommended, or may disapprove any or all of them, or may recommit the subject to the same or to a new wage board. If the commission approves any or all of the determinations of the wage board it shall, after not less than fourteen days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to the commission, who fail or refuse to accept such minimum wage and to agree to abide by it. The commission shall, within fourteen days thereafter, publish the names of all such employers in at least four newspapers in each county in the Commonwealth, together with the material part of its findings, and a statement of the minimum wages paid by every such employer. Any employer upon filing a declaration under oath in the supreme judicial or superior court to the effect that compliance with such decree would endanger the prosperity of the business to which the same is made applicable, shall be entitled to a stay of execution of such decree, and a review thereof with reference to the question involved in such declaration. Such review shall be made by the court under the rules of equity procedure, and if it shall be found by the court that compliance with such decree is likely to endanger the prosperity of the business to which the same is applicable, then an order shall issue from said court revoking the same. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. The publication shall be attested by the signature of at least a majority of the commission.

SEC. 7. In case a wage board shall make a recommendation of a wage determination in which a majority but less than two thirds of the members concur, the commission, in its discretion, may report such recommendation and the pertinent facts relating thereto to the general court.

SEC. 8. Whenever a minimum wage rate has been established in any occupation, the commission may upon petition of either employers or employees, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board.

SEC. 9. For any occupation in which a minimum time rate only has been established, the commission may issue to any woman

Duties of boards.

Fixing rates of wages.

Publication of names of employers.

Majority reports.

Review of rates.

Special licenses.

- physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage: *Provided*, That it is not less than the special minimum wage fixed for that person.
- Wages of minors.** SEC. 10. The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable for such minors. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to the commission by a wage board.
- Registers.** SEC. 11. Every employer of women and minors shall keep a register of the names and addresses of all women and minors employed by him, and shall on request permit the commission or any of its members or agents to inspect the register. The commission shall also have power to subpoena witnesses, administer oaths and take testimony, and to examine such parts of the books and records of employers as relate to the wages paid to women and minors. Such witnesses shall be summoned in the same manner and be paid from the treasury of the Commonwealth the same fees as witnesses before the superior court.
- Examinations.** SEC. 12. Upon request of the commission, the director of the bureau of statistics shall cause such statistics and other data to be gathered as the commission may require, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission.
- Statistics.** SEC. 13. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offense.
- Discrimination against employees.** SEC. 14. The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section six, the name of any employer whom it finds to be violating any such decree.
- Whose names to be published.** SEC. 15. Any newspaper refusing or neglecting to publish the findings, decrees or notices of the commission at its regular rates for the space taken shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars for each offense.
- Newspapers to publish names.** SEC. 16. No member of the commission and no newspaper publisher, proprietor, editor or employee thereof, shall be liable to an action for damages for publishing the name of any employer in accordance with the provisions of this act, unless such publication contains some willful misrepresentation.
- Nonliability.** SEC. 17. The commission shall annually, on or before the first Wednesday in January, make a report to the general court of its investigations and proceedings during the preceding year.
- Reports.** SEC. 18. This act shall take effect on the first day of July in the year nineteen hundred and thirteen.
- Act in effect.**

Approved June 4, 1912.

CHAPTER 714.—*Homestead commission—Report.*

- Commission continued.** SECTION. 1. The commission established by chapter six hundred and seven of the acts of the year nineteen hundred and eleven shall continue its investigation of the need of providing homesteads for the people of the Commonwealth and its study of plans already in operation or contemplated elsewhere for housing wage earners, and shall report to the legislature not later than the first Wednesday in January, nineteen hundred and thirteen, and may recommend such legislation as in its judgment will tend to increase the supply of wholesome homes for the people. The commission may expend in prosecution of its work such sums, not exceeding

in the aggregate two thousand dollars, as the governor and council may approve.

Approved June 4, 1912.

CHAPTER 721.—*Massachusetts Employees' Insurance Association—Advances.*

SECTION 1. For the purpose of enabling the Massachusetts Employees' Insurance Association to carry out the provisions of Part IV of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, the treasurer and receiver general, from time to time, within one year after the date of the passage of this act, may advance to the said association from the treasury of the Commonwealth sums of money not exceeding in the aggregate one hundred thousand dollars. For the moneys so advanced the association shall execute and deliver to the treasurer its promissory notes payable to the order of the Commonwealth within four years after the respective dates thereof, with interest at the rate of four per cent per annum, payable semiannually. The notes shall be signed by the treasurer of said association and countersigned by its president, and shall be payable either serially or by installments, so that at least one fourth of the aggregate indebtedness shall be paid in each calendar year, beginning with the first day of January, nineteen hundred and thirteen.

Funds from
State treasury.

SEC. 2. The treasurer and receiver general is hereby authorized to borrow upon the credit of the Commonwealth, from time to time, such amounts as may be necessary to cover the advances authorized in section one of this act. All money so borrowed shall be deposited in the State treasury, and the treasurer and receiver general shall pay out the same as ordered by said association, and shall keep a separate and accurate account of all sums so borrowed and advanced.

Loans.

SEC. 3. The provisions of Part IV of said chapter seven hundred and fifty-one in regard to assessments to provide for the payment of losses and expenses shall also apply to and authorize assessments, so far as they may be necessary, for the payment of said notes and of the interest thereon.

Payment.

SEC. 4. Notes issued under the provisions of this act shall not be considered as rendering the association deficient in funds, so long as the liability of subscribers to assessment exceeds the amount of said notes less the proceeds of said notes still in the hands of the association.

Solvency.

Approved June 6, 1912.

CHAPTER 726.—*State board of labor and industries.*

SECTION 1. There is hereby established a State board of labor and industries to be composed of five persons who shall be appointed by the governor, with the advice and consent of the council. The terms of office of the members of the board shall be five years, except that when first appointed one of the members shall be appointed for four years, one for three years, one for two years, and one for one year, the member at that time appointed for five years to be chairman. Thereafter a member shall be appointed each year, for a term of five years. One member of the board shall be an employer of labor, one a wage earner, one a physician or a sanitary engineer, and at least one a woman. The governor, with the advice and consent of the council, shall have power to fill by appointment for the unexpired term any vacancy that may occur in the board.

Board estab-
lished.

SEC. 2. There shall be a commissioner of labor, who shall be appointed by the board. He shall serve for such term as the board may determine, and may be removed at any time by the board by vote of a majority of its members. Upon such removal a statement of reasons therefor shall be filed by the board with the

Commis-
sioner.

governor. The commissioner of labor shall devote all his time to the affairs of the board, under its direction.

- Salaries, etc.** SEC. 3. The salary of the chairman of the board shall be fifteen hundred dollars a year, and the salaries of each of the other members of the board shall be one thousand dollars a year. The salary of the commissioner of labor shall be determined by the board, and shall not be less than five thousand nor more than seventy-five hundred dollars a year. The board may incur other necessary expenses for carrying out the provisions of this act, not exceeding the annual appropriation therefor. It shall be provided with offices in the statehouse or in some other suitable building in the city of Boston, and elsewhere in the Commonwealth if approved by the governor and council.
- Investigations.** SEC. 4. The board may investigate the conditions existing in any line of industry carried on by inhabitants of the Commonwealth, and such investigations may be extended outside of the Commonwealth to procure information for the promotion of industrial development or the improvement of industrial conditions. The board shall receive all complaints concerning conditions existing in any industry carried on by inhabitants of the Commonwealth, or concerning alleged violations of any laws enforced under its direction, and shall thereupon make or direct all needful and appropriate investigations and prosecutions. It may employ experts or other necessary assistants to aid in the performance of any duty imposed upon it by law. It may make rules not inconsistent with existing law for carrying out the provisions of this act.
- Enforcement of laws, etc.** SEC. 5. All powers and duties with reference to the enforcement of laws relating to labor and the employment thereof, the inspection and licensing of buildings or parts of buildings used for industrial purposes, the inspection and licensing of the workers therein and of all other industrial employees within the Commonwealth, the enforcement of laws relating to the employment of women and minors, and the institution of proceedings in prosecution of violations of any of the said laws, now conferred or imposed by law upon the State board of health or State inspectors of health, or upon the chief of the district police, the inspectors of factories and public buildings of the district police, or the inspection department of the district police, or the deputy chief of the inspection department of the district police, with the exception of such duties and powers as are now imposed by law upon the chief inspector of boilers or the boiler inspectors of the district police, and with the further exception of such powers and duties as relate to the inspection of buildings under erection, alteration or repair, are hereby transferred to the State board of labor and industries. Said board may delegate to such commissioner, deputy commissioners or inspectors as are under its direction such of the above powers as it may deem necessary to carry out the provisions of this act.
- Scope of act.** Buildings used for industrial purposes under the meaning of this act shall include factories, workshops, bakeries, mechanical establishments, laundries, foundries, tenement-house workrooms, all other buildings or parts of buildings in which manufacturing is carried on, and mercantile establishments as defined in section seventeen of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine.
- Inspectors of health.** SEC. 6. Nothing in this act shall be construed to prevent the State inspectors of health from entering buildings used for industrial purposes when required by their duty to protect the health of the community, especially as prescribed by section three of chapter five hundred and thirty-seven of the acts of the year nineteen hundred and seven, except that the duty therein prescribed of informing themselves concerning the health of minors in factories is hereby transferred to the State board of labor and industries. The said board shall promptly report to the State board of health all cases of disease in industrial establishments which may affect the health of the community.

SEC. 7. The board may appoint not more than two deputy commissioners of labor who shall be under the direction of and responsible to, the commissioner. One of the said deputies shall be especially qualified to supervise the enforcement of laws under the jurisdiction of the board which relate to the health of persons employed in buildings used for industrial purposes and shall be charged with that duty. Further division of powers and duties between the deputy commissioners may be made by the board, which shall also fix their salaries and terms of office with the approval of the governor and council. The board shall have power to remove a deputy commissioner from office at any time by vote of a majority of its members.

Deputy commissioners.

SEC. 8. The board shall have power to appoint and remove industrial health inspectors, industrial inspectors, assistant industrial inspectors, and necessary clerical assistants, subject to the laws of the Commonwealth relating to the appointment and removal of employees in the classified civil service. The total number of industrial health inspectors, industrial inspectors and assistant industrial inspectors shall not exceed twenty-four, of whom at least four shall be women. The State civil service commissioners shall prepare rules, subject to the approval of the governor and council, for including in the classified service all industrial health inspectors, industrial inspectors, assistant industrial inspectors, and clerical assistants. These rules shall provide that candidates for appointment shall pass an examination of a comprehensive and practical character based upon the particular requirements of the kind of work to be done: *Provided*, That persons employed at the time when this act takes effect as inspectors of factories and public buildings in the inspection department of the district police and not retained in said department, as provided in section twelve of this act, shall be transferred without such special examination, and without regard to age, to serve as industrial inspectors. Such transfer shall not affect any rights of retirement with pension that shall have accrued at the date when it is made, or would thereafter accrue to an inspector so transferred, but all such rights shall be retained by any inspector as if he had remained a district police officer. Industrial health inspectors shall be persons admitted to practice medicine in this Commonwealth.

Appointment and removal of officers.

Inspectors and assistant inspectors shall be not over forty-five years of age on the date of their first appointment, but this age limit shall not apply to any reappointment.

Industrial health inspectors, industrial inspectors, and assistant industrial inspectors shall devote their entire time to the affairs of the board.

Each inspector shall, before entering upon his duties, be sworn to the faithful performance thereof.

The salaries of the industrial health inspectors, industrial inspectors and assistant industrial inspectors shall be determined by the board with the approval of the governor and council and shall be graded and of sufficient amount to secure competent men and women for the service: *Provided, however*, That the salaries of the industrial inspectors shall be not less than fifteen hundred dollars a year: *And provided, further*, That the amount expended by the board in any year for such salaries shall not exceed the annual appropriation therefor. All salaries provided for under this act shall be paid out of the treasury of the Commonwealth.

Salaries.

SEC. 9. The commissioner of labor may divide the Commonwealth into inspection districts, and may assign the number of industrial health inspectors, industrial inspectors and assistant industrial inspectors thereto which he deems necessary, all with the consent of the board. Any order made by a deputy commissioner or inspector may be amended, suspended or revoked by the commissioner of labor or by the board, and any order made by the commissioner may be amended, suspended or revoked by the board.

Districts.

- Bribery, etc.** SEC. 10. Any inspector under the State board of labor and industries who directly or indirectly receives a reward, gift or gratuity on account of his official services, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than three months; and shall also be discharged from office.
- Police powers.** SEC. 11. For the enforcement of any law within the jurisdiction of the State board of labor and industries, industrial health inspectors, industrial inspectors and assistant industrial inspectors shall possess the police powers granted by existing law to members of the inspection department of the district police.
- Office abolished.** SEC. 12. The office of inspector of factories and public buildings in the inspection department of the district police is hereby abolished. The inspectors of factories and public buildings who are, at the time of the passage of this act, serving as building inspectors, so-called, shall remain members of the district police force with the title of inspectors of buildings. The total number of such inspectors shall be eighteen, and, upon the taking effect of this act, the governor shall designate from among the inspectors of factories and public buildings who are at the time of its passage serving as factory inspectors, so-called, a sufficient number of such inspectors to remain members of the district police and to serve as inspectors of buildings to complete this number. The remaining inspectors of factories and public buildings shall, upon the taking effect of this act, be transferred to service under the State board of labor and industries as provided in section eight of this act. Inspectors of buildings shall have the powers and be charged with the duties of the present inspectors of factories and public buildings of the district police, except as otherwise provided in this act.
- Reports of accidents.** SEC. 13. Copies of all reports concerning injuries received by employees, which employers are required to file with the industrial accident board under the provisions of section eighteen of Part III of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, shall be filed with the State board of labor and industries. Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offense.
- Annual reports.** SEC. 14. The board shall annually, on or before the first Wednesday in January, submit to the general court a report containing a statement of the character and results of the work performed by it or under its direction during the preceding year and of the expenditures for the year, together with an estimate of the sum required for the ensuing year and recommendations for such additional legislation as the board shall deem necessary.
- Repeal.** SEC. 15. All acts and parts of acts inconsistent herewith are hereby repealed; but nothing in this act shall be construed as affecting the duties of the bureau of statistics as defined by chapter three hundred and seventy-one of the acts of the year nineteen hundred and nine.
- Act in effect.** SEC. 16. This act shall take effect on the first day of June, nineteen hundred and thirteen, except that so much of the act as provides for the appointment of the members of the board and of the commissioner, deputy commissioners and necessary clerical assistants shall take effect on the first day of March, nineteen hundred and thirteen.

Approved June 10, 1912.

RESOLVES.

CHAPTER 30.—*State printing.*

- Contracts.** The attorney general, the secretary of the Commonwealth, the treasurer and receiver general, the auditor of the Commonwealth, the clerk of the senate and the clerk of the house of representatives are hereby directed to advertise for proposals for the execution of all the printing and binding for the several departments

of the government of the Commonwealth, except office stationery and blank books without printed headings, for a term of three or five years from the first day of July in the year nineteen hundred and twelve. They shall take into consideration the circumstances and facilities of the several bidders for the work as well as the terms offered; they may reject any bids received, and they shall award the contract, to be based upon a working-day of eight hours for each week day, except that on Saturday the working-day shall consist of four hours unless in the judgment of the official having supervision of the State printing, legislative or ballot work shall require a full day of eight hours, and equal pay for equal work performed by men and women, at such rates as they shall decide to be equitable between employer and employed, and to such bidder as in their judgment the interests of the Commonwealth may require; and they shall execute the contract in the name and behalf of the Commonwealth. Bonds satisfactory to the said officers, to an amount not less than ten thousand dollars, shall be given by the party to whom the contract is awarded, to secure the faithful performance of the contract.

Labor conditions.

Approved March 21, 1912.

MICHIGAN.

FIRST EXTRA SESSION—1912.

ACT No. 10.—*Compensation of workmen for injuries.*

PART I.

MODIFICATION OF REMEDIES.

SECTION 1. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injuries so sustained, it shall not be a defense:

Defenses abrogated.

(a) That the employee was negligent, unless and except it shall appear that such negligence was willful;

(b) That the injury was caused by the negligence of a fellow employee;

(c) That the employee had assumed the risks inherent in or incidental to, or arising out of his employment, or arising from the failure of the employer to provide and maintain safe premises and suitable appliances.

SEC. 2. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by household domestic servants and farm laborers.

Exemptions.

SEC. 3. The provisions of section one shall not apply to actions to recover damages for the death of, or for personal injuries sustained by employees of any employer who has elected, with the approval of the industrial accident board hereinafter created, to pay compensation in the manner and to the extent hereinafter provided.

Election by employers.

SEC. 4. Any employer who has elected, with the approval of the industrial accident board hereinafter created, to pay compensation as hereinafter provided, shall not be subject to the provisions of section one; nor shall such employer be subject to any other liability whatsoever, save as herein provided for the death of or personal injury to any employee, for which death or injury compensation is recoverable under this act, except as to employees who have elected in the manner hereinafter provided not to become subject to the provisions of this act.

Effect of election.

SEC. 5. The following shall constitute employers subject to the provisions of this act:

1. The State and each county, city, township, incorporated village and school district therein;

Who are employers.

2. Every person, firm and private corporation, including any public service corporation, who has any person in service under

any contract of hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee for which compensation under this act may be claimed, shall in the manner provided in the next section, have elected to become subject to the provisions of this act, and who shall not, prior to such accident, have effected a withdrawal of such election, in the manner provided in the next section.

How elec-
tion is made.

SEC. 6. Such election on the part of the employers mentioned in subdivision two of the preceding section, shall be made by filing with the industrial accident board hereinafter provided for, a written statement to the effect that such employer accepts the provisions of this act, and that he adopts, subject to the approval of said board, one of the four methods provided for the payment of the compensation hereinafter specified. The filing of such statement and the approval of said board shall operate, within the meaning of the preceding section, to subject such employer to the provisions of this act and all acts amendatory thereof for the term of one year from the date of the filing of such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least thirty days prior to the expiration of such first or any succeeding year, file in the office of said board a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of this act: *Provided, however,* That such employer so electing to become subject to the provisions of this act shall, within ten days after the approval by said board of his election filed as aforesaid, post in a conspicuous place in his plant, shop, minor place of work, or if such employer be a transportation company, at its several stations and docks, notice in the form as prescribed and furnished by the industrial accident board to the effect that he accepts and will be bound by the provisions of this act.

SEC. 7. The term "employee" as used in this act shall be construed to mean:

Who are em-
ployees.

1. Every person in the service of the State, or of any county, city, township, incorporated village or school district therein, under any appointment, or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city, township, incorporated village or school district therein: *Provided,* That one employed by a contractor who has contracted with a county, city, township, incorporated village, school district or the State, through its representatives, shall not be considered an employee of the State, county, city, township, incorporated village or school district which made the contract;

2. Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work under the laws of the State who, for the purposes of this act, shall be considered the same and have the same power to contract as adult employees, but not including any person whose employment is but casual or is not in the usual course of the trade, business, profession or occupation of his employer.

Employees
subject to act.

SEC. 8. Any employee as defined in subdivision one of the preceding section shall be subject to the provisions of this act and of any act amendatory thereof. Any employee as defined in subdivision two of the preceding section shall be deemed to have accepted and shall be subject to the provisions of this act and of any act amendatory thereof if, at the time of the accident upon which liability is claimed:

1. The employer charged with such liability is subject to the provisions of this act, whether the employee has actual notice thereof or not; and

2. Such employee shall not, at the time of entering into his contract of hire, express or implied, with such employer, have given to his employer notice in writing that he elects not to be subject to the provisions of this act; or, in the event that such contract of hire was made before such employer became subject to the provisions of this act, such employee shall have given to his em-

ployer notice in writing that he elects not to be subject to such provisions, or without giving either of such notices shall have remained in the service of such employer for thirty days after the employer has filed with said board an election to be subject to the terms of this act. An employee who has given notice to his employer in writing as aforesaid that he elects not to be subject to the provisions of this act, may waive such claim by a notice in writing, which shall take effect five days after it is delivered to the employer or his agent.

PART II.

COMPENSATION.

SECTION 1. If an employee who has not given notice of his election not to be subject to the provisions of this act, as provided in part one, section eight, or who has given such notice and has waived the same as hereinbefore provided, receives a personal injury arising out of and in the course of his employment by an employer who is at the time of such injury subject to the provisions of this act, he shall be paid compensation in the manner and to the extent hereinafter provided, or in case of his death resulting from such injuries such compensation shall be paid to his dependents as hereinafter defined.

Who may receive compensation.

SEC. 2. If the employee is injured by reason of his intentional and willful misconduct, he shall not receive compensation under the provisions of this act.

Willful misconduct.

SEC. 3. No compensation shall be paid under this act for any injury which does not incapacitate the employee for a period of at least two weeks from earning full wages, but if incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury: *Provided, however,* That if such disability continues for eight weeks or longer, such compensation shall be computed from the date of the injury.

Waiting time.

SEC. 4. During the first three weeks after the injury the employer shall furnish, or cause to be furnished, reasonable medical and hospital services and medicines when they are needed.

Medical, etc., services.

SEC. 5. If death results from the injury, the employer shall pay, or cause to be paid, subject, however, to the provisions of section twelve hereof, in one of the methods hereinafter provided, to the dependents of the employee, wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to one-half his average weekly wages, but not more than ten dollars nor less than four dollars a week for a period of three hundred weeks from the date of the injury. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the weekly compensation to be paid as aforesaid shall be equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employee before his death the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury.

Death.

SEC. 6. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

Dependents.

(a) A wife upon a husband with whom she lives at the time of his death;

(b) A husband upon a wife with whom he lives at the time of her death;

(c) A child or children under the age of sixteen years (or over said age, if physically or mentally incapacitated from earning) upon the parent with whom he is or they are living at the time of the death of such parent, there being no surviving parent. In case there is more than one child thus dependent, the death

benefit shall be divided equally among them. In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof; if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency. No person shall be considered a dependent, unless a member of the family of the deceased employee, or bears to him the relation of husband or widow, or lineal descendant, or ancestor, or brother, or sister.

Determina-
tion of de-
pendency.

SEC. 7. Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the accident to the employee, and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions; and the death benefit shall be directly recoverable by and payable to the dependent or dependents entitled thereto, or their legal guardians or trustees. In case of the death of one such dependent his proportion of such compensation shall be payable to the surviving dependents pro rata. Upon the death of all such dependents compensation shall cease. No person shall be excluded as a dependent who is a nonresident alien. No dependent of an injured employee shall be deemed, during the life of such employee, a party in interest to any proceeding by him for the enforcement of collection of any claim for compensation, nor as respects the compromise thereof by such employee.

If no depend-
ents.

SEC. 8. If the employee leaves no dependents the employer shall pay, or cause to be paid as hereinafter provided, the reasonable expense of his last sickness and burying, which shall not exceed two hundred dollars.

Total inca-
pacity.

SEC. 9. While the incapacity for work resulting from the injury is total, the employer shall pay, or cause to be paid as hereinafter provided, to the injured employee a weekly compensation equal to one-half his average weekly wages, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks, nor shall the total amount of all compensation exceed four thousand dollars.

Partial inca-
pacity.

SEC. 10. While the incapacity for work resulting from the injury is partial, the employer shall pay, or cause to be paid as hereinafter provided, to the injured employee a weekly compensation equal to one-half the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury. In cases included by the following schedule the disability in each such case shall be deemed to continue for the period specified, and the compensation so paid for such injury shall be as specified therein, to wit:

Specific in-
juries.

For the loss of a thumb, fifty per centum of the average weekly wages during sixty weeks;

For the loss of a first finger, commonly called index finger, fifty per centum of average weekly wages during thirty-five weeks;

For the loss of a second finger, fifty per centum of average weekly wages during thirty weeks;

For the loss of a third finger, fifty per centum of average weekly wages during twenty weeks;

For the loss of a fourth finger, commonly called little finger, fifty per centum of average weekly wages during fifteen weeks;

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be one-half the amounts above specified;

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Provided, however,* That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

For the loss of a great toe, fifty per centum of average weekly wages during thirty weeks;

For the loss of one of the toes other than a great toe, fifty per centum of average weekly wages during ten weeks;

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified;

The loss of more than one phalange shall be considered as the loss of the entire toe;

For the loss of a hand, fifty per centum of average weekly wages during one hundred and fifty weeks;

For the loss of an arm, fifty per centum of average weekly wages during two hundred weeks;

For the loss of a foot, fifty per centum of average weekly wages during one hundred and twenty-five weeks;

For the loss of a leg, fifty per centum of average weekly wages during one hundred and seventy-five weeks;

For the loss of an eye, fifty per centum of average weekly wages during one hundred weeks;

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of section nine.

The amounts specified in this clause are all subject to the same limitations as to maximum and minimum as above stated.

Sec. 11. The term "average weekly wages" as used in this act is defined to be one fifty-second part of the average annual earnings of the employee. If the injured employee has not worked in the employment in which he was working at the time of the accident, whether for the employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he has earned in such employment during the days when so employed. If the injured employee has not worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or a similar employment in the same or a neighboring place, shall have earned in such employment during the days when so employed. In cases where the foregoing methods of arriving at the average annual earnings of the injured employee can not reasonably and fairly be applied, such annual earnings shall be taken at such sum as, having regard to the previous earnings of the injured employee, and of other employees of the same or most similar class, working in the same or most similar employment, in the same or neighboring locality, shall reasonably represent the annual earning capacity of the injured employee at the time of the accident in the employment in which he was working at such time. The fact that an employee has suffered a previous disability, or received compensation therefor, shall not preclude compensation for a later injury, or for death, but in determining compensation for the later injury, or death, his average annual earnings shall be such sum as will reasonably represent his annual earning capacity at the time of the later injury in the employment in which he was working at such time, and shall be arrived at according to and subject to the limitations of the provisions of this section. The weekly loss in wages referred to in this act shall consist of such percentage of the average weekly earnings of the injured employee, computed according to the provisions of this section, as shall fairly represent the proportionate extent of the impairment of his earning capacity in the employment in which he

Wages defined.

Second injuries.

was working at the time of the accident, the same to be fixed as of the time of the accident, but to be determined in view of the nature and extent of the injury.

Death dur-
ing period of
disability.

SEC. 12. The death of the injured employee prior to the expiration of the period within which he would receive such weekly payments shall be deemed to end such disability, and all liability for the remainder of such payments which he would have received in case he had lived shall be terminated, but the employer shall thereupon be liable for the following death benefits in lieu of any further disability indemnity:

If the injury so received by such employee was the proximate cause of his death, and such deceased employee leaves dependents, as hereinbefore specified, wholly or partially dependent on him for support, the death benefit shall be a sum sufficient, when added to the indemnity which shall at the time of death have been paid or become payable under the provisions of this act to such deceased employee, to make the total compensation for the injury and death exclusive of medical and hospital services and medicines furnished as provided in section four hereof, equal to the full amount which such dependents would have been entitled to receive under the provisions of section five hereof in case the accident had resulted in immediate death, and such benefits shall be payable in weekly installments in the same manner and subject to the same terms and conditions in all respects as payments made under the provisions of said section five.

Insurance,
etc., of employ-
ees.

SEC. 13. No savings or insurance of the injured employee, nor any contribution made by him to any benefit fund or protective association independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than those paid or caused to be paid by the employer as herein provided, be considered in fixing the compensation under this act.

In compe-
tence.

SEC. 14. If an injured employee is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may in his behalf claim and exercise such right or privilege.

Notice and
claim.

SEC. 15. No proceedings for compensation for an injury under this act shall be maintained, unless a notice of the injury shall have been given to the employer three months after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employee, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity.

Form.

SEC. 16. The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury; and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his dependents or by a person in their behalf.

Service.

SEC. 17. The notice shall be served upon the employer or an agent thereof. Such service may be made by delivering said notice to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served, at his last known residence or place of business.

Defects, etc.

SEC. 18. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, unless it is shown that it was the intention to mislead, and the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be, was in fact mislead thereby. Want of such written notice shall not be a bar to proceedings under this act, if it be shown that the employer had notice or knowledge of the injury.

Medical ex-
aminations.

SEC. 19. After an employee has given notice of an injury, as provided by this act, and from time to time thereafter during the

continuance of his disability, he shall, if so requested by the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the State, furnished and paid for by the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be. The employee shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to submit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited. Any physician who shall make or be present at any such examination may be required to testify under oath as to the results thereof.

Sec. 20. No agreement by an employee to waive his rights to compensation under this act shall be valid. Waivers.

Sec. 21 No payment under this act shall be assignable or subject to attachment or garnishment, or be held liable in any way for any debts. In case of insolvency every liability for compensation under this act shall constitute a first lien upon all the property of the employer liable therefor, paramount to all other claims or liens except for wages and taxes, and such liens shall be enforced by order of the court. Exemption from assignment, etc.

Sec. 22. Whenever any weekly payment has been continued for not less than six months, the liability therefor may be redeemed by the payment of a lump sum by agreement of the parties, subject to the approval of the industrial accident board, and said board may at any time direct in any case, if special circumstances be found which in its judgment require the same, that the deferred payments be commuted on the present worth thereof at five per cent per annum to one or more lump sum payments, and that such payments shall be made by the employer or the insurance company carrying such risk, or commissioner of insurance, as the case may be. Lump-sum payments.

PART III.

PROCEDURE.

SECTION 1. There is hereby created a board which shall be known as the industrial accident board, consisting of three members to be appointed by the governor, by and with the consent of the senate, one of whom shall be designated by the governor as chairman. Appointments to fill vacancies may be made during recesses of the senate, but shall be subject to confirmation by the senate at the next ensuing session of the legislature. The term of office of members of this board shall be six years, except that when first constituted one member shall be appointed for two years, one for four years, and one for six years. Thereafter one member shall be appointed every second year for the full term of six years. No more than two members of this board shall belong to the same political party. Industrial accident board.

Sec. 2. The salary of each of the members so appointed by the governor shall be three thousand five hundred dollars per year. The board may appoint a secretary at a salary of not more than two thousand five hundred dollars a year, and may remove him. The board shall be provided with an office in the capitol, or in some other suitable building in the city of Lansing, in which its records shall be kept, and it shall also be provided with necessary office furniture, stationery and other supplies. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words "Industrial Accident Board—Michigan—Seal." It shall employ such assistants and clerical help as it may deem necessary and fix the compensation of all persons so employed: *Provided*, That the average compensation paid to such employees shall not exceed one thousand dollars per annum for each person employed, and all such Salaries, etc.

clerical assistants shall be subject to existing laws regulating the grading and compensation of department clerks. The members of the board and its assistants shall be entitled to receive from the State their actual and necessary expenses while traveling on the business of the board; but such expenses shall be sworn to by the person who incurred the same, and be approved by the chairman of the board before payment is made.

All such salaries and expenses when audited and allowed by the board of State auditors, shall be paid by the State treasurer out of the general fund, upon warrant of the auditor general.

Rules. SEC. 3. The board may make rules not inconsistent with this act for carrying out the provisions of the act. Process and procedure under this act shall be as summary as reasonably may be. The board or any member thereof shall have the power to administer oaths, subpoena witnesses and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute.

Forms. SEC. 4. The board shall cause to be printed and furnish free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act; it shall provide a proper record book in which shall be entered and indexed the name of any employer who shall file a statement of election under this act, and the date of the filing thereof and its approval by such board, and a separate book in which shall be entered and indexed the name of every employer who shall file his notice of withdrawal of said election, and the date of the filing thereof; and books in which shall be recorded all orders and awards made by the board; and such other books or records as it shall deem required by the proper and efficient administration of this act; all such records to be kept in the office of the board. Upon the filing of a statement of election by an employer to become subject to the provisions of this act, the board shall forthwith cause such notice of the fact to be given by requiring said employer to post such notice as hereinbefore provided; and the board shall likewise cause notice to be given of the filing of any withdrawal of such election; but notwithstanding the failure to give, or the insufficiency of, any such notice, knowledge of all filed statements of election and notices of withdrawal of election, and of the time of the filing of the same, shall conclusively be imputed to all employees.

Agreements to be filed. SEC. 5. If the employer, or the insurance company carrying such risk, or commissioner of insurance, as the case may be, and the injured employee reach an agreement in regard to compensation under this act, a memorandum of such agreement shall be filed with the industrial accident board, and, if approved by it, shall be deemed final and binding upon the parties thereto. Such agreements shall be approved by said board only when the terms conform to the provisions of this act.

Arbitration. SEC. 6. If the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be, and the employee fail to reach an agreement in regard to compensation under this act, either party may notify the industrial accident board, who shall thereupon call for the formation of a committee of arbitration. The committee of arbitration shall consist of three members, one of whom shall be a member of the industrial accident board, and shall act as chairman. The other two members shall be named respectively by the two parties.

Duty of board. SEC. 7. It shall be the duty of the industrial accident board, upon notification that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The board shall designate one of its members to act as chairman, and, if either party does not appoint its member on this committee within seven days after notification as above provided, the board or any member thereof shall fill the vacancy and notify the parties to that effect.

Sec. 8. The committee of arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee shall be held at the locality where the injury occurred, and the decision of the committee shall be filed with the industrial accident board. Unless a claim for a review is filed by either party within seven days, the decision shall stand as the decision of the industrial accident board: *Provided*, That said industrial accident board may, for sufficient cause shown, grant further time in which to claim such review. Investigations.

Sec. 9. The industrial accident board or any member thereof may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be five dollars and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases. Examination by physician.

Sec. 10. The arbitrators named by or for the parties to the dispute shall each receive five dollars a day for his services, but the industrial accident board or any member thereof may allow additional reasonable amounts in extraordinary cases. The fees of such arbitrators and other costs of such arbitration, not exceeding, however, the taxable costs allowed in suits at law in the circuit courts of this State, shall be fixed by the board and paid by the State as the other expenses of the board are paid. The fees and the payment thereof of all attorneys and physicians for services under this act shall be subject to the approval of the industrial accident board. Fees, etc.

Sec. 11. If a claim for review is filed, as provided in part three, section eight, the industrial accident board shall promptly review the decision of the committee of arbitration and such records as may have been kept of its hearings, and shall also if desired hear the parties, together with such additional evidence as they may wish to submit, and file its decision therein with the records of such proceedings. Such review and hearing may be held in its office-at Lansing or elsewhere as the board shall deem advisable. Review.

Sec. 12. The findings of fact made by said industrial accident board acting within its powers, shall, in the absence of fraud, be conclusive, but the supreme court shall have power to review questions of law involved in any final decision or determination of said industrial accident board: *Provided*, That application is made by the aggrieved party within thirty days after such determination by certiorari, mandamus or by any other method permissible under the rules and practice of said court or the laws of this State, and to make such further orders in respect thereto as justice may require. Questions of fact and law.

Sec. 13. Either party may present a certified copy of the decision of such industrial accident board approving agreements of settlement as provided in part three, section five hereof, or of the decision of such committee of arbitration when no claim for review is made as provided in part three, section eight, or of the decision of such industrial accident board when a claim for review is filed as provided in part three, section eleven, providing for payment of compensation under this act, to the circuit court for the county in which such accident occurred, whereupon said court shall, without notice, render a judgment in accordance therewith against said employer and also against any insurance company carrying such risk under the provisions of this act; which judgment, until and unless set aside shall have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with like effect, be entered and docketed. Court decrees.

Sec. 14. Any weekly payment under this act may be reviewed by the industrial accident board at the request of the employer, or the insurance company carrying such risks, or the commissioner of insurance as the case may be, or the employee; and on such review it may be ended, diminished or increased, subject to the maximum and minimum amounts above provided, if the board finds that the facts warrant such action. Revision of payments.

Injuries caused by third parties. SEC. 15. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the employee may at his option proceed either at law against that person to recover damages, or against the employer for compensation under this act, but not against both, and if compensation be paid under this act the employer may enforce for his benefit or for that of the insurance company carrying such risk, or the commissioner of insurance, as the case may be, the liability of such other person.

Settlement of disputes. SEC. 16. All questions arising under this act, if not settled by agreement by the parties interested therein, shall, except as otherwise herein provided, be determined by the industrial accident board.

Records of accidents. SEC. 17. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within ten days after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing to the industrial accident board on blanks to be procured from the board for that purpose. The said reports shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, age, sex and occupation of the injured employee, and shall state the time, the nature and cause of the injury, and such other information as may be required by the board. Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offense.

PART IV.

METHOD OF PAYMENT.

How payment may be provided for. SECTION 1. Every employer filing his election to become subject to the provisions of this act, as hereinbefore set forth, shall have the right to specify at the time of doing so, subject to the approval of said industrial accident board, which of the following methods for the payment of such compensation he desires to adopt, to wit:

First. Upon furnishing satisfactory proof to said board of his solvency and financial ability to pay the compensation and benefits hereinbefore provided for, to make such payments directly to his employees, as they may become entitled to receive the same under the terms and conditions of this act; or

Second. To insure against such liability in any employers' liability company authorized to take such risks in the State of Michigan; or

Third. To insure against such liability in any employers' insurance association organized under the laws of the State of Michigan; or

Fourth. To request the commissioner of insurance of the State of Michigan to assume the administration of the disbursement of such compensation exclusive of that provided for in part two, section four herein, and the collection of the premiums and assessments necessary to pay the same, as provided in part five hereof. Said board, however, shall have the right, from time to time to review and alter its decision in approving the election of such employer to adopt any one of the foregoing methods of payment, if in its judgment such action is necessary or desirable to secure and safeguard such payments to employees.

Existing insurance contracts. SEC. 2. Nothing herein shall affect any existing contract for employers' liability insurance or affect the organization of any mutual or other insurance company, or any arrangement now existing between employers and employees, providing for the payment to such employees, their families, dependents or representatives, sick, accident or death benefits, in addition to the compensation provided for by this act. But liability for compensation under this act shall not be reduced or affected by any insurance, contribution or other benefit whatsoever, due to or received by the person

entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer; and in addition thereto, the right to enforce in his own name in the manner provided in this act the liability of any insurance company or of any employers' association organized under the laws of the State of Michigan, or the commissioner of insurance, who may, in whole or in part, have insured the liability for such compensation: *Provided, however,* That payment in whole or in part of such compensation by either the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be, shall, to the extent thereof be a bar to recovery against the other, of the amount so paid.

SEC. 3. Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act, and provisions thereof inconsistent with this act shall be void. No company shall enter into any such contract for insurance, unless such company shall have been approved by the commissioner of insurance as provided by law. Contracts subject to act.

SEC. 4. Any employer against whom liability may exist for compensation under this act may, with the approval of the industrial accident board, be relieved therefrom by: Discharge of liability.

1. Depositing the present value of the total unpaid compensation for which such liability exists, assuming interest at three per centum per annum, with such trust company of this State as shall be designated by the employee, or by his dependents, in case of his death, and such liability exists in their favor, or in default of such designation by him, or them, after ten days' notice in writing from the employer, with such trust company of this State as shall be designated by the industrial accident board; or

2. By the purchase of an annuity, within the limitations provided by law, in any insurance company granting annuities and licensed in this State, which may be designated by the employee, or his dependents, or the industrial accident board, as provided in subsection one of this section.

PART V.

ADMINISTRATION BY COMMISSIONER OF INSURANCE.

SECTION 1. Whenever five or more employers, who have become subject to the provisions of this act, and who have on their pay rolls an aggregate number of not less than three thousand employees, shall in writing request the commissioner of insurance so to do, he shall assume charge of levying and collection from them such premium and dividends as may from time to time be necessary to pay the sums which shall become due their employees, or dependents of their employees, as compensation under the provisions of this act, and also the expense of conducting the administration of such funds; and shall disburse the same to the persons entitled to receive such compensation under the provisions of this act: *Provided, however,* That neither the commissioner of insurance nor the State of Michigan shall become or be liable or responsible for the payment of claims for compensation under the provisions of this act beyond the extent of the funds so collected and received by him as hereinafter provided. State accident fund.

SEC. 2. The commissioner of insurance shall immediately upon assuming the administration of the collection and disbursement of the moneys referred to in the preceding section, cause to be created in the State treasury a fund to be known as "accident fund." Each such employer shall contribute to this fund to the extent of such premiums or assessments as the commissioner shall deem necessary to pay the compensation accruing under this act to employees of such employers or to their dependents, which premiums and assessments shall be levied in the manner and proportion hereinafter set forth. The commissioner of insurance shall give Administration.

a good and sufficient bond in the sum of twenty-five thousand dollars, executed by some surety company authorized to do business in the State of Michigan, covering the collection and disbursement of all moneys that may come into his hands under the provisions of this act. The premium on said bond shall be paid out of the general funds of the State on an order of the auditor general. Said bond must be approved by the board of State auditors.

Premium rates.

Sec. 3. It is the intention that the amounts raised for such fund shall ultimately become neither more nor less than self-supporting, and the premiums or assessments levied for such purpose shall be subject to readjustment from time to time by the commissioner of insurance as may become necessary.

Classification.

Sec. 4. The commissioner of insurance may classify the establishments or works of such employers in groups in accordance with the nature of the business in which they are engaged and the probable risk of injury to their employees under existing conditions. He shall determine the amount of the premiums or assessments which such employers shall pay to said accident fund, and may prescribe when and in what manner such premiums and assessments shall be paid, and may change the amount thereof both in respect to any or all of such employers from time to time, as circumstances may require, and the condition of their respective plants, establishments or places of work in respect to the safety of their employees may justify, but all such premiums or assessments shall be levied on a basis that shall be fair, equitable and just as among such employers. At the beginning of each fiscal year it shall be the duty of the commissioner of insurance to call for the required payment of premiums in such amounts as shall, together with any balance in the accident fund, in his judgment, and subject to the approval of said industrial accident board, be sufficient to enable him to pay all sums which may become due and payable to the employees of any such employer who has become subject to the provisions of part five of this act, and also the expenses of administering such funds during the following year.

Default in payments of premiums.

Sec. 5. If any employer shall make default in the payment of any contribution, premium or assessment required as aforesaid by the commissioner of insurance, the sum due shall be collected by an action at law in the name of the State as plaintiff, and such right of action shall be in addition to any other right of action or remedy. In case any injury happens to any of the workmen of such employer during the period of any default in the payment of any such premium, assessment or contribution, the defaulting employer shall not, if such default be after demand for payment, be entitled to the benefits of this act, but shall be liable to suit by the injured workman, or by his dependents in case death results from such accident, as if he had not elected to become subject to this act. In case, however, the amount actually collected in by such injured workman or his dependents shall equal or exceed the compensation to which the plaintiff therein would be entitled under this act, the plaintiff shall not be paid anything out of said accident fund. If the said amount shall be less than such compensation under this act, the accident fund shall contribute the amount of the deficiency. The person so entitled under the provisions of this section shall have the choice, to be exercised before suit, of proceeding by suit or taking under this act. If such person shall take under this act, the cause of action against the employer shall be assigned to the State for the benefit of the accident fund.

Withdrawing from insurance plan.

Sec. 6. Any employer subject to the provisions of part five of this act, who has complied with all the rules, regulations and demands of the industrial accident board and the commissioner of insurance, may withdraw therefrom at the expiration of the period of one year for which he has elected to become subject to the provisions of this act: *Provided, however,* That he shall give written notice of such withdrawal to said commissioner of insurance at least thirty days before the expiration of such period: *And*

provided further, That if at the time of such withdrawal liability may exist against employer for compensation to employees who have been theretofore killed or injured, as hereinbefore provided, such employer shall either relieve himself and the commissioner of insurance from such liability in the manner provided in part four, section four of this act, or shall otherwise protect and indemnify said commissioner of insurance against such liability in such reasonable manner as he may require.

SEC. 7. In case any controversy shall arise between the commissioner of insurance and any employer subject to the provisions of part five of this act, relative to any rule or regulation adopted by said commissioner of insurance, or any decision made by him in respect to the collection, administration and disbursement of such funds, or in case any controversy shall arise between any employee claiming compensation under the provisions of this act and said commissioner of insurance, all such controversies of every kind and nature shall be subject to review in like manner and with the same force and effect in all respects as is heretofore provided in respect to differences arising through the administration of such funds by the employer, or by a liability insurance company or by an employers' mutual insurance association.

Disputes.

SEC. 8. The books, records and pay rolls of each employer subject to the provisions of part five of this act shall always be open to inspection by the commissioner of insurance, or his duly authorized agent or representative, for the purpose of ascertaining the correctness of the amount of the pay roll reported, the number of men employed, and such other information as said commissioner may require in the administration of said funds. Refusal on the part of any such employer to submit said books, records and pay rolls for such inspection, shall subject the offending employer to a penalty of fifty dollars for each offense, to be collected by civil action in the name of the State and paid into the accident fund, and the individual who shall personally give such refusal shall be guilty of a misdemeanor.

Inspection of
pay rolls, etc.

SEC. 9. The commissioner of insurance shall issue proper receipts for all moneys so collected and received from employers, as aforesaid, shall take receipts for all sums paid to employees for compensation under the provisions of this act, and shall keep full and complete records of all business transacted by him in the administration of such funds. He may employ such deputies and assistants and clerical help as may be necessary, and as the board of State auditors may authorize, for the proper administration of said funds and the performance of the duties imposed upon him by the provisions of this act, at such compensation as may be fixed by said board of State auditors, and may also remove them. The commissioner of insurance and such deputies and assistants shall be entitled to receive from the State their actual and necessary expenses while traveling on the business of the board, but all such salaries and expenses so authorized by the provisions of this act shall be charged to and paid out of said accident fund. He shall include in his annual report a full and correct statement of the administration of such fund, showing its financial status and outstanding obligations, the claims and the amount paid on each claim, claims not paid, claims contested and why, and general statistics in respect to all business transacted by him under the provisions of this act.

Receipts, ex-
penditures, etc.

SEC. 10. Disbursements from said accident fund shall be made only upon warrants approved by the board of State auditors upon vouchers therefor transmitted to it by the commissioner of insurance. If at any time there shall not be sufficient money in said fund wherewith to pay the same, the employer on account of whose workmen it was that such warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid, with interest thereon at the legal rate, from the date of such payment to the date such next following contribution becomes payable, and if the amount of the

Warrants
and vouchers.

credit shall exceed the amount of the contribution, he shall be repaid such excess.

Return of premiums. SEC. 11. If this act shall be thereafter repealed, all moneys which are in the accident fund at the time of such repeal shall be subject to disposition under the direction of the circuit court for the county of Ingham, with due regard, however, to the obligation incurred and existing to pay compensation under the provisions of this act.

PART VI.

MISCELLANEOUS PROVISIONS.

Acceptance of benefits. SECTION 1. If the employee, or his dependents, in case of his death, of any employer subject to the provisions of this act files any claim with, or accepts any payment from such employer, or any insurance company carrying such risks, or from the commissioner of insurance on account of personal injury, or makes any agreement, or submits any question to arbitration under this act, such action shall constitute a release to such employer of all claims or demands at law, if any, arising from such injury.

Effect of litigation. SEC. 2. If the provisions of this act relating to compensation for injuries to or death of workmen shall be repealed or adjudged invalid or unconstitutional, the period intervening between the occurrence of an injury or death and such repeal, or the final adjudication of invalidity, shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death, but the amount of any compensation which may have been paid for any such injury shall be deducted from any judgment for damages recovered on account of such injury.

Prior causes of action. SEC. 3. This act shall not affect any cause of action existing or pending before it went into effect.

Relation to Federal statutes. SEC. 4. The provisions of this act shall apply to employers and workmen engaged in intrastate commerce, and also to those engaged in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen working only in this State, may, subject to the approval of the industrial accident board, and so far as not forbidden by any act of Congress, voluntarily accept and become bound by the provisions of this act in like manner and with the same force and effect in all respects as is hereinbefore provided for other employers and their workmen.

Repeal. SEC. 5. All acts or parts of acts inconsistent with this act are to be deemed replaced by this act, and to that end are hereby repealed.

Part 5 separate. SEC. 6. The legislature intends that part five of this act shall be deemed separate from the other parts thereof, so that if said part five should fail or be adjudged invalid or unconstitutional it shall in no way affect any other part of this act.

Appropriation. SEC. 7. To carry out the provisions of this act there is hereby appropriated for the expenses of the industrial accident board for the fiscal year ending June thirtieth, nineteen hundred thirteen, and annually thereafter, the sum of twenty-five thousand dollars. The auditor general shall add to and incorporate into the State tax the sum of twenty-five thousand dollars annually, which said sum shall be included in the State taxes apportioned by the auditor general on all taxable property of the State, to be levied, assessed and collected as other State taxes, and when so assessed and collected to be paid into the general fund to reimburse said fund for the appropriation made by this act.

Act in effect. SEC. 8. The provisions of this act shall take effect and be in force from and after September first, nineteen hundred twelve.

Approved March 20, 1912.

ACT No. 12.—*Compensation of workmen—Mutual insurance companies.*

SECTION 1. Any number of persons, firms, partnership associations or corporations, not less than five, who have become subject to the provisions of the laws of Michigan relating to employers' liability and workmen's compensation, and who own or operate mills, factories, manufacturing establishments of any and every kind, buildings, stores, hotels and mercantile establishments, or any combination of manufacturing and mercantile business, mines, quarries, blast furnaces, railroads and transportation companies, telegraph and telephone companies, or who are engaged in the production or supplying of gas and electricity for lighting, fuel, power, or other purposes; printing, publishing and bookmaking, or in carrying on any other lawful business in the State of Michigan, may, subject to the approval of the Industrial Accident Board of Michigan, associate together and form an incorporated company for the purpose of mutual insurance of its members against liability for any and all payments which may become due and payable to their employees under the provisions of law for death benefits, disability benefits, or otherwise, as hereinbefore set forth: *Provided, however,* That the persons, firms or corporations so associating themselves together for the organization of such company shall have on their pay rolls at that time not less than five thousand employees: *And provided further,* That the Industrial Accident Board of Michigan may in its discretion limit the employers forming or joining in the organization of any such company to those engaged in industrial operations of the same general character, or in operations in which the risks and hazards incurred by their employees are more or less similar in nature and extent.

Who may form companies.

SEC. 2. Such employers so associating shall prepare in triplicate articles of association as hereinafter specified, which shall first be submitted to the industrial accident board and the commissioner of insurance for their approval, and when approved, one copy thereof shall be filed in the office of the commissioner of insurance, one copy in the office of the secretary of state and the other copy with the county clerk in the county where the principal office of such company will be maintained. Such articles of association shall be signed by all the incorporators, and shall be acknowledged by them, or by their duly authorized officers or agents, before some officer of the State duly authorized to take acknowledgment of deeds.

Articles of association.

SEC. 3. Such articles of association shall set forth:

First. The names of the persons, firms, partnership associations and corporations associating in the first instance, their respective residences, the nature of the business in which they are engaged, and the number of persons employed therein by each of them;

Contents of articles.

Second. That each and all of such incorporators have elected, with the approval of the industrial accident board, to become subject to the provisions of this act, and are forming this corporation for the purpose of mutually insuring their members against liability for any and all payments which may become due and payable to their employees under the provisions of this act;

Third. The name by which such corporation shall be known;

Fourth. The period for which the company is incorporated, which shall not exceed thirty years;

Fifth. The number of directors, which shall be not less than five, nor more than fifteen, and the names of the directors for the first year;

Sixth. The place where the office of the company shall be located, which shall be within the State of Michigan.

SEC. 4. Any company formed under this act shall be deemed a body corporate and politic in fact and in name, and shall be subject to all the provisions of the statutes in relation to corporations, so far as they are applicable.

Status.

- By-laws.** SEC. 5. The incorporators of any company organized under this act shall have power to make such by-laws not inconsistent with the constitution or laws of this State, as may be deemed necessary for the government of its officers and members, and the conduct of its affairs, the admission of new members and regulations governing the assessment and collection of premiums and assessments; but such by-laws shall not become operative until a true copy thereof shall have been filed with and approved by the industrial accident board.
- License.** SEC. 6. Upon the approval of the articles of association of such company by the industrial accident board and the commissioner of insurance, and upon filing the same with the commissioner of insurance, with the secretary of state and with the county clerk of the county where the principal office of said company shall be kept, the commissioner of insurance shall grant a license to such company to issue policies.
- Powers of board of directors as to premiums.** SEC. 7. The board of directors shall determine the amount of the premiums of assessments which the members of such company shall pay for such insurance, in accordance with the nature of the business in which they are engaged, and the probable risk of injury to their employees under existing conditions. The board may also prescribe when and in what manner such premiums shall be paid, and may change the amount thereof both in respect to any or all of its members from time to time, as circumstances may require and the conditions of their respective plants, establishments or places of work in respect to the safety of their employees may justify, but all such premiums or assessments shall be levied on a basis that shall be fair, equitable and just as among such members; and it shall be the duty of such board of directors at the beginning of each fiscal year, to call for the required payment of premiums in such amount as shall, in the judgment of said industrial accident board, be sufficient to enable such company to pay all sums which may become due and payable during the following year, to the employees or any of its members under the provisions of this act, and also the expenses of conducting its business.
- Contingent liability.** SEC. 8. The company shall in its by-laws and policies fix the contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds. Such contingent liability of a member shall not be less than an amount equal to the liability imposed by this act and of the act to provide compensation for the accidental injury or death of employees.
- Assessments.** SEC. 9. If the company is not possessed of cash funds so that it has unearned premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the members liable to assessment therefor in proportion to their several liability. Every member shall pay his proportional part of any assessment which may be laid by the board of directors, in accordance with the law and his contract, on account of injuries sustained and expenses incurred while he is a member of such company.
- Dividends.** SEC. 10. The board of directors may, from time to time, by vote, fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compensation which may be payable on account of injuries sustained and expenses incurred. All premiums, assessments and dividends shall be fixed and determined in accordance with the experience of said company, but all the funds of the company, and the contingent liability of all the members thereof, shall be available for the payment of any claim against the company.
- Rates to be filed.** SEC. 11. Any proposed premium or assessment required of, or any dividend or distribution made to the members, shall be filed with the industrial accident board, and shall not take effect until approved by said board after such investigation as it may deem necessary.

Sec. 12. The board of directors may make and enforce reasonable rules and regulations, not in conflict with the laws of this State, for the prevention of injuries on the premises of members, and for this purpose the inspectors of the company shall have free access to all such premises during regular working hours. Any member neglecting to provide suitable safety appliances as provided by law or as required by the board of directors may be expelled by a majority vote of all the members. Any member, or employee of any member, aggrieved by any such rule or regulation, may petition the industrial accident board for review, and it may affirm, amend or annul the rule or regulation.

Rules, etc.

Sec. 13. Any member of said company, who has complied with all its rules, regulations and demands, may withdraw therefrom at the expiration of the period of one year for which he has elected to become subject to the provisions of this act: *Provided, however,* That he shall give written notice of such withdrawal to said company at least thirty days before the expiration of such period: *And provided further,* That if at the time of such withdrawal liability may exist against such member and against said company for compensation to employees who have been theretofore killed or injured as hereinbefore provided, such member shall either relieve himself and said company from such liability in the manner provided in part four, section four of this act, or shall otherwise protect and indemnify said company against such liability in such reasonable manner as may be required by the board of directors.

Withdrawal of members.

Sec. 14. The business year of every company organized, existing or doing business in this State, under and by virtue of the provisions of this act, shall close on the thirty-first day of December in each year, and every such company shall within sixty days thereafter prepare, under oath of its president and secretary, and file in the office of the commissioner of insurance of this State, and also with said industrial accident board, a detailed statement showing its assets and how invested, liabilities, receipts from premiums and all other sources, an itemized account of all expenditures, salaries of officers, number of policies or certificates in force, amount insured thereby, claims paid, and amount paid on each claim, claims reported but not paid, claims contested and why, and shall answer such other questions as the commissioner of insurance, who shall furnish blanks for that purpose, may require, in order to ascertain its true financial condition. The commissioner shall publish such annual statements in detail in his annual report.

Annual reports.

Sec. 15. If any officer of the company shall falsely make oath to any certificate required to be filed with the insurance commissioner, he shall be guilty of perjury.

False statements.

Sec. 16. Any such company formed under this act shall have power to amend its articles of association and by-laws at its regular annual meeting or at special meetings called and held as provided in its by-laws, but said amendments shall, before they become operative, be approved and filed in the same manner as the original articles and by-laws.

Amendments.

Sec. 17. Any such company formed under this act shall have power to own, hold and acquire such real and personal property as shall be necessary for the transaction of its business.

Real estate.

Sec. 18. Any company formed under this act may sue and be sued in any court of law or equity, with the same rights and obligations as a natural person, and in addition to the powers hereinbefore enumerated, shall possess and exercise all such rights and powers as are necessarily incidental to the exercise of the powers expressly granted herein.

Status.

Approved March 20, 1912.

MINNESOTA.

SPECIAL SESSION, 1912.

CHAPTER 3.—*Protection of employees as voters.*

Threats, etc.,
forbidden.

SECTION 23. No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employees, any printed or written matter containing any threat, notice or information, or make any threat, verbal or otherwise, that in case any particular ticket or a political party or organization or candidate shall be elected or any measure referred to a vote of the people shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment will be closed up, or the salaries or wages of the workmen or employees be reduced or other threats, expressed or implied, intended or calculated to influence the political opinion or actions of his workmen or employees.

Approved June 20, 1912.

CHAPTER 8.—*Employment of children—General provisions.*

SECTION 1. Chapter 299, General Laws of 1907 is hereby amended, so as to read as follows:

Age limit.

SECTION 1. No child under 14 years of age, shall be employed, permitted or suffered to work at any time, in, or in connection with, any factory, mill or workshop, or in any mine; or in the construction of any building, or about any engineering work; it shall be unlawful for any person, firm or corporation, to employ any child under 14 years of age in any business or service whatever during any part of the term during which the public schools of the district in which the child resides are in session.

Employment
certificates.

SEC. 2. It shall be unlawful for any person, firm or corporation to employ any child over 14 years of age, and under 16 years of age, in any business or service whatever, during which the public schools of the district in which the child resides are in session, unless the employer procures and keeps accessible to the truant officer of the town or city and to the commissioner of labor, assistant commissioner of labor, factory inspectors and assistants, an employment certificate as herein prescribed and a list of all such children employed. On termination of the employment of a child, such certificate shall be forthwith surrendered by the employer to the official who issued the same.

Who to issue.

SEC. 3. An employment certificate shall be issued only by the superintendent of schools, or by someone authorized by him so to do, or, where there is no superintendent of schools, by the chairman of the school board or the chairman of the board of education, or by a person authorized by such chairman: *Provided*, That no superintendent of schools, member of the school board or board of education or other person authorized, as aforesaid, shall have authority to issue certificates for any child then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee.

Evidence of
age.

SEC. 4. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and retained in his possession for the inspection of the public, the following papers duly executed: (1) The school record of such child, properly filled out and signed by the principal of the school which the child last attended, and if there is no principal, then by the teacher of such child in said school which shall be furnished on demand to a child entitled thereto. (2) A duly attested transcript of the births which shall be conclusive evidence of the birth of such child. (3) The affidavit of the parent or guardian or custodian of the child, showing the place and date of birth of such child, but such affidavit shall not be required unless the last mentioned transcript of the certificate of birth can not be produced; which affidavit must be taken before the

officer issuing the employment certificate, who is hereby authorized and required to administer such oath and shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the same and until such officer shall, after making an examination, make and retain for inspection by the public, a statement that, in his opinion, the child is 14 years of age or upwards, and until such officer shall have received a certificate from a reputable practicing physician duly designated for such purpose by the school board affirming that the child has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. Every such employment certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued, and shall only be issued to children who have completed the studies taught in the common schools of the district in which they reside; or, a parochial or private school in which the curriculum is equal to the common schools of the district: *Provided, however,* That no child shall be granted such certificate who is not able to read and write simple sentences in the English language.

Child to appear personally.

SEC. 5. Such employment certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes and height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and retained for inspection by the public and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

Contents of certificate.

SEC. 6. The superintendent of schools and chairman of school boards and of the boards of education, shall transmit between the first and tenth day of each month to the office of the commissioner of labor of the State a list of the names of the children to whom certificates have been issued. The report shall give the date of issuing the certificate and the date of expiration; the age and sex of the child; the name of the employers and the nature of the occupation the child is permitted to engage in, and any one failing to transmit the list herein provided for, shall be guilty of a misdemeanor.

List to commissioner of labor.

SEC. 7. No person under the age of 16 years shall be employed, or suffered or permitted to work at any gainful occupation more than 48 hours in any one week, nor more than 8 hours in any one day; or before the hour of 7 o'clock in the morning or after the hour of 7 o'clock in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other means begin and end. The printed form of such notice shall be furnished by the commissioner of labor of the State, and the employment of any minor for longer time in any day so stated, or between the hours of seven o'clock in the evening and seven o'clock in the morning shall be deemed a violation of this section.

Hours of labor.

Night work.

SEC. 8. Whoever employs a child under 16 years of age, and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 1, 2 or 7 of this act, shall, for such offense, be fined not less than \$25 nor more than \$50; and whoever continues to employ any child in violation of any of said sections of this act after being notified by truant officer of [or] commissioner of labor of the State, shall for every day thereafter, that such employment continues, be fined not less than \$5 nor more than \$20 additional for each day that such employment continues. A failure to produce to a truant officer or any official of the labor department, any employment certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose employment

Violations.

certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of section 2 of this act shall be fined \$10. Every person authorized to sign the certificate prescribed by section 5 of this act, who knowingly certifies any false statement therein shall be fined not more than \$50.

Enforcement. SEC. 9. Officials of the labor department and the truant officers may visit all factories, mills, workshops, mines, mercantile establishments and all other places where labor is employed and ascertain whether any minors are employed contrary to the provisions of this act, and they shall report any case of such illegal employment to the school superintendent or to the chairmen of the school board or board of education and to the commissioner of labor of the State. Officials of the labor department and truant officers may require that the employment certificates and lists provided for in this act of minors employed, shall be produced for their inspection. Complaints for offenses under this act may be brought by any official of the State labor department, and any one who shall refuse to allow visitation in this section provided for, shall be guilty of a misdemeanor.

**Occupations
forbidden.**

SEC. 10. No children under the age of 16 years, shall be employed at sewing belts, in any capacity whatever; nor shall any children adjust any belt to any machinery; they shall not oil, or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or hand saws, wood shapers, wood jointers, planers, sand paper or wood-polishing machinery, emery or polishing wheels used for polishing metal [,] wood turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery or other steam-generating apparatus, or as pin boys in any bowling alleys; they shall not operate or assist in operating dough grates [sic] or cracker machinery of any description; wire or iron-straightening machines; nor shall they operate or assist in operating rolling-mill machinery, punches or shears, washing, grinding or mixing mill or calendar [sic] rolls in rubber manufacturing; nor shall they operate or assist in operating laundry machinery; nor shall they be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors, or white lead; nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment dangerous to their lives or limbs or their health or morals; nor in any theater, concert hall, saloon or place [of] amusement: *Provided*, That this section shall not apply to the employment of any child as a singer or musician in a church, school or academy, or in teaching or learning the science or practice of music, or as a musician in any concert, or in a theatrical exhibition with the written consent of the mayor of the city or the president of the council of the village where such concert or exhibition takes place. Such consent shall not be given unless forty-eight hours previous notice of the application therefor shall have been served in writing upon the commissioner of labor of the State of Minnesota and upon the secretary of the Minnesota child labor committee, and a hearing had thereon if requested, and shall be revocable at the will of the authority giving it. Such consent shall specify the name of the child, its age, the names and residence of its parents or guardians, the nature, kind, duration and number of performances permitted, together with the place and character of the exhibition. But no such consent shall be construed to authorize any violation of paragraphs one, three or four of section 4939, Revised Laws of 1905; nor shall females under 16 years of age be employed in any capacity where such employment compels them to remain

standing constantly: *Provided*, That in any action brought against an employer of any child under 16 years of age, on account of injuries sustained by the child while so employed, if the employer shall have obtained, and kept on file in like manner as herein provided for employment certificates an affidavit of the parent or guardian, stating in substance, that the child is not less than 16 years of age, such employment shall not be deemed a violation of this act. Any person employing any child in violation of the provisions of this section shall be guilty of a gross misdemeanor.

SEC. 11. No boy under the age of 18 years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages before 5.00 o'clock in the morning or after 9.00 o'clock in the evening of any day; and no girl under the age of 21 years shall be thus employed at any time. Any person employing any child in violation of the provisions of this section shall be guilty of a misdemeanor. Messenger service.

SEC. 12. In case any child appears to be unable to perform the labor at which he or she is employed, the officials of the labor department or truant officers, shall require the employer of such child to procure a certificate from a reputable practicing physician duly designated for such purpose by the school board, affirming the physical fitness of the child for such work, and a child as to whom such certificate can not be obtained shall not be employed. Any person refusing to produce the certificate herein required upon demand, or who shall employ a child when a certificate has been procured stating that such child is physically unable to work, shall be guilty of a misdemeanor. Physician's certificate.

Approved June 19, 1912.

MISSISSIPPI.

ACTS OF 1912.

CHAPTER 94.—*Emigrant agents.*

SECTION 1. Each emigrant or employment agent, or person engaged in hiring laborers, or soliciting emigrants or laborers in this State to go beyond the limits of the State, must pay an annual license of five hundred dollars (\$500) in every county in which he operates or solicits emigrants or laborers, which amount must be paid into the State treasury for the use of the State. License fee.

SEC. 2. Any person doing the business of emigrant or employment agent without having first obtained a license, as required by law, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000), or may be imprisoned in the county jail, or sentenced to hard labor for the county for not less than one month nor more than six months, within the discretion of the court. Acting without license.

Approved March 11, 1912.

CHAPTER 136.—*Tips to employees of hotels, railroad companies, etc.*

SECTION. 1. It shall be unlawful in this State for any hotel, restaurant, cafe, dining car railroad company or sleeping car company to knowingly allow any person in its employ to receive any gratuity, commonly known as a "tip," from any patron or passenger; and it shall be unlawful for any patron of any hotel, restaurant, cafe, dining car or any passenger on any railroad train or sleeping car to give to any employee any such gratuity; and it shall be unlawful for any employee of any hotel, restaurant, cafe, dining car railroad company or sleeping car company to receive any gratuity or "tip." Giving and receiving tips forbidden.

SEC. 2. By gratuity or "tip," as used in this act, is meant any extra compensation of any kind which any hotel, restaurant, cafe, Definition.

dining car railroad company, or sleeping car company, or the manager, officer, or any agent thereof in charge of same, allows to be given an employee, or which any person gives to any employee, or which is received by any employee, and is not a part of the regular charge of the hotel, restaurant, cafe, dining car railroad company or sleeping car company, which is not a part of its regular charge for the thing bought or services rendered, or a part of the service which by contract it is under duty to render. No hotel, restaurant, cafe, dining car railroad company or sleeping car company shall evade this act by adding to the regular charge, directly or indirectly, anything intended for, or to be used, or to be given away as a gratuity or tip to the employee. All charges made by the hotel, restaurant, cafe, dining car railroad company or sleeping car company must be made by it and be in good faith a charge for the service which it renders exclusive of the service which it furnishes through its employees.

Act to be posted. SEC. 3. Each hotel shall post a copy of this act in the office and in each room, and each restaurant and cafe shall post at least two copies of this act in two conspicuous places in same, and each dining car railroad or sleeping car company doing business within this State, shall post two copies of this act in conspicuous places in each passenger coach or sleeping car.

Violations. SEC. 4. Any hotel, restaurant, cafe, dining car railroad company or sleeping car company, and the manager, officer, or agent of same in charge, violating this act, or willfully or negligently allowing the same to be violated in any way, shall each be subject to a penalty not to exceed one hundred dollars for each tip allowed to be given. If any person shall give any such employee gratuity or tip, such person shall be subject to a fine of not more than fifty dollars for each offense. If any of the above employees shall receive any gratuity or tip, he shall be subject to a fine of not more than fifty dollars. If the hotel, restaurant, cafe, dining car railroad or sleeping car company fail, neglect, or refuse to post this act as required herein, such hotel, restaurant, cafe, dining car railroad or sleeping car company shall be subject to a fine not to exceed one hundred dollars for every day it shall so fail.

[Became a law without the signature of the governor.]

CHAPTER 141.—*Payment of wages—Monthly pay day.*

Monthly settlements required. SECTION 1. Every company, corporation or association now existing or hereafter organized in this State and any individual or partnership engaged in the business of manufacturing shall, in the absence of a written contract to the contrary, be required to make full settlement with and full payment in money to their employees for services performed at least once in every calendar month of the year: *Provided*, That said employers may hold back fifteen days' wages earned immediately before the regular pay day, which wages to be included in the next settlement.

Withholding pay. SEC. 2. If any company, corporation, association, partnership or individual engaged in manufacturing, as provided in section 1 of this act, shall refuse or neglect to make such payment after demand, and within ten days from said demand, such employee may bring suit, and if recovery is had such employee may, in addition, recover reasonable attorney's fee for the prosecution of such suit, if such employee has employed an attorney to prosecute the same.

Approved March 11, 1912.

CHAPTER 148.—*Protection of employecs on street railways—In-closed vestibules.*

What cars have vestibules. SECTION 1. Street car companies operating street cars by electricity, or by any other motive power requiring operator to be on the front of the car, and outside the main body thereof, in

municipalities having a population of not less than five thousand by the Federal Census of 1910, or by any subsequent Federal census, shall equip all cars with complete vestibules and provide some means of heating same, so as to thoroughly protect employees from cold and inclement weather.

Provided, That this act shall not apply to cars operated from the 15th of March to the 1st of November in each year.

SEC. 2. Street car companies in said municipalities which fail to observe and comply with the provisions of first section of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars for each offense.

Approved March 13, 1912.

CHAPTER 152.—*Railroads—Shelters over repair tracks.*

SECTION 1. The State railroad commission is hereby empowered whenever or wherever it shall deem in its judgment necessary for the protection and comfort of all employees of all railroads and other persons or corporations engaged in like business, to require all such railroads and other persons or corporations engaged in like business to provide and maintain a shed or sheds with watertight roofs over all tracks or parts of tracks on which cars are commonly or regularly placed or stored to be repaired, where said companies or persons shall have repair tracks for that purpose, and to provide such drainage of the grounds on which such tracks may be maintained as will keep the same dry and sanitary.

SEC. 2. Said State railroad commission may make all proper orders to enforce the provisions of this act and exact compliance therewith.

SEC. 3. This act [shall] take effect and be in force from the first day of January, 1913.

Approved March 16, 1912.

CHAPTER 153.—*Railroads—Headlights on locomotives.*

SECTION 1. All railroad companies, operating or doing business in this State, are hereby required to equip and maintain each and every locomotive used by such companies to run on its main line, between sunset and sunrise, with a good and sufficient headlight, which shall consume not less than three hundred watts at the arc, and with a reflector not less than eighteen inches in diameter, and to keep the same in good condition. The word "main line," as used herein, means all portions of the railway line not used as yards, spurs and side tracks.

SEC. 2. Any railroad company violating this act in any respect shall be liable to indictment as for a misdemeanor in any county in which the locomotive not so equipped and maintained may run, and on conviction, shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars for each offense.

SEC. 3. *Provided*, This act shall not apply to tramroads, mill roads and roads engaged principally in lumber or logging transportation in connection with mills, nor to railroad systems under thirty miles long not running regular night schedules, nor to any engine, the lighting equipment of which shall have failed during the trip, if it is shown that the equipment was in efficient and effective working condition when the trip was begun, nor to switch engines going to and returning from wrecks, or sent out on the main line to bring into a terminal a train, the engine of which has become disabled.

Approved February 28, 1912.

CHAPTER 157.—*Hours of labor in manufacturing establishments.*

SECTION 1. It shall be unlawful for any person, firm or corporation engaged in manufacturing or repairing to work their em-

Exempt period.

Violations.

Commission may require shelters.

Orders.

Act in effect.

Headlight required.

Violations.

Exemption.

Ten-hour day.

- employees more than ten hours per day, except in cases of emergency, or where public necessity requires in such departments.
- Violations.** SEC. 2. Any person, firm or corporation violating this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars for each offense, and each day's violation shall constitute a separate offense.
- Approved March 16, 1912.
- CHAPTER 165.—*Employment of children—Age limit—Hours of labor.*
- SECTION 1. Chapter 99 of the Laws of 1908 [shall] be amended to read as follows:
- Age limit.** [Section 1.] No girl under the age of fourteen years, or boy under the age of twelve years, shall be employed in or permitted to work in any mill, factory, manufacturing establishment or cannery in this State.
- Hours of labor.** SEC. 2. No boy under the age of sixteen years of age and no girl under the age of eighteen years of age shall be employed or detained in any mill, factory, cannery or manufacturing establishment within this State for more than eight hours in any one day, or more than forty-eight hours in any one week, or be employed in or detained in any such establishment between the hours of 7 p. m. and 6 a. m.
- Affidavit.** SEC. 3. It shall be unlawful for any person, firm or corporation to employ or detain or permit to work in any mill, factory, cannery or manufacturing establishment in this State any child under the age of sixteen years without first requiring said child to present the affidavit of the parent or guardian or person standing in parental relation to such child, stating the place and date of birth of such child, and also stating the last school attendance of such child and grade of studies pursued, and the name of school and name of teacher in charge. The employer shall preserve such affidavit and keep a complete register of all such affidavits showing all the facts contained therein.
- Register.**
- Enforcement.** SEC. 4. It is the special duty of the sheriff of the county in which manufacturing establishments employing child labor are located to visit, at least one each month, each such manufacturing establishment and to see to the enforcement of this act.
- Inspection as to health.** SEC. 5. It is the duty of each county health officer to visit, without notice of his intention to do so, all manufacturing establishments employing child labor within his county at least twice each year, and oftener if requested by the sheriff, and to promptly report to the sheriff any unsanitary condition of the premises, any child or children afflicted with an infectious, contagious or communicable disease, or whose physical condition renders such child or children incapacitated to perform the work required of them; and the sheriff shall promptly remove such child or children from such manufacturing establishment and order the premises put in sanitary condition; and the judgment of the county health officer as to the physical condition of the children and sanitary condition of the premises shall be final and conclusive.
- Duty of circuit judge.** SEC. 6. It shall be the duty of the circuit judge to specially charge the grand jury to investigate violations of this act.
- Failure to give information, etc.** SEC. 7. Any officer, manager or superintendent of any manufacturing establishment, in which child labor is employed, who shall fail or refuse to give true and correct information demanded of him by any of the officers hereinbefore directed to inspect such establishments, or who shall fail or refuse to obey any lawful order of the sheriff or health officer of the county in which such establishment is located, for carrying out the purposes of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars.
- Violations.** SEC. 8. Any person, firm or corporation, or the superintendent, manager or any officer of a manufacturing establishment employing any child, or permitting any child to be employed by or work

in or be detained in any mill, factory or manufacturing establishment in this State contrary to law, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars nor more than one hundred dollars, or may be sentenced to the county jail for not less than ten days nor more than sixty days, or both such fine and imprisonment.

Sec. 9. The provisions of this act shall apply only to manufacturing establishments engaged in manufacturing or working in cotton, wool or other fabrics and to canneries and manufacturing establishments where children are employed indoors at work injurious to health, or in operating dangerous machinery, but the provisions of this act shall not apply to fruit canneries.

Scope of act.

Approved March 16, 1912.

CHAPTER 215.—Liability of railroad companies for injuries to employes.

SECTION 1. Section 1985 of the Mississippi Code of 1906 is hereby amended so as to read as follows.

1985. In all actions against railroad corporations and all other corporations, companies, partnerships and individuals using engines, locomotives, or cars [cars] of any kind or description whatsoever, propelled by the dangerous agencies of steam, electricity, gas, gasoline or lever power, and running on tracks, for damages done to persons or property, proof of injury inflicted by the running of the engine, locomotives or cars of any such railroad corporations or such other corporation, company, partnership or individual shall be prima facie evidence of the want of reasonable skill and care of such railroad corporation, or such other corporation, company, partnership or individual in reference to such injury. This section shall also apply to passengers and employes of railroad corporations and of such other corporations, companies, partnerships and individuals.

Evidence of negligence.

Approved March 6, 1912.

CHAPTER 435.—Strike—Recommendation of arbitration.

WHEREAS, There has been considerable excitement over the strike situation at McComb City and Water Valley, and

Existence of strike.

WHEREAS, We believe it is to the best interest of the State and of all parties concerned that said trouble should be settled at once, and

WHEREAS, It is the sense of this body that all difficulties should be settled as peaceably, and with as little friction as possible; therefore, be it

Resolved by the house of representatives, the senate concurring, That the leaders of both sides involved are hereby respectfully memorialized and requested to settle their difficulties by arbitration at once if possible.

Arbitration recommended.

Passed by the house of representatives January 23, 1912.

Passed by the senate February 15, 1912.

CHAPTER 436.—Strike—Recognition of organized labor.

WHEREAS, Our State and Nation have recognized organized capital in the form of corporations as being useful and beneficial to man in the production and distribution of wealth, and

Status of capital.

WHEREAS, Without labor, no wealth of use to either man or corporations could be produced, or distributed, and

WHEREAS, Every great railroad corporation is organized capital legalized, and as such, is justly recognized by men and organizations of men, who deal with them through their agents and representatives, and

WHEREAS, The present strike of the employees of the Illinois Central Railroad is the direct result of the refusal on the part of organized capital to recognize organized labor; therefore, be it

Sympathy
with organized
labor.

Resolved by the Legislature of the State of Mississippi, That the striking employees of the Illinois Central Railroad have our sympathy in their fight for the recognition of organized labor, so long as they obey the law and commit no acts of violence, and that we express to them our hope that at no distant day, organized capital will be compelled by the force of public opinion to extend to organized labor that which has already been granted to organized capital, to wit: recognition.

Passed the house of representatives February 8, 1912.

Passed the senate February 12, 1912.

CHAPTER 443.—*Strike—Investigation.*

Committee to
investigate.

*Resolved by the senate, the house concurring, That there be a committee appointed consisting of three members on the part of the senate, and * * * members on the part of the house to investigate the strike controversy and look into the advisability of maintaining and keeping of the State militia at McComb City and Water Valley, and to report their findings in reference thereto to this session of the legislature at as early a date as practicable, and that the cost of the said investigation be paid out of the contingent fund.*

Passed the senate January 9, 1912.

Passed the house of representatives January 10, 1912.

NEW JERSEY.

ACTS OF 1912.

CHAPTER 5.—*Inspection and regulation of factories—Ventilation.*

SECTION 1. Section twenty of the act of which this act is amendatory, [chapter 64, Acts of 1904], is amended so that it shall read as follows:

Ventilation
required.

SECTION 20. The owner, agent or lessee of a place coming under the provisions of this act shall provide, in each workroom thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation; if excessive heat be created or if steam, gases, vapors, dust or other impurities that may be injurious to health be generated in the course of the manufacturing process carried on therein, the room shall be ventilated in such a manner as to render them harmless, so far as is practicable; in case of failure, the commissioner of labor shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall be liable to a penalty of ten dollars for each day after the expiration of such twenty days, to be recovered by the commissioner of labor as hereinafter provided. If, in a place coming under the provisions of

Polishing
wheels, etc.

this act, glazing or polishing on a wheel or any process is carried on by which dust or any gas, vapors or other impurity is generated in such a manner as to be inhaled by the employees to an injurious extent, and it appears to the commissioner of labor that such inhalation could be to a great extent prevented by a fan or other mechanical means, the commissioner of labor may order the owner, agent or lessee of such place to provide a fan or other mechanical means of a proper construction for preventing such inhalation within twenty days after the service upon him of such order in writing, and such owner, agent or lessee shall provide such fan or other mechanical means as stated in said order within the time therein stated, and in case of failure so to do, he shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change.

Approved February 26, 1912.

CHAPTER 6.—*Inspection and regulation of factories—Guards for dangerous machinery.*

SECTION 1. Section thirteen of the act of which this act is amendatory, [chapter 64, Acts of 1904], is amended so that it shall read as follows:

SECTION 13. The owner or person in charge of any of the places coming under the provisions of this act, where machinery is used, shall provide, in the discretion of the commissioner, friction clutches for stopping shafting, and belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys; whenever practicable, all machinery shall be provided with loose pulleys; all vats, pans, saws, planers, power presses, foot presses, cogs, gearing, belting, shafting, set screws, drums and machinery of every description shall be properly guarded; no person shall remove or make ineffective any safeguard around or attached to such machinery, vats or pans while the same are in use, unless for the purpose of immediately making repairs thereto; and all such safeguards so removed shall be promptly replaced; if the machinery, or any part thereof, or any vat, pan or vessel containing molten metal or hot liquid is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner, and a notice to that effect shall be attached thereto; such notice shall not be removed until the machinery is made safe and the required safeguards are provided; and in the meantime such unsafe or dangerous machinery, vats, pans, or vessels containing molten metal or liquid shall not be used; when, in the opinion of the commissioner, it is necessary, the halls or other portions of a building shall be provided with proper lighting facilities.

Approved February 26, 1912.

CHAPTER 67.—*Factory inspectors.*

SECTION 1. In addition to the inspectors provided by the act to which this [act is] a supplement, [chapter 64, Acts of 1904], and the amendments and supplements thereto, the commissioner of labor shall, immediately after the passage of this act, appoint two suitable persons as inspectors, one of whom shall have practical knowledge and skill as a baker, and the other practical knowledge and skill as a metal polisher and buffer, whose salary, powers, duties and term of office shall be the same as the inspectors already provided for.

Approved March 13, 1912.

CHAPTER 83.—*Department of labor—Civil service.*

SECTION 1. The assistant commissioner of the department of labor and all inspectors of the department of labor shall hereafter be included in the competitive class in the classified service and not in the unclassified service, and shall be subject to the laws, rules and regulations governing such competitive class in the classified service, in accordance with the provisions of the act to which this act is a supplement and the acts amendatory thereof and supplemental thereto; and the assistant commissioner of the department of labor and all inspectors of the department of labor now in the employ of the State shall continue to hold their offices or employments and shall not be removed therefrom except in accordance with the provisions of section twenty-four of the act to which this act is a supplement, it being the intention hereby to include such assistant commissioner and all such inspectors within the classified service of the State and to subject them in all respects to the provisions of the act to which this act is a supplement and the acts amendatory thereof and supplemental thereto.

Approved March 14, 1912.

CHAPTER 117.—*Department of labor.*

SECTION 1. Section forty-five of the act of which this act is amendatory, [chapter 64, Acts of 1904], is amended, so as to read as follows:

Department established. SECTION 45. For the purpose of carrying into effect and enforcing the provisions of this act, there shall be and hereby is established a department to be known as the department of labor; the department shall have its main office in Trenton, and shall consist of a commissioner, an assistant commissioner and eleven inspectors; the governor shall, immediately after the passage of this act, with the advice and consent of the senate, appoint some suitable person, who shall be a resident and citizen of this State, as head of the said department, at a salary of six thousand dollars per year, to be paid monthly, whose term of office shall be three years and until his successor is appointed, and whose title shall be commissioner of labor; the commissioner shall, with the approval of the governor, appoint the assistant commissioner who shall be an architect, engineer or mechanic, he shall receive a salary of three thousand dollars per year, to be paid monthly; the governor shall appoint eleven suitable persons as inspectors, two of whom shall be women, whose salary shall be one thousand five hundred dollars per year each, to be paid monthly; the terms of office of the assistant and the inspectors shall be three years unless sooner removed by the commissioner; the assistant and the inspectors shall each be furnished with certificates of authority by the secretary of state, and they shall produce the same if so required by any manufacturer; the commissioner shall have the power, out of the appropriation made for the purpose of carrying on the work of the department, to purchase badges for the assistant, the inspectors and himself, the commissioner may divide the State into districts, assign inspectors to such districts, and may, in his discretion, transfer them from one district to another; the commissioner, assistant and inspectors may administer oaths and take affidavits in matters relating to the enforcement of this act; the commissioner shall have the right to employ such department clerks for carrying on the work of the department as may, in his judgment, be necessary; such clerks shall receive such salaries as the commissioner, with the approval of the governor, shall fix, to be paid by the treasurer on warrant of the comptroller in equal monthly installments; when the work of the department shall necessitate the employment of additional inspectors, the commissioner shall have the power to employ such inspectors at such compensation and for such length of time as he may deem necessary, and such extra inspectors shall have the same rights, powers and privileges as the inspectors appointed by the governor; all salaries and expenses incurred by the commissioner, assistant and all inspectors, in the discharge of their duties, and all salaries and expenses necessary to carry out the provisions of this act, shall be paid from the funds of the State, out of the moneys appropriated for that purpose, by the treasurer, upon warrant of the comptroller, upon presentation of proper vouchers for the same, approved by the commissioner; it shall be the duty of the commissioner to enforce the provisions of this act and to exercise supervision and control over the assistant and the inspectors, and to cause inspections to be made of the factories, mills, workshops, and places where the manufacture of goods of any kind is carried on, by the assistant and the inspectors, as often as practicable, and to make a report of the work of the department to the governor of the State on or before the thirty-first day of October in each year; to prosecute violations of the provisions of this act in any district court, recorders' courts of cities and before any justice of the peace having due jurisdiction, or in any other court of competent jurisdiction in this State; the commissioner, the assistant commissioner and the inspectors shall have the right at all reasonable hours to enter and inspect factories, mills, workshops and places where the manufacture of goods of any kind is carried on,

Commissioner.

Inspectors.

Powers of commissioner, etc.

Extra inspectors.

Duties.

and each inspector shall make a report in writing of such inspections to the commissioner at least once in each week; inspectors shall make out a list of minors discharged, with the name of child in full, residence, street and number, name of place from which such minor was discharged and date of discharge; he shall send or deliver within twenty-four hours, such list to the principal of the public school in the district where the minor resides, or to the truant officer having such school district in charge; every deputy inspector shall devote at least eight hours of every working day except public holidays, and four hours on Saturdays, to the discharge of his or her duties as such deputy inspector, unless prevented by illness or other disability, and no deputy inspector shall engage in any business, occupation or employment during his or her term of office that will in any way interfere with or prevent the full and faithful performance of such duties.

Approved March 21, 1912.

CHAPTER 127.—*Inspection and regulation of bakeries.*

SECTION 1. All buildings or rooms where biscuits, pies, bread, crackers, cakes, macaroni and other food stuffs, confectionery, candy, ice cream or frozen sweets are manufactured or made for the purpose of sale, shall be drained and plumbed in a manner that will conduce to the proper and healthful sanitary condition thereof and shall have air shafts, windows or ventilating pipes sufficient to insure ventilation and sufficient light to prevent any place being operated entirely by artificial light, and all doors, windows and other openings shall be thoroughly screened so as to prevent the entrance of flies or other insects, between the first day of April and the thirty-first day of October. Expecterating is prohibited within any building or room used for the aforesaid purposes, except into a proper receptacle provided for that purpose. The smoking, snuffing or chewing of tobacco in any building or room used for aforesaid purposes is prohibited. Plain notices shall be posted in every such place forbidding any person to use tobacco or spit on the floor of such place. No cellar, basement or place which is below the street level shall hereafter be used or occupied as a place in which to manufacture or make for the purpose of sale any of the above-mentioned articles, except where the same was used for such purposes on the fourth day of July, nineteen hundred and five: *Provided, however,* That this act shall not prevent the use, for the manufacture of candy, ice cream or frozen sweets only, of any cellar or basement which shall, after due inspection and examination by representatives of the department of labor, be certified to by the commissioner of labor as sanitary in all respects and proper to be used for such purposes, which certificate may be revoked at any time.

Scope of law.

Sanitation.

Use of cellars, etc.

SEC. 2. Every room used for the purpose of making or manufacturing, for the purpose of sale, any of the articles mentioned in section one of this act shall be at least eight feet in height: *Provided, however,* That this requirement shall not apply to rooms used for the making or manufacturing, for the purpose of sale, of nothing but candy, ice cream, or frozen sweets, but such rooms used for the making or manufacturing for the purpose of sale, of candy, ice cream or frozen fruits, shall in all cases be at least seven feet in height, except that any room now used for the making, for the purpose of sale, of nothing but candy, ice cream or frozen sweets need not be altered to conform with this provision unless so ordered by the commissioner of labor to improve lighting, ventilation or drainage facilities. Every room for the purpose of making or manufacturing for the purpose of sale any of the articles mentioned in section one shall have, if required by the commissioner of labor, an impermeable floor constructed of wood properly saturated with linseed oil, or of cement or other suitable material; the side walls of every such room shall be well plastered, wainscoted or ceiled with metal or lumber and all interior woodwork in such room shall be kept well oiled or painted

Height of rooms.

Floors, walls, etc.

with oil paint and shall be kept in a clean and sanitary condition at all times. The furniture and utensils in all such rooms shall be so arranged that such furniture, utensils and floor may at all times be kept in a proper and healthful, sanitary and clean condition. The commissioner of labor shall have the power to order that any such room or rooms shall be cleaned in such manner as he shall direct; no domestic animal except cats shall be allowed to remain in any such room. Every such room or rooms shall be kept clean at all times and free from rats, mice or vermin and from all matter of an infectious and contagious disease. No person who has consumption, scrofula or any venereal disease or any contagious or infectious disease or any communicable or loathsome skin disease shall work in any such room or rooms, and no owner, manager or person in charge of any such room or rooms shall knowingly require or suffer such a person to be employed in such room or rooms, nor shall any such room or rooms communicate with or have doors communicating directly with a stable or stable yard.

Infectious or contagious diseases.

Toilet facilities.

SEC. 4. Whoever shall conduct a place where any of the articles specified in section one are made or manufactured for the purpose of sale shall provide proper washing facilities which shall include a sufficient supply of hot water, clean towels, soap and nail brushes, and shall also provide water-closets separate and apart from the room or rooms in which the manufacture for the purpose of sale of any of the articles specified in section one is carried on; no water-closet, earth closet or privy shall be within or communicate directly with the room in which said articles are made or manufactured. Operatives, employees, clerks and all persons who handle any of the material from which any of the articles specified in section one are made or manufactured for purpose of sale or who handle the finished product, before beginning work and immediately after visiting the toilet or lavatory shall wash their hands and arms thoroughly in clean water. The outer clothing of all operatives while employed in any such room or place shall be made of washable material, shall be kept clean at all times and shall be worn by such operatives only when at work in any such room or place. The street clothing of any such operatives shall not be kept in any room used for the manufacture of the articles mentioned in section one of this act; the commissioner of labor may, in his discretion, order the installation of metal lockers in any such place to be used for the clothing of operatives.

Sleeping places.

SEC. 5. Sleeping places for persons employed in any room or place used for the making or manufacturing for the purpose of sale of any of the articles specified in section one, shall be kept separate from the room or rooms used for the making or manufacturing of any such article, and the commissioner or assistant commissioner or any inspector may inspect such sleeping places, if they are on the same premises as the room used for making or manufacturing for the purpose of sale of any such article, and order them cleaned or changed, in compliance with sanitary principles.

Enforcement.

SEC. 6. The commissioner of labor shall be required to enforce compliance with all the provisions of this act, and for that purpose it shall be his duty to have all places used for the purposes specified in section one visited and inspected at least once in three months; and whenever a complaint in writing, signed by an employee in any such place or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the said commissioner, stating that any provision of this act is being violated in any such place, it shall be the duty of the said commissioner forthwith to have the said place, concerning which the complaint is made visited and inspected. The visits of inspection shall be made in the presence of those then working or employed in said place, and during the usual hours of employment therein. All such places shall be kept at all times in a clean and sanitary condition.

SEC. 7. No person under the age of sixteen years shall be employed or allowed or permitted or required to work in any place where any of the articles mentioned in section one are manufactured or made for the purpose of sale, between the hours of seven o'clock in the afternoon and seven o'clock of the forenoon following; no employee in any such place shall be required, permitted or suffered to work in any such place more than sixty hours in any one week or more than ten hours in any one day, unless for the purpose of making a shorter workday on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the whole number of days in which such employee shall so work during such week, but it shall be lawful, in cases of emergency, for an employer to permit an additional time, not exceeding two hours per day, such extra work to be remunerated at the rate of weekly wages paid to such employee for his week of sixty hours; no employee in any such place shall be discharged by his employer for having made any truthful statement as a witness in a court, or to the commissioner of labor, assistant commissioner of labor, or any inspector in pursuance of this act, or any act amendatory hereof or supplementary hereto.

Night work.

Ten-hour day.

SEC. 8. All notices given under or pursuant to this act, or any act supplementary thereof or amendatory thereto, shall be in writing, signed by the commissioner of labor, and may be served upon the owner or proprietor of the place wherein such violation occurred either by delivering the same to him in person or by sending it to him by mail at his last known post-office address, with postage prepaid; if his post-office address is not known, then the said notice may be mailed to the address of the place wherein such violation shall have been committed; the notice providing for the doing of any act or the abating of anything forbidden by this act shall fix the time within which such act shall be done or such thing abated, and if the order shall not be obeyed within the time therein fixed the person so failing to obey shall be liable to the penalty herein fixed for the violation hereof.

Notices.

SEC. 9. No person or corporation shall hereafter engage or continue in the business of making or manufacturing biscuits, pies, bread, crackers, cakes, macaroni and other food stuffs, candy, ice cream, confectionery or frozen sweets for the purpose of sale, unless he shall first obtain from the commissioner of labor of this State a license so to do. The applicant for any such license shall state in his application the location of the place at which he intends to engage in such business and such license shall not be issued unless the said commissioner is satisfied that such place conforms to all the requirements of this act. Such license shall specify the place at which such business is authorized to be carried on, and shall not authorize the engaging in such business at any other place. When it shall be made to appear to the said commissioner that any place at which such business is carried on under a license as aforesaid is not kept in accordance with or does not conform to the requirements of this act, or that any provision of this act is being violated therein, said commissioner may, after giving not less than forty-eight hours' notice in writing, which notice may be served by any representative of the department of labor, either personally on the proprietor of such place or by affixing the same on the inside of said place, revoke the license of the person engaging in such business at such place. No person, whose license to engage in such business has been revoked, shall engage or continue in such business in this State until he has procured a new license in accordance with the terms of this act. Any applicant for any such license shall pay to the commissioner of labor a license fee of one dollar, which fee shall be returned to such applicant, in case the license is not granted.

License required.

SEC. 10. Any person violating any of the provisions of this act, or any owner or proprietor of any place coming within the provisions of this act who fails to obey any order of this act, shall be liable to a penalty of fifty dollars for the first offense and one

Violations.

hundred dollars for each subsequent offense. Any person who shall, after conviction for violation of any provision of this act, continue such violation shall be liable to a penalty of one hundred dollars.

Bill for injunction.

Sec. 14. Whenever any person shall violate any of the provisions of this act it shall be lawful for the commissioner of labor, either before or after the institution of proceedings for the collection of the penalty imposed by this act for such violation, to file a bill in the court of chancery in the name of the State, at the relation of such commissioner, for an injunction to restrain such violation and for such other or further relief in the premises as the court of chancery shall deem proper, but the filing of such bill, nor any of the proceedings thereon, shall not relieve any party to such proceedings from the penalty or penalties prescribed by this act for such violation.

Previous act not affected.

Sec. 15. * * * Nothing in this act shall be construed to repeal, affect or in anywise impair the provisions affecting places where biscuits, pies, bread, crackers, cakes, macaroni and other food stuffs, confectionery, candy, ice cream or frozen sweets are manufactured, or any other provisions of * * * [Chapter 64, Acts of 1904].

Provisions separate.

Sec. 16. In case for any reason any section or any provision of this act shall be questioned in any particular and shall be held to be unconstitutional or invalid, the same shall be held to be severable from the other portions of this act and shall not be held to affect any other section or provision of this act.

[Repeals chapter 102, Acts of 1905; chapter 17, Acts of 1907; and chapter 327, Acts of 1911.]

Approved March 21, 1912.

CHAPTER 156.—*Accidents to be reported.*

Employers to report accidents.

SECTION 1. Upon the happening of any accident in any employment of labor in this State, the result of which shall be to prevent the injured person or persons from resuming work within two weeks after the happening thereof, the employer of such injured person or persons shall report, in writing, to the commissioner of labor the time, place and cause of the said accident, as nearly as the same may be fairly ascertained, the extent of injuries received, and such other facts as the commissioner of labor may, by rule or regulation, require. In case of injury not producing death, such report shall be filed within four weeks after the happening of such injury. In case of injury producing death, report shall be filed within two weeks thereafter. Such reports may be forwarded by mail, postage prepaid.

Casualty insurance companies to report.

Sec. 2. All companies engaged in casualty insurance business within the State of New Jersey shall furnish to the commissioner of labor a full and complete report of all accidents to the employees of any person, firm, or corporation insured by them, which prevents such injured person or persons from resuming work within two weeks after the happening of such injury, or which result in death. In case of injury not producing death, such report shall be filed within four weeks after such injuries have been reported to such insurance company, or such insurance company has otherwise gained knowledge thereof. In case of injury producing death, such report shall be filed within two weeks after such death has been reported to such insurance company, or such insurance company has otherwise gained knowledge thereof. Such reports shall state the time, place and cause of injury, as nearly as the same may be ascertained, and the extent thereof, and such other and further information as the commissioner of labor may, by rule or regulation, require. Such notice may be sent by mail, postage prepaid.

Reports confidential.

Sec. 3. The reports filed with the commissioner of labor, in accordance with the provisions of this act, shall not be made public, and shall not be opened to inspection unless, in the opinion of the commissioner of labor, some public interest shall so require,

and such reports shall not be used as evidence against any employer in any suit or action at law brought by any employee for the recovery of damages, but such reports shall always be at the service and use of the employers' liability commission. Reports filed in accordance with this act shall be in lieu of all other reports required to be filed pursuant to the provisions of an act entitled "An act creating the employers' liability commission and prescribing its powers and duties, and requiring reports to be made by the employers of labor upon the operations of the employers' liability law for the information of said commission," approved April twenty-seventh, one thousand nine hundred and eleven, and shall be considered to be compliance with the terms of the last mentioned act.

Employers' liability commission may use reports.

SEC. 4. Any corporation, firm or person violating any of the provisions of this act shall for each offense be liable to a penalty of fifty dollars, to be recovered in an action of debt, brought by the commissioner of labor, in the name of the State of New Jersey. Each failure to report shall be regarded as a separate offense.

Violations.

Approved March 26, 1912.

CHAPTER 202.—*Suits for wages.*

SECTION 1. In any suit based upon a claim for money due for wages or by reason of a claim for personal services rendered, the party bringing said suit, where the amount claimed shall not exceed the sum of twenty (\$20) dollars, it shall be the duty of the clerk of any district court of this State, to issue the summons, prepare and file the state of demand and of the sergeant at arms of said court to serve the said summons without payment by the party bringing said action of any costs therefor, provided that said party shall make affidavit of the truth of his said claim and of his inability to pay the cost ordinarily taxed thereon.

Costs remitted, when.

SEC. 2. The judge of the said district court may in his discretion upon the entering of judgment in such cases, order that the costs shall not be taxed thereon. * * *

Approved March 28, 1912.

CHAPTER 216.—*Employment of women—Hours of labor.*

SECTION 1. No female shall be employed, allowed or permitted to work in any manufacturing or mercantile establishment, in any bakery, laundry or restaurant more than ten hours in any one day, or more than six days, or sixty hours in any one week: *Provided*, That nothing herein contained shall be held to apply to any mercantile establishment for the six working-days next preceding the twenty-fifth day of December in each year: *And provided further*, That nothing herein contained shall apply to canneries engaged in packing a perishable product such as fruits or vegetables.

Ten-hour day.

Canneries.

SEC. 2. It shall be the duty of the commissioner of labor, the assistant commissioner or the inspectors and they shall have power to investigate and inspect, all establishments coming under the intent and provisions of this act.

Enforcement.

SEC. 3. An abstract of this law shall be prepared and furnished by the commissioner of labor to every corporation, firm or person in this State who is affected thereby, and every such corporation, firm or person shall post such abstract of this law and keep it posted, in plain view, in such place that it can be easily read by the employees or operatives in going in or coming out from said manufacturing or mercantile establishment, bakery, laundry or restaurant, and shall also keep a record of the hours of work of each employee in a proper book prepared for that purpose which book shall be open to the inspection of the department of labor as required.

Law to be posted.

- Violations.** SEC. 4. Whoever employs any female or permits any female to be employed in violation of any of the provisions of this act shall be punished for a first offense by a fine of not less than twenty-five nor more than fifty dollars, and for a second offense by a fine of not less than fifty nor more than two hundred dollars.
- Manufacturing establishment.** SEC. 6. "Manufacturing establishments" as used in this act means any place where articles for use or consumption are regularly made.
- Mercantile establishment.** SEC. 7. "Mercantile establishment" as used in this act means any place where goods, wares or merchandise are offered for sale.
- Bakery.** SEC. 8. "Bakery" as used in this act shall include all buildings, rooms or places where biscuits, pies, bread, crackers, cakes and confectionery are made or manufactured for sale.
- Restaurant.** SEC. 9. "Restaurant" as used in this act means any place where refreshments, both food and drink, and where meals are served to the public.
- Laundry.** SEC. 10. "Laundry" as used in this act means any place where laundry work is regularly carried on.
- Sections separate.** SEC. 11. In case for any reason any section or provision of this act shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Approved March 28, 1912.

CHAPTER 316.—*Compensation of workmen for injuries—Decisions to be reported.*

- Commissioner of labor to receive decisions.** SECTION 1. The clerk of each of the courts of common pleas in this State, whenever any order is filed by the judge of such court making a decision upon any matter arising under the provisions of an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment * * * [chapter 95, Acts of 1911], shall forthwith forward to the commissioner of labor of the State of New Jersey a copy of the said order, which need not be certified, without any charge being made therefor.

Approved April 1, 1912.

CHAPTER 351.—*Industrial diseases to be reported.*

- Physicians to make reports.** SECTION 1. Every physician attending upon or called in to visit a person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury, or their compounds, or from anthrax, or from compressed-air illness, contracted as a result of such person's occupation or employment, shall within thirty days after his first professional attendance upon such person, send to the State board of health a written notice, stating the name and full post-office address, and place of employment of such person, and the nature of the occupation, and the disease or ailment from which, in the opinion of such physician, the person is suffering, with such other specific information as may be required by the State board of health.
- Violations.** SEC. 2. Any physician who shall fail to perform the duty imposed by section one of this act, within the time therein limited, shall be liable to a penalty of twenty-five dollars for each offense. Any penalty incurred under the provisions of this act shall be sued for and recovered in an action of debt by and in the name of the Board of Health of the State of New Jersey. All penalties collected under this act shall be paid by said board into the treasury of the State of New Jersey.
- Enforcement.** SEC. 3. It shall be the duty of the board of health of this State to enforce the provisions of this act, and it may call upon the local boards of health and health officers of such local boards of health for assistance. It shall be the duty of all local boards of health and all health officers, when so called upon for such assistance, to render the same. It shall be the duty of the said board of

health of this State to transmit any data received under the provisions of section one of this act to the commissioner of labor of this State.

Approved April 1, 1912.

NEW MEXICO.

CONSTITUTION.

ARTICLE XI.—*State corporation commission—Safety appliances on railways.*

SECTION 7. * * * The commission shall also have power and be charged with the duty * * * to require all intrastate railways, transportation companies or common carriers, to provide such reasonable safety appliances in connection with all equipment, as may be necessary and proper for the safety of its employees and the public, and as are now or may be required by the federal laws, rules and regulations governing interstate commerce. * * *

Power to require safety appliances.

ARTICLE XVII.—*Mine regulations—Inspector.*

SECTION 1. There shall be an inspector of mines, who shall be appointed by the governor, by and with the advice and consent of the senate, for a term of four years, and whose duties and salary shall be as prescribed by law.

Office created.

SEC. 2. The legislature shall enact laws requiring the proper ventilation of mines, the construction and maintenance of escape-ment shafts or slopes, and the adoption and use of appliances necessary to protect the health and secure the safety of employees therein. No children under the age of fourteen years shall be employed in mines.

Laws to be enacted.

ARTICLE XX.—*Liability of railroad companies for injuries to employees.*

SECTION 16. Every person, receiver or corporation owning or operating a railroad within this State shall be liable in damages for injury to, or the death of, any person in its employ, resulting from the negligence, in whole or in part, of said owner or operator or of any of the officers, agents or employees thereof, or by reason of any defect or insufficiency, due to its negligence, in whole or in part, in its cars, engines, appliances, machinery, track, roadbed, works or other equipment.

Acts of fellow-servants.

Defective appliances.

An action for negligently causing the death of an employee as above provided shall be maintained by the executor or administrator for the benefit of the employee's surviving widow or husband and children; or if none, then his parents; or if none, then the next of kin dependent upon said deceased. The amount recovered may be distributed as provided by law. Any contract or agreement made in advance of such injury with any employee waiving or limiting any right to recover such damages shall be void.

Waivers.

This provision shall not be construed to affect the provisions of section two of article twenty-two of this constitution, being the article upon schedule.

ARTICLE XX.—*Hours of labor on public works.*

SECTION 19. Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality thereof.

Eight-hour day.

ARTICLE XXII.—*Federal statutes—Liability of railroad companies for injuries to employees—Mine regulations.*

Railroad act of 1908 to be in force. SECTION 2. Until otherwise provided by law, the act of Congress of the United States, entitled "An act relating to liability of common carriers by railroads to their employees in certain cases," approved April twenty-second, nineteen hundred and eight, and all acts amendatory thereof, shall be and remain in force in this State to the same extent that they have been in force in the Territory of New Mexico.

Mine law of 1891 to be in force. SEC. 3. Until otherwise provided by law, the act of Congress, entitled "An act for the protection of the lives of miners," approved March third, eighteen hundred and ninety-one, and all acts amendatory thereof, shall be and remain in force in this State to the same extent that they have been in force in the Territory of New Mexico; the words "Governor of the State," are hereby substituted for the words "Governor of such organized Territory;" and for the words "Secretary of the Interior" wherever the same appear in said acts; and the chief mine inspector for the Territory of New Mexico, appointed by the President of the United States, is hereby authorized to perform the duties prescribed by said acts until superseded by the "inspector of mines" appointed by the governor, as elsewhere provided by the constitution, and he shall receive the same compensation from the State as he received from the United States.

ACTS OF 1912.

CHAPTER 15.—*Protection of employees as voters—Time to vote.*

Two hours allowed. SECTION 1. Any person entitled to vote at any election provided by law in this State may on the day of such election be entitled to absent himself from any service or employment in which he is then engaged, for a period of two hours between the time of opening and the time of closing the polls, and such voter shall not because of thus absentsing himself be liable to any penalty: *Provided, however,* The employer may specify the hours during which the employee may absent himself, as aforesaid.

Violations. SEC. 2. Any person or corporation who shall refuse to an employee the privilege conferred in the foregoing section, or who shall in any manner attempt to influence or control such voter as to how he shall vote, by offering [offering] any reward, or by threatening to discharge from employment or discharging such employee, or otherwise intimidating him from a full and free exercise of his right to vote, or shall, directly or indirectly, violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and be fined in any sum not less than fifty dollars nor more than one hundred dollars upon conviction before any justice of the peace or the district court.

Approved May 29, 1912.

CHAPTER 33.—*Blacklisting.*

Blacklisting forbidden. SECTION 1. It shall be unlawful for any person or persons, firm or corporation employing labor in this State, after having discharged any person from service, to prevent or attempt to prevent by word, sign or writing of any kind whatever, any such discharged employee from obtaining employment from any person or persons, firm or corporation: *Provided,* That any employer mentioned in this act may give the true reasons either by writing or otherwise, for the discharge of any such employee.

Violations. SEC. 2. Any employer of labor, its or his agent or employee who shall violate the provisions of this act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined for each offense not less than one hundred dollars, nor more than one thousand dollars.

SEC. 3. Any person or persons, firm or corporation guilty of the violation of this act, shall be liable in damages to the party injured to the amount of all the injury resulting to the person injured as the result of said wrongful act, and the said employer or employers of labor shall be liable to the said person so injured, for a reasonable attorney fee to be fixed by the court trying the cause, which attorney fee shall be taxed as part of the cost in the case.

Damages.

Approved June 8, 1912.

CHAPTER 62.—*Hours of labor of employees on railroads.*

SECTION 1. It shall be unlawful for any railway company within the State of New Mexico or any of its officers or agents to require or permit any employee engaged in or connected with the movement of any rolling stock, engine or train, to remain on duty for a longer period than sixteen consecutive hours and whenever any such employee of such railway company shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided, however,* That the provisions of this act shall not apply in cases of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the railway company or its officer or agent in charge of such employee at the time such employee left a terminal point and which could not have been foreseen: *Provided further,* That the provisions of this act shall not apply to the time necessary for train crews to take passenger trains and freight trains loaded with live stock or perishable freight to the next nearest division point, nor shall it apply to the time necessary for trainmen to reach a resting place when an accident, wreck, washout, snow blockade or other unavoidable cause has delayed their train: *Provided further,* That the provisions of this act shall not apply to employees of sleeping car companies nor to crews of wrecking or relief trains.

Sixteen-hour day.

Rest.

Provisos.

Sec. 2. That such railway company or any superintendent, train master, train dispatcher, yard master, or other official or agent of any railway company in the State of New Mexico requiring or permitting any such employee to go, be or remain on duty in violation of section 1 of the act, shall be liable to a penalty of not to exceed five hundred dollars for each and every such violation to be recovered in a suit or suits to be brought by the district attorney in the district court of the district where such violation was committed: It shall be the duty of the district attorney to bring such suits upon satisfactory information being lodged with him and when so requested to withhold the name of the person furnishing such information; but no such suit shall be brought after the expiration of one year from the date of such violation.

Violations.

Enforcement.

It shall be the duty of the State corporation commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

In all prosecutions under this act the railway company shall be deemed to have had knowledge of all acts of all its officers or agents.

In case of the failure of any district attorney to bring such suit within a reasonable time after information shall have been lodged with him, by the State corporation commission or any other person, of any violation of the provisions of this act, it shall be the duty of the attorney general upon being informed of such fact to cause such prosecution to be commenced.

Approved June 10, 1912.

CHAPTER 63.—*Protection of employees as voters.*

Discharging or threatening discharge. SECTION 2. Every officer or agent of any corporation, company or association and every individual having under his control or in his employ any persons entitled to vote at any election who shall directly or indirectly discharge or threaten to discharge any such employee on account of his political opinions or belief, or who shall, by any corrupt or unlawful means, procure or attempt to procure or induce any such employee to vote or refrain from voting for any candidate, party ticket, proposition, question or constitutional amendment at any election shall, upon conviction thereof, be punished by fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not more than six months or both such fine and imprisonment.

Bribery, threats, etc. SEC. 3. It shall be unlawful for any corporation organized or doing business under or by virtue of the laws of this State, directly or indirectly, by or through any of its officers or agents, or any other person, to influence or attempt to influence the vote of any voter at any election by the unlawful use of money belonging to such corporation, or by discharging or threatening to discharge any employee of such corporation on account of his political opinions or belief, or by any corrupt and unlawful means whatsoever to induce or persuade any employee or other person entitled to vote at any election to vote or refrain from voting for any candidate, party ticket, proposition, question or constitutional amendment. Any violation of the provisions of this section by a corporation shall be punished by a fine of not less than one hundred nor more than one thousand dollars, and any person by or through whom such act is committed shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Approved June 11, 1912.

CHAPTER 73.—*Railroad employees—Voting.*

Voting in any precinct. SECTION 1. It shall be lawful for any railroad employee, who is a qualified elector of the State of New Mexico, who shall, on the occurrence of any election provided by law, necessarily be absent from the precinct and county in which he is a qualified elector, because the duties of his occupation require him to be elsewhere within the State, to vote for county, district or State officers, members of the legislature, members of Congress and electors of President and Vice President of the United States in any voting precinct in any county of the State of New Mexico where he may present himself for that purpose on the day of such election under the regulations hereinafter provided.

Certificate to be presented. SEC. 2. The voter so desiring to vote may present himself at the polls in any precinct of any county of the State of New Mexico where he may be on such election day, during voting hours, and upon presentation of a certificate, duly signed by one or more members of the board of registration of the precinct of the county of which said person is a resident and qualified voter, setting forth the fact that said person is duly registered in such precinct and is a qualified voter of such precinct according to law, and has made oath that he must on account of the duties of his occupation be absent from such precinct on election day, may cast his ballot for the officers and candidates specified in section 1 hereof.

Certificate and ballot to be mailed. SEC. 3. It shall be the duties of the judges of election of such precinct where said person presents himself, as hereinbefore stated, to receive said certificate together with the ballot cast by said person, pin the two together and securely seal the same in a stamped envelope, properly addressed, and mail the same to the county clerk of the county where such voter is a qualified elector not later than the third day after such election.

How vote is regarded. SEC. 4. Upon compliance with the provisions of the preceding three sections, said voter shall be considered as offering to vote, and voting, in the precinct of which he is a qualified voter,

SEC. 5. The county clerk of the county in which said absent voter resides, upon receipt of said ballot, shall safely keep and preserve the same in his office until the board of canvassers shall canvass the vote according to law, at which time the said board of canvassers, in the presence of said county clerk, shall record the said ballot upon the poll sheet of the proper precinct or ward in their possession, in the same manner as clerks of election record votes, and in so canvassing said vote, the board of canvassers shall count the votes of all absent voters received, as herein provided, and add the same to the total of the poll sheet, in arriving at the total results of the election in the precinct or ward where said voters live. Ballot recorded.

SEC. 6. If any person shall willfully swear falsely to the affidavit herein provided for, he shall upon conviction thereof be deemed guilty of perjury, and be punished as in such cases provided by law. False swearing.

SEC. 7. It shall be the duty of the county clerk of each county to furnish to each and every person applying therefor a certificate of the class prescribed in section 2 hereof, and in addition thereto, within forty-eight hours prior to election day, shall furnish such person with a proper ballot. Certificates to be furnished.

SEC. 8. If the officers of election permit any person to vote as herein provided without receiving the certificate provided for, or shall neglect or refuse to perform any of the duties prescribed by this act, they shall upon conviction thereof be deemed guilty of a misdemeanor and be fined not exceeding \$100. If any county clerk, or any member of any board of registration, or any member of the board of canvassers, shall neglect or refuse to perform any of his duties prescribed by this act, or shall violate any of the provisions of this act, or shall reveal or divulge any of the details of any ballot herein provided, he shall upon conviction thereof, be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding \$100. Violations.

Approved June 11, 1912.

CHAPTER 74.—*Garnishment of wages—Suing outside State.*

SECTION 1. In all cases in which the owner of any matured claim for money due, or any subsequent assignee thereof, shall bring suit thereon in any court outside of the State of New Mexico wherein the original creditor and debtor were both residents of this State at the time of making the contract and are such residents at the time of the filing of the suit above mentioned, and wherein service is sought to be obtained upon the defendant debtor by the garnishment of the personal earnings of defendant due him from any person, partnership or corporation upon which service of the garnishment summons could at the time have been obtained by bringing the action in the county wherein the debtor resides, the original owner of said claim, or any of his subsequent assignees aforesaid, or all of them severally or jointly shall be liable in damages to the debtor so sued without this State in the following items: Suit outside State.

1. A reasonable attorney fee paid for defending or compromising said suit.

2. The reasonable expense of all trips to said foreign State to defend or compromise said action, including board, lodging and transportation of the debtor, his witnesses and attorney.

3. Five dollars per day for the actual number of days necessarily spent in defending or compromising said suit.

4. If the debtor be successful in the action for damage hereby authorized, then a reasonable attorney fee for the prosecution of the suit, to be assessed with the costs by the court and collected as part of the judgment and costs.

5. An amount which the court or jury find the debtor would have been entitled to have had released from garnishment had the suit in the foreign court been brought in a court within the State Liability of creditor.

of New Mexico, and the issue of exemption been tried according to the law of New Mexico, had the plaintiff by counter affidavit denied that there was any of the garnished [garnisheed] earnings exempt by the laws of New Mexico.

The release of garnishment for any reason shall not abate the right of action for damages above created.

Approved June 12, 1912.

CHAPTER 80.—*Mine regulations—Inspector.*

- Examiners.** SECTION 1. The State engineer, the governor and the president of the school of mines shall constitute a board of examiners, who shall examine all applicants for appointment to the office of State inspector of mines as to their qualifications to hold said office.
- Appointment.** Said board shall examine all such applicants and the governor shall, by and with the advice and consent of the senate, appoint some qualified person so examined to said office.
- Qualifications of Inspectors.** SEC. 2. No person shall be eligible to hold said office unless he be a citizen of the United States, at least thirty years of age, a resident of New Mexico for one year next preceding his appointment, and shall have had at least three years' experience in the workings of coal mines in New Mexico, and at least five years of practical experience in the workings of coal mines in the United States, and have a practical knowledge of mining engineering, of mine timbering, of the different systems of working and ventilating coal mines, of the nature and properties of noxious and poisonous gases of mines, and of the methods of dispelling the same and guarding against explosions, and shall not be interested financially or otherwise in any coal mine or company operating any coal mine in the State.
- Bond.** SEC. 3. The inspector shall give bond to the State in the sum of three thousand dollars (\$3,000), and shall receive as compensation for his services the sum of two thousand dollars (\$2,000) per annum, payable monthly, and in addition actual and necessary transportation and traveling expenses.
- Salary.** Vouchers covering such expenses for each month, accompanied by subvouchers for the items thereof whenever practical, excepting railroad fares, shall be submitted to the State auditor by the inspector before any account of the inspector shall be allowed.
- Duties.** SEC. 4. The duties of the inspector shall be as follows, to wit: He shall:
- (1) Make a careful and thorough inspection of every coal mine operated in the State as often as in his opinion may be necessary.
 - (2) Proceed without delay to any mine within the State when he learns of any explosion or other catastrophe therein by which lives of men are jeopardized or in which fatalities have occurred, and render such aid as he can in the rescue of persons within the mine and in the protection of rescuers from danger.
 - (3) Shall give notice to the owners, operators or managers of any coal mine wherein he shall find improper construction or that said mine is not furnished with reasonable and proper machinery and appliances for the safety of miners and other employees, that said mine is unsafe, stating in what particular the same is unsafe, and shall require said owners, operators or managers to provide such additional machinery, slopes, entries, means of escape, ventilation or other appliances necessary to the safety of miners and other employees of said mine within a period to be named in said notice.
 - (4) Shall inspect and pass upon the adequacy and safety of all hoisting apparatus in mines, and may demand a test of safety catches or clutches upon such hoisting apparatus as often as once in every three months or whenever he may believe such hoisting apparatus to be defective; he shall conduct said test by detachment of the rope or cable at a point in the shaft or above the shaft where the cage may be arrested in its fall with as little wreckage of property as possible if the safety catches or clutches should prove defective.

(5) Within six months after the passage of this act, he shall arrange a uniform system of mine bell signals after consultation with the engineers in charge of hoisting apparatus and the operators of mines within the State, and shall at once furnish a copy of the same to each mine owner, operator or manager within the State.

(6) Shall make an annual report to the governor on or before the first day of December of each year; which said report shall cover the preceding fiscal year and shall contain a review of the official acts of the inspector; statistics of the number of persons employed in and about the coal mines in the State and of the production and the estimated value thereof, and a résumé of the mining conditions generally existing in the State during the said year.

(7) The inspector is hereby given authority at all reasonable times to enter and inspect any coal mine in the State and the workings and machinery belonging thereto in such manner as not to impede or obstruct the workings of the mine; to make inquiry into the state of the mine, works and machinery thereof, the ventilation and mode of lighting the same, and all matters and things connected with and relating to the safety of employees in and about the mines, and especially to the end that the provisions of this act shall be complied with by the owners, operators and managers thereof; to require that some person of practical experience and responsibility representing the owner, operator, or manager shall accompany the said inspector upon such trips of inspection through the mine in order that the inspector may point out and specify any defects in the mine, in the methods of mining and in the equipment and construction thereof, which defects may violate any of the provisions of this act.

And to require that the owner, operator or manager shall at all times furnish means necessary for such entry, inspection, examination and inquiry.

The inspector shall make an entry of record in his office of the time and material circumstances of each inspection.

(8) Every owner, operator or manager of any such mine shall have a right of appeal to the district court in the county wherein such mine is situated, as to the necessity or reasonableness of the order or requirements of the inspector under any of the provisions of this act.

SEC. 5. Every owner, agent, manager or lessee of any coal mine in this State shall admit the inspector for the purpose of making examination and inspection, provided for in this act. Any owner, agent, operator, manager or lessee who shall refuse to allow such inspection to be made shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined in a sum not less than fifty dollars nor more than five hundred dollars, or by imprisonment not less than one nor more than three months, or by both such fine and imprisonment.

Inspector to
be admitted.

SEC. 6. (1) In all coal mines, the owner, lessee, manager or operator shall provide at least two shafts, slopes or other outlets separated by natural strata of not less than fifty feet in breadth, by which shafts, slopes or outlets, distinct means of ingress or egress shall always be available to the employees in said mines; and in no case shall a furnace shaft be deemed an escape shaft.

E s c a p e
shafts.

(2) In all coal mines operated by shafts, a safe and stable stairway shall be provided by the owner, lessee, manager or operator and placed in the second opening or escape shaft, which stairway shall be set at an angle not greater than fifty degrees, shall not be less than two and one-half feet wide in the clear, shall have a substantial hand rail throughout its entire length with stations not more than thirty feet apart, each station having a substantial platform or landing at least three and one-half feet wide and five feet in length: *Provided*, That in no instance shall a ladder way be considered as a compliance with the foregoing requirements.

Stairways.

- Cages. (3) Reasonable care shall be used by every owner, operator, manager or lessee to provide safety catch or clutch and a good and substantial iron bonnet or overhead cover on every cage, used in lowering or hoisting persons, in every shaft operated in mines in the State.
- Safety ap- (4) All machinery or appliances used for transportation of persons in said mines shall be provided with adequate safety appliances and shall be inspected at regular intervals by competent persons for that purpose, appointed by the owner, lessee, operator or manager of the mine.
- Weekly in- (5) Every shaft, slope or drift opening used for an escapeway inspections. from coal mines, shall be traversed throughout its entire depth or length and regularly and carefully inspected by a competent employee designated by the owner, lessee, or operator for that purpose once a week, which said employee shall report upon the condition of such escapeway, and shall make a record of such inspection, which record shall show the date of each inspection and the condition of the escapeway, inspected, which said record shall at all times be open to the inspector.
- Ventilation. (6) Every operator of any coal mine which shall have attained a distance of one hundred feet in depth of shaft or length of slope, entry or drift from the surface, or from the bottom of the shaft, shall use all reasonable means to provide an adequate amount of ventilation of not less than one hundred cubic feet of pure air per minute for each person at work in said mine and not less than three hundred cubic feet of pure air per minute for each mule, horse or burro used in said mine, and to cause such air to be forced by proper appliances through said mine to the face of each and every working place in such a manner as to render harmless and expell [sic] therefrom all dangerous or poisonous gases; and shall use reasonable care at all times to keep all workings in operation in said mine free from standing gas.
- Rescue appa- (7) At least four safety lamps, four electric hand lamps and ratus. four masks or helmets provided with a supply of oxygen or air sufficient to sustain respiration for the user thereof for at least one hour, shall be kept for rescue work by each company or operator at every coal mining camp where twenty-five or more men are employed.
- Fans. (8) Every fan hereafter erected or constructed at any coal mine must be placed at least twenty feet distant from the side or mouth of the shaft entry or slope with which it is connected for ventilation purposes, and shall be as much as possible of fireproof construction; and explosion doors shall be provided in a direct line with the mine opening.
- Fire bosses. (9) In each coal mine which vents gas, which, in combination with air, will induce or maintain an explosive condition, it shall be the duty of the operator to keep constantly employed one or more experienced men whose duty it shall be to act as fire bosses, whose duties it shall be to carefully inspect all working places in said mine by making tests for gas with a safety lamp within three hours before each working shift enters said mine and to make a written record of the conditions in the mine after each examination, in a book to be kept for that purpose; said fire bosses shall mark with chalk on the face of the room his initials and the date and hour of the examination as proof to the miner that his working place has been examined. Any fire boss discovering standing gas in any workings or openings in any coal mine, shall immediately place a danger sign at the entrance of the place where such standing gas is found and at such distance therefrom as would give timely warning to any person carrying an open light. Said fire boss or gas watchman shall then proceed with and complete his examination of said mine, placing like signs before each working place where standing gas is found; and thereupon shall proceed to take the necessary steps to improve the ventilation and remove standing gas wherever found.
- Abandoned (10) In like manner and within the same time before any workings, etc. working shift enters the mine, the fire boss shall examine all ac-

cessible gobs and abandoned workings in said mine which there is reason to believe might accumulate gas in dangerous quantities. Naked lights shall not be used in any ventilating district between the place where safety lamps are necessary to be used and outside opening of the return airway. The owner, operator or manager of every coal mine shall use reasonable care to provide that all brattice cloth used shall be fireproof cloth, and that doors therein shall be made as fireproof as possible by painting with fireproof paint or covering with metal; that rags or other inflammable material shall not be used to stop leaks; that doors must be hung in such a manner as to close automatically; and that all overcasts constructed after the passage of this act shall be of stone or other fireproof material.

Precautions
as to fire.

(11) It shall be the duty of the operator, owner or manager of every coal mine to provide an ample supply of timbers and to cause the same to be delivered on the pit car, at the request of the miners, as near as practicable to the places where the same are to be used. The operator shall not store or knowingly permit to be stored any powder or other explosive in any coal mine, nor knowingly permit to be taken into any coal mine powder or other explosive in a greater quantity than may be required for use in one shift, unless such quantity be less than five pounds, and shall not knowingly permit black powder or powder not in cartridge form to be carried into the mine, except in metallic canisters, unless such powder is to be distributed by the shot inspector or used by the shot firer.

Timbers.

(12) The operator shall not knowingly permit to be used for illuminating purposes in any coal mine any oils other than pure animal or vegetable oils or other oils as free from smoke as a pure animal or vegetable oil: *Provided, however,* That any material as free from smoke and bad odor and of equal merit as an illuminant as a pure vegetable oil, may be used.

Illuminating
oil.

(13) It shall be the duty of the operator of any mine in the event of a fatal accident occurring therein, to at once make a brief report of the same by telegraph or telephone to the inspector; and within ten days thereafter it shall be his duty to make and transmit a full and complete report in writing to the inspector of any such accident. It shall also be the duty of the operator to keep a complete record of all accidents which may occur in the mine operated by him at said mine, to which record the inspector shall have access.

Accidents to
be reported.

(14) It shall be the duty of the operator to exercise reasonable care to employ experienced, competent and sober men as shot firers, fire bosses, and engineers in charge of hoisting apparatus or engines, or in charge of explosives.

Competent
men to be em-
ployed.

(15) It shall be the duty of the operator to install and maintain a telephone system in every coal mine to such extent as may be reasonably required for the operation thereof.

Telephone
system.

(16) It shall be the duty of the operator of every coal mine to supply at least two drags for each rope trip in all inclines and slopes to be attached to the rear end of the hind car, ascending such inclines or slopes, for the purpose of derailing the car in case the rope or couplings should break or any car become detached.

Cars on in-
clines.

(17) It shall be the duty of any operator of any coal mine employing twenty or more miners to employ shot firers to fire the shots therein, except where some approved mechanical or electric shot firing device is used; said shots shall be fired between working shifts, when all miners and other employees, except shot firers and employees doing repair work, shall be out of the mine. When the miners are allowed to load and tamp the holes, the operator shall provide tamping consisting of some incombustible substance, which shall be delivered to points convenient to working places.

Shot firers.

(18) It shall be the duty of the operator of every coal mine where traveling roads are not provided and wherever workmen are compelled to travel the haulage road in the course of their ordi-

Refuge holes.

nary duties, to provide a clear space, two feet in width, on one side of such haulage way[;] or where such clear space is not provided he shall provide refuge holes, six feet in height, four feet in width and three feet in depth, on one or both sides along such haulage ways at intervals of not more than one hundred feet apart, and said refuge holes shall be kept whitewashed or painted white so as to be easily distinguished from the rib adjacent thereto; said operator shall also maintain similar refuge holes on main slope haulage ways.

Code of bell signals. (19) When a uniform code of mine bell signals has been arranged by the mine inspector as provided by this act, a copy of such code of signals shall be maintained in each hoisting engine house in plain view of the engineer in charge thereof and a similar copy thereof shall be maintained at each level or entry in said mine from which persons or coal are hoisted.

Violations. (20) Any operator of any coal mine who shall willfully fail or refuse to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than one month or more than three months, or by both such fine and imprisonment.

Acts forbidden. Sec. 7. (1) It shall be unlawful for any miner to enter any mine or part of a mine generating explosive gas until it shall have been examined by the fire boss and by said fire boss reported safe.

(2) It shall be unlawful for any person to brush firedamp from any place in a coal mine by means of a coat, brattice cloth, sack or any article which might be used by a movement of the same with arms or hands.

(3) It shall be unlawful for any person employed in or about any coal mine wherein a traveling way is provided, to travel upon the haulage road where rope or motor haulage is employed; except the track walker or the track repairer or timber men when in the performance of work necessary upon such haulage road, and the inspector, mine superintendent, pit boss, fire boss or other officials in the inspection of such roads or other necessary duties. Such haulage road shall not be used for ordinary means of ingress or egress to or from the mine.

(4) It shall be unlawful for any person to tamp any drill hole in any coal mine with slack coal, drill dust or other ordinarily combustible material.

(5) It shall be unlawful for any person other than the trip or rope rider, or his assistant or assistants, in any coal mine, to ride on or between the cars, entering or coming out from any mine or on or between the cars being moved within the mine, except in case of emergency: *Provided, however,* That passengers may be hauled when the engineer or person in charge of the trip has been notified thereof.

Dangerous slate, etc. (6) It shall be the duty of every coal miner to take down all dangerous coal, slate, rock or other material in his working place, or to make the same safe by proper timbering. It shall be unlawful for any coal miner to work or remain in any unsafe or dangerous place in a coal mine, knowing the same to be such, except for the purpose of remedying such condition, or for any owner or operator to require him so to do.

(7) It shall be unlawful for any person to load or ignite any shot hole in any narrow working, in any coal mine, until such working shall be either undermined, or cut or sheared on one side, to the full depth of the hole to be fired. Narrow workings are hereby defined as entries, room necks, break throughs or crosscuts between entries and rooms: *Provided, however,* That the provisions of this subsection shall not apply where prospect entries or new openings are being made to determine the practicability of opening a mine.

(8) It shall be unlawful for any person in any mine to wear a pit lamp in his cap or to have an open light within five feet of

any place where he is handling loose powder, caps or detonators, or preparing explosive cartridges of any kind.

(9) It shall be the duty of every shot firer in coal mines to inspect all shot holes before igniting any shots or blasts. He shall begin igniting the shots to be fired at such place that he can proceed with the firing in a direction opposite from that which the air is traveling. Whenever in his opinion any of the working places are too dry, dusty or otherwise dangerous, or that the drill holes is [are] improperly placed, or that an overcharge of explosive is used, or that it is improperly tamped, or that the shot hole is in any particular defective, or if in the opinion of the shot firer the exploding of such shot would be a menace to himself or other person within the mine, or would cause undue wreckage of timbers or property, it shall be his duty to condemn such shot or drill hole, and refuse to ignite such shot or allow it to be ignited until such defective conditions are remedied.

Firing shots.

(10) Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or by imprisonment in the county jail not exceeding thirty days or by both such fine and imprisonment.

Violations.

SEC. 8. It shall be unlawful for any person other than a regularly employed shot firer to ignite any shot within a coal mine where shot firers are employed, except in rock work entry or development work where it is not deemed necessary to employ regular shot firers, or in case of absence or inability of the shot firer to attend to such duty, in which event some person who is experienced may be appointed by the mine boss to ignite shots. Any person violating any of the provisions hereof, shall, upon conviction, be fined not less than fifty dollars nor more than five hundred dollars, or be punished by imprisonment for not less than thirty days nor more than two years.

Who may fire shots.

SEC. 9. Any person who shall, by violence, abusive language or innuendo, injure, humiliate or embarrass any shot firer because of said shot firer having condemned any shot hole, shall, upon conviction thereof be punished by a fine of not exceeding one hundred dollars or by imprisonment for not less than thirty days nor more than one year.

Interfering with shot firers.

SEC. 10. Any person who shall willfully remove, break or destroy any electric light bulb which is installed and in use, or to be used in or about any mine in the State, or shall cut, detach or in any manner interfere with any electric light or electric wire in any such mine without consent of the operator or person in charge shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Injuring electric appliances

SEC. 11. Any person who shall willfully obstruct or do any act which may interfere with the free passage of air through any ventilation circuit, or who shall willfully remove, break, destroy or damage any apparatus or equipment in or about any mine used for ventilation purposes, without consent of the person in charge of said mine, or any person who shall willfully remove, break, destroy, damage or otherwise molest any mine equipment for whatever purpose used in or about any mine, or impede the operation thereof, without consent of the person in charge of said mine, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Damaging apparatus.

SEC. 12. Any person who shall willfully set on fire or ignite or cause to be set on fire or ignited any building, equipment or any-thing whatsoever at or within any mine when any person is present in such mine at the time, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned for not less than five years nor more than twenty-five years: *Provided, however,* That if the life of any person be lost through the ignition

Setting fire to buildings, etc.

or causing to be ignited of any such building, equipment or other thing as in this section provided, the person setting or causing to be set such fire shall be deemed guilty of murder in the first degree, and shall be dealt with according to the law at the time in force prescribing the penalty for such offense.

Office, etc.

SEC. 13. The State shall provide for the use of the mine inspector a suitable office with fuel and light, provided with necessary furniture, fixtures, files and supplies for properly conducting his business as herein provided; and shall further provide for the use of the inspector an anemometer, a barometer, safety lamps and other appliances and instruments necessarily required in the work of mine inspector.

Approved June 13, 1912.

NEW YORK.

ACTS OF 1912.

CHAPTER 21.—*Commission on conditions of labor in factories.*

SECTION 1. Section three of chapter five hundred and sixty-one of the laws of nineteen hundred and eleven is hereby amended to read as follows:

Report.

SECTION 3. Such commission shall make a report of its proceedings, together with its recommendations, to the legislature on or before the fifteenth day of January, nineteen hundred and thirteen.

Factories and mercantile establishments.

SEC. 2. In addition to the powers conferred by chapter five hundred and sixty-one of the laws of nineteen hundred and eleven, such commission shall, pursuant to such act, have power throughout the State to investigate manufacturing conducted in buildings or elsewhere, and to inquire into the conditions in mercantile establishments generally.

Became a law March 6, 1912.

CHAPTER 158.—*Factory inspectors.*

Additional inspectors.

[This act amends section 61 of the Labor Law, as amended by chapter 729, Acts of 1911, by increasing the whole number of factory inspectors from 85 to 125, the number of women that may be appointed from 15 to 20, and the maximum number of inspectors of the second grade from 50 to 90.]

Became a law April 5, 1912.

CHAPTER 219.—*Work in compressed air.*

SECTION 1. Sections one hundred and thirty-four-a and one hundred and thirty-four-b of * * * chapter thirty-one of the Consolidated Laws, are hereby amended to read, respectively, as follows:

Hours of labor.

SECTION 134-a. All work in the prosecution of which tunnels, caissons or other apparatus or means in which compressed air is employed or used shall be conducted subject to the following restrictions and regulations: When the air pressure in any compartment, caisson, tunnel or place in which men are employed is greater than normal and does not exceed twenty-eight pounds to the square inch, no employee shall be permitted to work or remain therein more than eight hours in any twenty-four hours and shall only be permitted to work under such air pressure provided he shall during such period return to the open air for an interval of at least thirty consecutive minutes, which interval his employer shall provide for. When the air pressure in any such compartment, caisson, tunnel or place shall exceed twenty-eight pounds to the square inch, and shall not equal thirty-six pounds to the square inch, no employee shall be permitted to work or remain therein more than six hours, such six hours to be divided

into two periods of three hours each, with an interval of at least one hour between each such period. When the air pressure in any such compartment, caisson, tunnel or place shall equal thirty-six pounds to the square inch and shall not equal forty-two pounds to the square inch, no such employee shall be permitted to work or remain therein more than four hours in any twenty-four hours, such four hours to be divided into periods of not more than two hours each, with an interval of at least two hours between each such period; when the air pressure in any such compartment, caisson, tunnel or place shall equal forty-two pounds to the square inch and shall not equal forty-six pounds to the square inch, no employee shall be permitted to work or remain therein more than three hours in any twenty-four hours, such three hours to be divided into periods of not more than ninety minutes each, with an interval of at least three hours between each such period; when the air pressure in any such compartment, caisson, tunnel or place shall equal forty-six pounds to the square inch and shall not equal fifty pounds to the square inch, no employee shall be permitted to work or remain therein more than two hours in any twenty-four hours, such two hours to be divided into periods of one hour each, with an interval of not less than four hours between each such period; no employee shall be permitted to work in any compartment, caisson, tunnel or place where the pressure shall exceed fifty pounds to the square inch, except in case of emergency. No person employed in work in compressed air shall be permitted by his employer or by the person in charge of said work to pass from the place in which the work is being done to atmosphere of normal pressure, without passing through an intermediate lock or stage of decompression, which said decompression shall be, where the work is being done in tunnels, at the rate of three pounds every two minutes unless the pressure shall be over thirty-six pounds, in which event the decompression shall be at the rate of one pound per minute; and which said decompression shall be, where the work is being done in caissons, at the following rates:

Decompression locks.

Where pressure is not over ten pounds per square inch the time of decompression shall be one minute; when pressure is over ten pounds per square inch, but does not exceed fifteen pounds per square inch, the time of decompression shall be two minutes; when pressure is over fifteen pounds per square inch, but does not exceed twenty pounds per square inch, the time of decompression shall be five minutes; when pressure is over twenty pounds per square inch, but does not exceed twenty-five pounds per square inch, the time of decompression shall be ten minutes; when pressure is over twenty-five pounds per square inch but but [sic] does not exceed thirty pounds per square inch, the time of decompression shall be twelve minutes; when pressure is over thirty pounds per square inch, but does not exceed thirty-six pounds per square inch, the time of decompression shall be fifteen minutes; when pressure is over thirty-six pounds per square inch, but does not exceed forty pounds per square inch, the time of decompression shall be twenty minutes; when pressure is over forty pounds per square inch, but does not exceed fifty pounds per square inch, the time of decompression shall be twenty-five minutes.

Rates of decompression.

All necessary instruments shall be attached to all caissons and air locks showing the actual air pressure to which men employed therein are subjected and which instruments shall be accessible to and in charge of a competent person who shall not be employed more than eight hours in any twenty-four hours.

SEC. 134-b. Any person or corporation carrying on any tunnel, caisson or other work in the prosecution of which men are employed or permitted to work in compressed air, shall, while such men are so employed, also employ and keep in employment, one or more duly qualified persons to act as medical officer or officers who shall be in attendance at all necessary times while such work is in progress and whose duty it shall be to administer and strictly enforce the following:

Medical attendance.

Regulations
as to employ-
ment.

(a) No person shall be permitted to work in compressed air until after he shall have been examined by such medical officer and reported by such officer to the person in charge thereof as found to be qualified, physically, to engage in such work.

(b) In the event of absence from work, by an employee for ten or more successive days for any cause, he shall not resume work until he shall have been reexamined by the medical officer and his physical condition reported as hitherto provided to be such as to permit him to work in compressed air.

(c) No person known to be addicted to the excessive use of intoxicants shall be permitted to work in compressed air.

(d) No person not having previously worked in compressed air shall be permitted during the first twenty-four hours of his employment to work for longer than one-half of a day period as provided in section one hundred and thirty-four-a and after so working shall be reexamined and not permitted to work in a place where the pressure is in excess of fifteen pounds unless his physical condition be reported by the medical officer as heretofore provided to be such as to qualify him for such work.

(e) After a person has been employed continuously in compressed air for a period of three months he shall be reexamined by the medical officer and he shall not be allowed, permitted or compelled to work until such examination has been made and he has been reported as heretofore provided as physically qualified to engage in compressed air work.

(f) The said medical officer shall at all times keep a complete and full record of examinations made by him, which record shall contain dates on which examinations were made and a clear and full description of the person examined, his age and physical condition at the time examined, also the statement as to the time such person has been engaged in like employment.

Dressing
rooms.

(g) Properly heated, lighted and ventilated dressing rooms shall be provided for all employees in compressed air which shall contain lockers and benches and shall be open and accessible to the men during the intermission between shifts. Such rooms shall be provided with baths, with hot and cold water service and a proper and sanitary toilet.

Medical lock.

(h) A medical lock shall be established and maintained in connection with all work in compressed air as herein provided. Such lock shall be kept properly heated, lighted and ventilated and shall contain proper medical and surgical equipment. Such lock shall be in charge of a certified trained nurse selected by the medical officer, who shall be qualified to render temporary relief.

SEC. 2. Said chapter is hereby further amended by adding two new sections, to be known as sections one hundred and thirty-four-d and one hundred and thirty-four-e, to read as follows:

Two air
pipes.

SEC. 134-d. All work in the prosecution of which tunnels, caissons or other apparatus or means within which compressed air is employed shall have at least two air pipes or lines connected at all times and in perfect working condition.

Electric
lighting.

SEC. 134-e. Wherever electricity is used as lighting apparatus the light supplied for the shaft leading to the caisson or tunnel or other apparatus wherein the men are actually at work shall be supplied from a different wire from the lights which are located at the point wherein the men are actually working under air.

Became a law April 8, 1912.

CHAPTER 261.—*Private employment offices.*

Complaints.

[This chapter amends subdivision 3 of section 191 of chapter 20 of the Consolidated Laws, relating to complaints against persons licensed to conduct employment offices and the revocation of licenses, by fixing a term of three years as a period within which no new license may be issued, instead of forbidding any subsequent licensing.]

CHAPTER 264.—*Employment of women and children in barrooms.*

SECTION 1. * * * Section thirty of * * * chapter thirty-four of the Consolidated Laws, is hereby amended to read as follows:

SECTION 30. * * * It shall not be lawful for any person, What persons not to sell, etc.
 whether having paid such [liquor] tax or not, * * *

F. To permit any girl or woman, not a member of his family, or any minor under the age of eighteen years, * * * to sell or serve any liquor on the premises; * * *

Became a law April 11, 1912.

CHAPTER 329.—*Inspection and regulation of factories—Fire prevention.*

SECTION 1. Article six of * * * chapter thirty-one of the Consolidated Laws, is hereby amended by inserting therein a new section, to be section eighty-three-c, to read as follows:

SECTION 83-c. 1. Every factory shall be provided with properly covered fireproof receptacles, the number, style and location of which shall be approved in the city of New York by the fire commissioner, and elsewhere, by the commissioner of labor. There shall be deposited in such receptacles all inflammable waste materials, cuttings and rubbish. No waste materials, cuttings and rubbish shall be permitted to accumulate on the floors of any factory but shall be removed therefrom not less than twice each day. All such waste materials, cuttings and rubbish shall be entirely removed from a factory building at least once in each day. Waste bins.

2. All gas jets or lights in factories shall be properly enclosed by globes, wire cages or otherwise properly protected in a manner approved in the city of New York by the fire commissioner of such city, and elsewhere, by the commissioner of labor. Gas jets.

3. Smoking in a factory is prohibited. A notice of such prohibition stating the penalty for violation thereof shall be posted on every floor of such factory in English and also in such other language or languages as the fire commissioner of the city of New York in such city, and elsewhere, the State fire marshal, shall direct. The fire commissioner of the city of New York in such city, and elsewhere, the State fire marshal shall enforce the provisions of this subdivision. Smoking.

Became a law April 15, 1912.

CHAPTER 330.—*Inspection and regulation of factories—Fire drills.*

SECTION 1. Article six of * * * chapter thirty-one of the Consolidated Laws, is hereby amended by inserting therein a new section, to be section eighty-three-a, to read as follows:

SECTION 83-a. In every factory in which more than twenty-five persons are regularly employed above the ground or first floor a fire drill of the occupants of such building shall be conducted at least once in every three months under the supervision of the local fire department or one of its officers. Appropriate rules and regulations to make effective this provision shall be prepared for the city of New York by the fire commissioner of such city, and for other parts of the State, by the State fire marshal. Such rules and regulations shall be posted on each floor of every factory to which they apply. In the city of New York the fire commissioner of such city, and elsewhere, the State fire marshal is charged with the duty of enforcing this section. Quarterly fire drills.

Became a law April 15, 1912.

CHAPTER 331.—*Employment of women after childbirth.*

SECTION 1. Chapter * * * thirty-one of the Consolidated Laws is hereby amended by adding thereto, after section ninety-

three, a new section, to be section ninety-three-a, to read as follows:

Employment forbidden when. SECTION 93-a. It shall be unlawful for the owner, proprietor, manager, foreman or other person in authority of any factory, mercantile establishment, mill or workshop to knowingly employ a female or permit a female to be employed therein within four weeks after she has given birth to a child.

Became a law April 15, 1912.

CHAPTER 332.—*Inspection and regulation of factories—Automatic sprinklers.*

SECTION 1. Article six of * * * chapter thirty-one of the Consolidated Laws is hereby amended by inserting therein a new section, to be section eighty-three-b, to read as follows:

What factories to have sprinklers. SECTION 83-b. In every factory building over seven stories or over ninety feet in height in which wooden flooring or wooden trim is used and more than two hundred people are regularly employed above the seventh floor or more than ninety feet above the ground level of such building, the owner of the building shall install an automatic sprinkler system approved as to form and manner in the city of New York by the fire commissioner of such city, and elsewhere, by the State fire marshal. Such installation shall be made within one year after this section takes effect, but the fire commissioner of the city of New York in such city and the State fire marshal elsewhere may, for good cause shown, extend such time for an additional year. A failure to comply with this section shall be a misdemeanor as provided by section twelve hundred and seventy-five of the penal law and the provisions hereof shall also be enforced in the city of New York by the fire commissioner of such city in the manner provided by title three of chapter fifteen of the Greater New York charter, and elsewhere by the State fire marshal in the manner provided by article ten-a of the insurance law.

Became a law April 15, 1912.

CHAPTER 333.—*Employment of children—General provisions.*

[This act amends subdivision (e) of section 71 of the Labor Law by omitting the next to the last sentence, which read: "In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health;" and by adding the following:]

Physical examination. In every case, before an employment certificate is issued, such physical fitness shall be determined by a medical officer of the department or board of health, who shall make a thorough physical examination of the child and record the result thereof on a blank to be furnished for the purpose by the State commissioner of labor and shall set forth thereon such facts concerning the physical condition and history of the child as the commissioner of labor may require.

[Section 75 is also amended by adding the requirement that a duplicate of the record of the physical examinations of children made by local officials shall be forwarded monthly to the office of the commissioner of labor.]

Became a law April 15, 1912.

CHAPTER 334.—*Inspection and regulation of factories—Contagious diseases.*

Act extended. [The act amends section 95 of the Labor Law, making its provisions of general application, instead of only to certain articles and factories.]

Became a law April 15, 1912.

CHAPTER 335.—*Inspection and regulation of factories—Registration.*

SECTION 1. Article six of * * * chapter thirty-one of the Consolidated Laws is hereby amended by inserting therein immediately preceding section seventy a new section, to be section sixty-nine, to read as follows:

SECTION 69. The owner of every factory shall register such factory with the State department of labor, giving the name of the owner, his home address, the address of the business, the name under which it is carried on, the number of employees and such other data as the commissioner of labor may require. Such registration of existing factories shall be made within six months after this section takes effect. Factories hereafter established shall be so registered within thirty days after the commencement of business. Within thirty days after a change in the location of a factory the owner thereof shall file with the commissioner of labor the new address of the business, together with such other information as the commissioner of labor may require. Owners to register.

Became a law April 15, 1912.

CHAPTER 336.—*Inspection and regulation of factories—Drinking water, wash rooms, etc.*

SECTION 1. Section eighty-eight of * * * chapter thirty-one of the Consolidated Laws is hereby amended to read as follows:

SECTION 88. In every factory there shall be provided at all times for the use of employees, a sufficient supply of clean and pure drinking water. Such water shall be supplied through proper pipe connections with water mains through which is conveyed the water used for domestic purposes, or, from a spring or well or body of pure water; if such drinking water be placed in receptacles in the factory, such receptacles shall be properly covered to prevent contamination and shall be thoroughly cleaned at frequent intervals. In every factory there shall be provided and maintained for the use of employees, suitable and convenient wash rooms, adequately equipped with sinks and proper water service; and in all factories where lead, arsenic or other poisonous substances or injurious or noxious fumes, dust or gases are present as an incident or result of the business or processes conducted by such factory there shall be provided washing facilities which shall include hot water and individual towels. Where females are employed, dressing or emergency rooms shall be provided for their use; each such room shall have at least one window opening to the outer air and shall be enclosed by means of solid partitions or walls. In brass and iron foundries suitable provision shall be made and maintained for drying the working clothes of persons employed therein. In every factory there shall be provided suitable and convenient water-closets for each sex, in such number as the commissioner of labor may determine. Such water-closets shall be properly screened, lighted, ventilated and kept clean and sanitary; the enclosure of each closet shall be kept clean and sanitary and free from all obscene writing or marking. The water-closets used by females shall be entirely separated from those used by males and the entrances thereto shall be effectively screened. The water-closets shall be maintained inside the factory whenever practicable and in all cases, when required by the commissioner of labor. Supply of drinking water.

SEC. 2. Such chapter is hereby amended by adding thereto, after section eighty-nine, a new section, to be section eighty-nine-a, to read as follows:

SECTION 89-a. No employee shall take or be permitted to take any food into a room or apartment in a factory, mercantile establishment, mill or workshop, commercial institution or other establishment or working place where lead, arsenic or other poisonous substances or injurious or noxious fumes, dust or gases exist in harmful conditions or are present in harmful quantities as an Taking food into certain workrooms.

incident or result of the business conducted by such factory, commercial establishment, mill or workshop, commercial institution or other establishment or working place; and notice to the foregoing effect shall be posted in each such room, or apartment. No employee, unless his presence is necessary for the proper conduct of the business, shall remain in any such room, apartment or enclosure during the time allowed for meals, and suitable provision shall be made and maintained by the employer for enabling employees to take their meals elsewhere in such establishment.

Became a law April 15, 1912.

CHAPTER 353.—*Leave of absence for injured employes—New York City.*

SECTION 1. The Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by adding thereto a new section, to be known as section fifteen hundred and sixty-eight, and to read as follows:

Absence with pay during disability.

SECTION 1568. The head of a city department, or any other officer, board or body of the city, or of a borough or county within the city, vested with the power of appointment and employment, in addition to existing powers, may, in his discretion, grant to an employee in his department, board, body or office, whose compensation is payable by the day and who may be injured in the performance of his duties, a leave of absence during disability with pay, which leave of absence, however, shall not exceed thirty days except with the consent of the mayor and the comptroller.

Became a law April 15, 1912.

CHAPTER 382.—*Labor law—Enforcement.*

SECTION 1. Subdivision one of section forty-three of * * * chapter thirty-one of the Consolidated Laws. * * * is hereby amended to read as follows:

Power as to oaths, etc.

[SECTION 43]. 1. The commissioner of labor, his deputies and their assistants and each special agent, confidential agents, factory inspector, mine inspector, tunnel inspector, chief investigator, special investigators, mercantile inspector, or deputy mercantile inspectors may administer oaths and take affidavits in matters relating to the provisions of this chapter and may also serve process in criminal actions arising thereunder.

Became a law April 15, 1912.

CHAPTER 453.—*State fire marshal—Fire escapes, fire prevention, etc.*

Act extended.

[This chapter amends article 10-a, added to chapter 28 of the Consolidated Laws by chapter 451 of the acts of 1911. The principal changes to be noted are the extension of the duties of the fire marshal, as set forth in section 351, by including the institution and supervision of fire drills in the premises named in subsection 6, and calling for the investigation of the causes of explosions as well as of fires.

Appeals.

Section 355 becomes Sec. 356, and provides for appeals to the fire marshal within 5 days instead of 24 hours as formerly, and also provides for a court revision of the fire marshal's orders. There is also added to this section the following:]

Criminal prosecution.

Whenever an order has been served requiring the installation, alteration or repair of fire escapes or exits upon any building or structure in which numbers of persons work, live or congregate from time to time for any purpose, and the owner, lessee or occupant has failed to comply with said order within the time herein specified, the State fire marshal may, in addition to any other penalty mentioned in this article, prosecute such owner or occupant in the criminal courts, and upon conviction such owner,

lessee or occupant shall be liable to punishment as for a misdemeanor.

[Section 357, as amended, reads as follows:]

SEC. 357. The State fire marshal shall also cause to be inspected all boilers in buildings and all other places where same are used for the generation of steam and which carry a steam pressure of ten pounds or more to the square inch, except where a certificate has been filed in the office of the State fire marshal certifying that such boilers have been inspected by a duly authorized insurance company in conformity with the regulations prescribed by the State fire marshal and that upon such inspection such boilers have been found to be in a safe condition. A fee of five dollars shall be charged the owner or lessee of each boiler inspected by the inspector of the office of the State fire marshal, but not more than the sum of ten dollars shall be collected for the inspection of any one boiler for any year. Inspection of boilers.

Whenever a certificate of inspection, filed in the office of the State fire marshal, shows that a boiler is in need of repairs or is in an unsafe or dangerous condition, the State fire marshal shall order such repairs to be made to such boiler as in his judgment may be necessary and he shall order the use of such boiler to be discontinued until said repairs are made or said dangerous and unsafe conditions remedied. Such order shall be served upon the owner or lessee of such boiler in the manner provided in section three hundred and fifty-six of this article and any owner or lessee failing to comply with such order within the time specified in said section three hundred and fifty-six shall be liable to the penalties prescribed therein. Nothing contained in this section shall apply to boilers used for the generation of steam on vessels, railroad locomotives or fire engines operated by any organized fire department. Boilers in need of repairs.

Became a law April 16, 1912.

CHAPTER 468.—*Suits for wages by female employces—Costs—New York City.*

SECTION 1. Section three hundred and forty of chapter five hundred and eighty of the laws of nineteen hundred and two, * * * is hereby amended to read as follows:

SECTION 340. In an action brought to recover a sum of money for wages earned by a female employee, other than a domestic servant; or for material furnished by such an employee, in the course of her employment, or in or about the subject matter thereof, or for both, the plaintiff, if entitled to costs, may, in the discretion of the court, be allowed the sum of ten dollars as costs, in addition to the costs allowed in this court, unless the amount of damages recovered is less than ten dollars; in which case, the plaintiff may, in the discretion of the court, be allowed the sum of five dollars as such additional costs. When the employee is the plaintiff in such an action, she is entitled upon a settlement thereof, to the full amount of costs, which she would have recovered, if judgment had been rendered in her favor, for the sum received by her upon the settlement. Recovery of costs.

Became a law April 18, 1912.

CHAPTER 539.—*Employment of women and children—Hours of labor.*

[This act amends section 77 of the Labor Law by limiting to 54 per week and 9 per day the hours of labor of males under 18 and females under 21 years of age, instead of 60 and 10 respectively, as before. Nine-hour day.

Section 78 is amended so as to read as follows:]

SECTION 78. 1. A female sixteen years of age or upwards and a male between the ages of sixteen and eighteen may be employed in a factory more than nine hours a day: (a) Regularly in not to Work in excess of nine hours.

exceed five days a week, in order to make a short day or holiday on one of the six working days of the week; (b) irregularly in not to exceed three days a week: *Provided*, That no such person shall be required or permitted to work more than ten hours in any one day or more than fifty-four hours in any one week, and that the provisions of the preceding section as to notice or time book be fully complied with.

Canneries,
etc. 2. The provisions of subdivisions two and three of section seventy-seven relating to maximum hours shall not apply to the employment of women and minors sixteen years of age and upwards in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October each year.

Became a law April 19, 1912.

CHAPTER 543.—*Bureau of industries and immigration.*

SECTION 1. Sections one hundred fifty-two, one hundred fifty-three and one hundred fifty-four of * * * chapter thirty-one of the Consolidated Laws, as added by chapter five hundred and fourteen of the laws of nineteen hundred and ten, are hereby amended to read, respectively, as follows:

Special in-
vestigators. SECTION 152. The commissioner of labor may appoint from time to time such number of special investigators and such other assistants as may be necessary to carry into effect the powers of the said bureau herein defined, who may be removed by him at any time. The special investigators may be divided into two grades. Each special investigator of the first grade shall receive an annual salary of fifteen hundred dollars, and each of the second grade an annual salary of twelve hundred dollars.

Scope of in-
vestigations. SEC. 153. 1. The commissioner of labor shall have the power to make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of all aliens arriving and being within the State. He shall also have power to collect information with respect to the need and demand for labor by the several agricultural, industrial and other productive activities, including public works throughout the State; to gather information with respect to the supply of labor afforded by such aliens as shall from time to time arrive or be within the State; to ascertain the occupations for which such aliens shall be best adapted, and to bring about intercommunication between them and the several activities requiring labor which will best promote their respective needs; to investigate and determine the genuineness of any application for labor that may be received and the treatment accorded to those for whom employment shall be secured; to cooperate with the employment and immigration bureaus conducted under authority of the Federal Government, or by the government of any other State, and with public and philanthropic agencies designed to aid in the distribution and employment of labor; and to devise and carry out such other suitable methods as will tend to prevent or relieve congestion and obviate unemployment.

Children of
school age. 2. The commissioner of labor shall procure with the consent of the Federal authorities complete lists giving the names, ages, and destination within the State of all alien children of school age, and such other facts as will tend to identify them and shall forthwith deliver copies of such lists to the commissioner of education or the several boards of education and school boards in the respective localities within the State to which said children shall be destined, to aid in the enforcement of the provisions of the education law relative to the compulsory attendance at school of children of school age.

Instruction
of aliens. 3. The commissioner of labor shall further cooperate with the commissioner of education and with the several boards of education and school commissioners in the State to ascertain the necessity for and the extent to which instruction should be imparted to aliens within the State; to devise methods for the proper in-

struction of adult and minor aliens in the English language and other subjects, and in respect to the duties and rights of citizenship and the fundamental principles of the American system of government; and may establish and supervise classes and otherwise further their education.

4. The commissioner of labor may enter and inspect all labor camps within the State, and any camp which he may have reasonable cause to believe is a labor camp; and shall inspect all employment and contract labor agencies dealing with aliens, or whenever he may have reasonable cause to believe that such employment or contract labor agencies deal with aliens; or who secure or negotiate contracts for their employment within the State; shall inspect all immigrant lodging places or all places where he has reasonable cause to believe that aliens are received, lodged, boarded or harbored; shall cooperate with other public authorities, to enforce all laws applicable to private bankers dealing with aliens and laborers; secure information with respect to such aliens who shall be in prisons, almshouses and insane asylums of the State, and who shall be deportable under the laws of the United States, and cooperate with the Federal authorities and with such officials of the State having jurisdiction over such criminals, paupers and insane aliens who shall be confined as aforesaid, so as to facilitate the deportation of such persons as shall come within the provisions of the aforesaid laws of the United States, relating to deportation; shall investigate and inspect institutions established for the temporary shelter and care of aliens, and such philanthropic societies as shall be organized for the purpose of securing employment for or aiding in the distribution of aliens, and the methods by which they are conducted.

5. The commissioner of labor shall investigate conditions prevailing at the various places where aliens are landed within this State, and at the several docks, ferries, railway stations and on trains and boats therein, and in cooperation with the proper authorities, afford them protection against frauds, crimes and exploitation; shall investigate any and all complaints with respect to frauds, extortion, incompetency and improper practices by notaries public, interpreters and other public officials, or by any other person or by any corporation, whether public or private, and present to the proper authorities the results of such investigation for action thereon; shall investigate and study the general social conditions of aliens within this State, for the purpose of inducing remedial action by the various agencies of the State possessing the requisite jurisdiction; and shall generally, in conjunction with existing public and private agencies, consider and devise means to promote the welfare of the State.

SEC. 154. Any investigation, inquiry or hearing which the commissioner of labor has power to undertake or to hold may by special authorization from the commissioner of labor, be undertaken or held by or before the chief investigator, or any official whom he may designate, and any decision rendered on such investigation, inquiry or hearing, when approved, and confirmed by the commissioner and ordered filed in his office, shall be and be deemed to be the order of the commissioner. All hearings before the commissioner or chief investigator or official duly designated therefor shall be governed by rules to be adopted and prescribed by the commissioner. The commissioner or chief investigator or official duly designated therefor shall not be bound by technical rules of evidence, and shall have the power to subpoena any witness or any person, and to examine all books, contracts, records and documents of any person or corporation and by subpoena duces tecum to compel production thereof, and to effect as far as practicable an amicable settlement or adjustment of any such complaint. Such subpoena shall be issued by the commissioner or chief investigator under the seal of the department of labor. No person shall be excused from testifying or from producing any books or papers on any investigation or inquiry by or upon any hearing before the commissioner or chief investigator, or official

Labor camps, employment agencies, etc.

Lodging houses and banks.

Criminals and defectives.

Protection of immigrants on arrival.

Investigations and hearings.

duly designated thereof, when ordered to do so, upon the ground that the testimony or evidence, books or documents required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture, for or on account of any act, transaction, matter or thing, concerning which he shall under oath have testified or produced documentary evidence: *Provided, however*, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

SEC. 2. Section one hundred fifty-six-a of such chapter as added by chapter eight hundred forty-five of the laws of nineteen hundred and eleven is hereby renumbered section one hundred fifty-six and amended to read as follows:

[The amendment consists in adding to the last sentence but one in subdivision 1, which relates to the number of boarders and lodgers received, the words "as shown in a sworn statement filed by such applicant in such form as the commissioner of labor shall prescribe"; and in striking out the word "principally" in subdivision 4, in the definition of the term "immigrant lodging place."]

Became a law April 19, 1912.

CONCURRENT RESOLUTIONS.

Safety of workmen—Compensation for injuries.

(Page 1382.)

SECTION 1. *Resolved* (if the assembly concur), That article one of the constitution be amended by adding at the end a new section, to be section nineteen, to read as follows:

Safety laws. SECTION 19. Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a State or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation, and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum: *Provided*, That all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer.

Compensation system.

Exclusive remedy.

SEC. 2. *Resolved* (if the assembly concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators and in conformity with section one, article fourteen of the constitution, be published for three months previous to the time of such election.

In assembly March 28, 1912.

In senate March 29, 1912.

OHIO.

CONSTITUTION—AMENDMENTS OF 1912.

ARTICLE II.—*Legislative—Labor legislation.*

Wage and safety laws. SECTION 34. Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the

comfort, health, safety and general welfare of all employees; and no other provision of the constitution shall impair or limit this power.

ARTICLE II.—*Legislative—Compensation of workmen for injuries.*

SECTION 35. For the purpose of providing compensation to workmen and their dependents, for death, injuries or occupational disease, occasioned in the course of such workmen's employment, laws may be passed establishing a State fund to be created by compulsory contribution thereto by employers, and administered by the State, determining the terms and conditions upon which payment shall be made therefrom, and taking away any or all rights of action or defenses from employees and employers; but no right of action shall be taken away from any employee when the injury, disease or death arise from failure of the employer to comply with any lawful requirement for the protection of the lives, health and safety of employees. Laws may be passed establishing a board which may be empowered to classify all occupations, according to their degree of hazard, to fix rates of contribution to such fund according to such classification, and to collect, administer and distribute such fund, and to determine all rights of claimants thereto.

Compulsory insurance system.

Right of action.

Board of classification, etc.

ARTICLE II.—*Legislative—Hours of labor on public works.*

SECTION 37. Except in cases of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the State, or any political subdivision thereof, whether done by contract, or otherwise.

Eight-hour day.

PHILIPPINE ISLANDS.

ACTS OF 1911-12.

ACT No. 2098.—*Contracts of employment—Advances.*

SECTION 1. Any person who, with intent to injure or defraud his employer, enters into a contract for the performance of any act of personal service, and thereby obtains money or other personal property from such employer as a gratuity or advance on wages to be earned under such contract of employment, and without just cause, and without refunding such money or paying for such property, refuses or fails to perform such act of service, shall on conviction thereof be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties.

Failure to render service.

SEC. 2. Any person who with intent to injure or defraud his landlord, enters into a contract in writing for the rent of land, under an agreement to cultivate such land, and thereby obtains money or other personal property from such landlord, and without just cause, and without refunding such money or paying for such personal property, refuses or fails to cultivate such land, or to comply with his contract relative thereto, shall on conviction be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties.

To cultivate rented land.

SEC. 3. Any person who with intent to injure or defraud shall contract with another to receive from him personal services of any kind and to compensate him therefor, and thereafter with like intent receives the benefit of such services in whole or in part and fails or refuses to pay the compensation agreed upon shall upon conviction thereof be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties.

To pay wages.

Enacted January 20, 1912.

ACT No. 2120.—*Compensation for injuries of employees of the Insular Government, etc.*

SECTION 1. Section twenty-five (*d*) of act numbered sixteen hundred and ninety-eight, known as the "Revised civil-service act" is hereby amended to read as follows:

Period of
payment dur-
ing disability.

"SECTION 25 (*d*). When an officer or employee in the civil service, insular or provincial, or of the city of Manila, permanent or temporary, is wounded or injured in the performance of duty, the Governor General or proper head of department may direct that absence during the period of disability caused by such wound or injury shall be on full pay for a period not exceeding six months: *Provided*: That if the officer or employee is entitled to the vacation leave provided in section twenty-four of this act, absence for this reason shall be charged first against such vacation leave: *And provided further*, That the Governor General or proper head of department may, in his discretion, authorize payment of medical attendance, necessary transportation, subsistence and hospital fees for all insular officers, employees and laborers, and the municipal board of the city of Manila may also in its discretion, authorize the payment of such expenses for all officers, employees and laborers of the city of Manila, whether permanently or temporarily appointed, and whatever their rate of compensation[,] pay, or wages, who have been wounded or injured in the performance of their duty: *And provided further*, That the Governor General or proper head of department or the municipal board of the city of Manila, as the case may be, may authorize payment of reasonable burial expenses and of three months' salary or wages to the widow or dependent child or children of any officer, employee or laborer who is killed or dies from wounds or injuries received while in line of duty: *And provided further*, That payments made under this paragraph shall not be made from the appropriation for general purposes when the bureau or office concerned has an available appropriation for contingent expenses or public works, as the case may be, from which such payments can be made, nor shall the provisions of this section be construed to cover sickness as distinguished from physical wounds: *Provided, however*, That when such sickness is the direct and immediate result of the performance of some act in the line of duty, the Governor General or proper head of department may in his discretion authorize the payment of necessary hospital fees."

Fatal in-
juries.

Enacted February 1, 1912.

ACT No. 2123.—*Compensation for injuries of employees of the provincial governments.*

SECTION 1. The second paragraph of subsection (*nn*) of section thirteen of act numbered eighty-three, entitled "The provincial government act." as amended, is hereby further amended to read as follows:

Period of
payment dur-
ing disability.

[It shall be the duty of the provincial board:]

"To provide, in its discretion, for the payment from provincial funds of their regular compensation during the period of their disability, not exceeding ninety days, to unclassified employees of the provincial government, including laborers, when said employees or laborers are injured in the clear line of duty, the necessary expenses of medical attendance, transportation, and hospital fees for such injured employees or laborers, and in case of their death from said injuries, their reasonable burial expenses and a donation in money to the family of the deceased employee or laborer in a sum, not exceeding ninety days' pay, which shall be in accord with his efficiency and services to the Government."

Fatal in-
juries.

Enacted February 1, 1912.

Act No. 2129.—*Employment offices—Public registry of workmen.*

SECTION 1. Municipal councils organized under act numbered eighty-two, and the townships of Mindoro, Palawan, and Batanes, are hereby authorized to establish a general register of mechanics or day laborers residing in their respective municipalities. Said register shall be in charge of the municipal secretary, who shall keep same in his office and at the disposal of the public for the purposes of this act. Registry au-
thorized.

SEC. 2. The municipal treasurer shall, as soon as the municipal council shall have so ordered by resolution, carefully ascertain the trade of each person presenting himself in his office to pay for his registration certificate or personal cedula, for the purpose of separating and making a list of those persons who are mechanics or day laborers by occupation, and the list made in the manner hereinafter specified shall be turned over to the municipal secretary for the purpose of entering the names of such persons in the register provided for by this act: *Provided*, That said list shall contain the name, age, civil status, barrio or sitio of residence, and trade of the person registered, and whether such person is then employed or unemployed: *And provided further*, That in municipalities where there are free labor exchanges or employment agencies established as provided in section two (e) of act numbered eighteen hundred and sixty-eight, the duties hereby imposed on the municipal secretary shall be performed by the superintendent of said exchanges or agencies. Registration.

SEC. 3. The register or registers provided for in the next preceding section shall be at the disposition of the public. Register to
be open.

SEC. 4. As soon as said mechanics or day laborers shall have accepted the conditions of a contract and both parties thereto shall have complied with all of the requirements of existing laws regulating the relations between employers and laborers, the municipal secretary shall note in the register in his office, by the side of each name, the date on which such mechanics or day laborers were contracted and the name of the person, contractor, company, or firm to whom they are to render their services. Dates of con-
tracts to be
entered.

SEC. 5. Upon the cancellation or termination of the contract, the contractor or contractors or employers shall report the fact to the municipal secretary, who shall make a note of it under the proper date by the side of the respective name or names. Termination
of contract.

SEC. 6. Nothing herein contained shall be understood to restrict the liberty of a mechanic or day laborer to seek employment or occupation elsewhere, subject to the provisions of act numbered two thousand and ninety-eight, he being obliged only, when he does so, to report the fact to the municipal secretary for the purpose of noting his name in the register: *Provided*, That no fee shall be charged for the work of making the entries, notations, and registrations provided for in this act. Employment
not restricted.

SEC. 7. The municipal secretary shall send a report of current transactions or statistics regarding mechanics and day laborers registered in his office to the bureau of labor, monthly or quarterly, as may be ordered by the director of labor. Reports.

Enacted February 1, 1912.

PORTO RICO.

REGULAR AND EXTRA SESSIONS—1912.

Act No. 84.—*Bureau of labor.*

SECTION 1. There shall be established, in the office of the director of labor, charities and correction, a bureau of labor, which shall be under the charge of the chief of the bureau of labor, who shall be appointed, upon approval of the governor, by and continue in the service at the pleasure of the said director of labor, charities and correction. Bureau es-
tablished.
Chief.

- Assistant chief.** SEC. 2. There shall also be in the bureau of labor an assistant chief who shall be named by the director of labor, charities and correction, with the approval of the governor. He shall receive a salary of two thousand dollars a year, and perform such services as may be required by the chief of bureau of labor, and shall act as chief of the bureau of labor during his absence. The assistant chief of the bureau of labor shall be a man who has made a study of labor conditions, and is otherwise qualified to perform the duties of this office.
- Salary of chief.** SEC. 3. The chief of the bureau of labor shall receive a salary of two thousand five hundred dollars (\$2,500) per annum, payable monthly, and his necessary traveling expenses and per diem while away from his headquarters on official business, and shall collect and collate information upon the subject of labor, its relations to the industries of the country, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual and moral welfare; to investigate the causes of, and facts relating to, such controversies and disputes between employers and employees as may come to his attention, and in general to exercise its good offices for the maintenance of satisfactory relations between employers and employees; to prepare, collate and publish labor statistics, and issue such reports and bulletins in reference to general labor conditions throughout the Island of Porto Rico as may from time to time be deemed necessary, and upon the approval of the director of labor, charities and correction, and to report specifically to the director of labor, charities and correction, for transmittal to the director of sanitation, the sanitary conditions of all manufactories, sugar and industrial concerns in the Island of Porto Rico in which labor is employed.
- Duties.**
- Employees.** SEC. 4. The director of labor, charities and correction shall appoint a stenographer at a salary of fourteen hundred dollars (\$1,400) per annum, payable monthly, and a clerk at a salary of nine hundred dollars (\$900) per annum, payable monthly, for said bureau of labor, who shall perform such duties as may be required of them by the chief of the bureau of labor.
- Annual reports.** SEC. 5. The chief of the bureau of labor shall annually make a report in writing to the director of labor, charities and correction, which shall be transmitted, through the governor, to the legislature, of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.
- Appropriation.** SEC. 6. The sum of nine thousand three hundred dollars (\$9,300), or so much thereof as may be necessary, be and hereby is appropriated, out of any moneys in the treasury of Porto Rico not otherwise appropriated, for the payment of salaries, contingent expenses, travel and subsistence, stationery, postage, etc., necessary to carry out the provisions of this act.
- Director of labor, charities, and correction.** SEC. 7. The director of labor, charities and correction, to whom this law refers, will be understood to be the director of the department of health, charities and correction created by an act entitled "An act to consolidate the offices of the director of charities, the director of prisons and the director of health into the office of health, charities and corrections," approved March 10, 1904: *Provided*, That in the future said department shall be known as the Department of Labor, Charities and Correction, and the director of the same, as the Director of Labor, Charities and Correction.

Approved March 14, 1912.

RHODE ISLAND.

ACTS OF 1912.

CHAPTER 795.—*Accidents on railways, etc., to be reported.*

- Immediate notice required.** SECTION 49. Every public utility shall, whenever any accident attended with loss of human life, or serious injury occurs within this State, directly or indirectly arising from or connected with

its maintenance or operation, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it deem that public interest requires it, shall cause an investigation to be made forthwith, which investigation shall be held in the locality of the accident, unless for the greater convenience of those concerned, it shall order the investigation to be held at some other place; and said investigation may be adjourned from place to place as may be found necessary and convenient. The commission shall reasonably notify the public utility of the time and place of the investigation. The notice herein required to be given shall not be admitted as evidence or used for any purpose against such public utility giving such notice, in any suit, action or proceeding brought for damages growing out of any matter mentioned in said notice; nor shall such notice be admitted as evidence or be used for any purpose in any criminal proceedings brought against the public utility giving such notice, or against any of its officers, agents or employees, growing out of any matter mentioned in such notice.

Investigation.

Approved April 17, 1912.

CHAPTER 814.—*Employment of children—Messenger service.*

SECTION 1. Chapter 78 of the general laws * * * is hereby amended by adding thereto the following sections:

SECTION 32. No person under the age of twenty-one years shall be employed or permitted or suffered to work as a messenger for a telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

Night work.

SEC. 33. Any person who either as principal or agent shall employ, suffer or permit to work any person in violation of the provisions of the preceding section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty dollars, or more than fifty dollars for the first offense, and for a second offense by a fine of not less than fifty dollars, or more than one hundred dollars, or by imprisonment for not less than ten days, or more than six months, or by both such fine and imprisonment.

Violation.

Approved April 26, 1912.

CHAPTER 831.—*Compensation of workmen for injuries.*

ARTICLE I.

ABROGATION OF REMEDIES AND DEFENSES.

SECTION 1. In an action to recover damages for personal injury sustained by accident by an employee arising out of and in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense: (a) That the employee was negligent; (b) That the injury was caused by the negligence of a fellow employee; (c) That the employee has assumed the risk of the injury.

Defenses abrogated.

SEC. 2. The provisions of this act shall not apply to actions to recover damages for personal injuries, or for death resulting from personal injuries, sustained by employees engaged in domestic service or agriculture.

Exemptions.

SEC. 3. The provisions of this act shall not apply to employers who employ five or less workmen or operatives regularly in the same business, but such employers may, by complying with the provisions of section 5 of this article become subject to the provisions of this act.

Small employers.

SEC. 4. The provisions of section 1 of this article shall not apply to actions to recover damages for personal injuries, or for death resulting from personal injuries, sustained by employees of an employer who has elected to become subject to the provisions of this act, as provided in section 5 of this article.

Effect of election by employers.

- Election made, how.** SEC. 5. Such election on the part of the employer shall be made by filing with the commissioner of industrial statistics a written statement to the effect that he accepts the provisions of this act, and by giving reasonable notice of such election to his workmen, by posting and keeping continuously posted copies of such statement in conspicuous places about the place where his workmen are employed, the filing of which statement and the giving of which notice shall operate to subject such employer to the provisions of this act and all acts amendatory thereof for the term of one year from the date of the filing of such statement, and thereafter, without further act on his part, for successive terms of one year, each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file with said commissioner a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of this act and shall give reasonable notice to his workmen as above provided. Blank forms of election and withdrawal as herein provided, shall be furnished by said commissioner.
- Term.**
- Election by employees.** SEC. 6. An employee of an employer who shall have elected to become subject to the provisions of this act as provided in section 5 of this article shall be held to have waived his right of action at common law to recover damages for personal injuries, if he shall not have given his employer at the time of his contract of hire notice in writing that he claimed such right, and within ten days thereafter filed a copy thereof with the commissioner of industrial statistics, or, if the contract of hire was made before the employer so elected, if the employee shall not have given the said notice and filed the same with said commissioner within ten days after notice by the employer, as above provided, of such election; and such waiver shall continue in force for the term of one year, and thereafter without further act on his part, for successive terms of one year, each, unless such employee shall at least sixty days prior to the expiration of such first or any succeeding year, file with the said commissioner a notice in writing to the effect that he desires to claim his said right of action at common law and within ten days thereafter shall give notice thereof to his employer. A minor working at an age legally permitted under the laws of this State shall be deemed sui juris for the purpose of this act and no other person shall have any cause of action or right to compensation for an injury to such minor employee except as expressly provided in this act; but if said minor shall have a parent living or a guardian, such parent or guardian, as the case may be, may give the notice and file a copy of the same as herein provided by this section, and such notice shall bind the minor in the same manner that adult employees are bound under the provisions of this act. In case no such notice is given, such minor shall be held to have waived his right of action at common law to recover damages for personal injuries. Any employee, or the parent or guardian of any minor employee, who has given notice to the employer that he claimed his right of action at common law may waive such claim by a notice in writing which shall take effect five days after the delivery to the employer or his agent.
- Minors.**
- Waiver of common-law rights.**
- Remedies exclusive.** SEC. 7. The right to compensation for an injury, and the remedy therefor granted by this act, shall be in lieu of all rights and remedies as to such injury now existing, either at common law or otherwise; and such rights and remedies shall not accrue to employees entitled to compensation under this act while it is in effect.

ARTICLE II.

PAYMENTS.

- Payments due, when.** SECTION 1. If an employee who has not given notice of his claim of common law rights of action or who has given such notice and has waived the same, as provided in section 6 of Article I, receives a personal injury by accident arising out of and in the course of his employment, he shall be paid compensation, as hereinafter

provided, by the employer who shall have elected to become subject to the provisions of this act.

SEC. 2. No compensation shall be allowed for the injury or death of an employee where it is proved that his injury or death was occasioned by his wilful [willful] intention to bring about the injury or death of himself or of another, or that the same resulted from his intoxication while on duty. Willful injuries or intoxication.

SEC. 3. Contingent fees of attorneys for services under this act shall be subject to the approval of the superior court. Attorneys' fees.

SEC. 4. No compensation except as provided by section 12 of this article shall be paid under this act for any injury which does not incapacitate the employee for a period of at least two weeks from earning full wages, but, if such incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury. Waiting time.

SEC. 5. During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services, and medicines when they are needed, the amount of the charge for such services to be fixed, in case of the failure of the employer and employee to agree, by the superior court. Medical and hospital service.

SEC. 6. If death results from the injury, the employer shall pay the dependents of the employee wholly dependent upon his earnings for support at the time of his injury a weekly payment equal to one-half his average weekly wages, earnings, or salary, but not more than ten dollars nor less than four dollars a week, for a period of three hundred weeks from the date of the injury: *Provided, however,* That, if the dependent of the employee to whom the compensation shall be payable upon his death is the widow of such employee, upon her death the compensation thereafter payable under this act shall be paid to the child or children of the deceased employee, including adopted and stepchildren, under the age of eighteen years, or over said age, but physically or mentally incapacitated from earning, dependent upon the widow at the time of her death. In case there is more than one child thus dependent, the compensation shall be divided equally among them. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the employer shall pay such dependents for a period of three hundred weeks from the date of the injury a weekly compensation equal to the same proportion of the weekly payments herein provided for the benefit of persons wholly dependent as the amount contributed annually by the employee to such partial dependents bears to the annual earnings of the deceased at the time of injury. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury: *Provided, however,* That, if the deceased leaves no dependents at the time of the injury, the employer shall not be liable to pay compensation under this act except as specifically provided in section 9 of this article. Compensation in case of death.

SEC. 7. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee: Dependents.

(a) A wife upon a husband with whom she lives or upon whom she is dependent at the time of his death.

(b) A husband upon a wife with whom he lives or upon whom he is dependent at the time of her death.

(c) A child or children, including adopted and stepchildren, under the age of eighteen years, or over said age, but physically or mentally incapacitated from earning, upon the parent with whom he is or they are living or upon whom he or they are dependent at the time of the death of such parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the compensation hereunder shall be divided equally among them.

In all other cases questions of entire or partial dependency shall be determined in accordance with the fact as the fact may have

been at the time of the injury. In such other cases, if there is more than one person wholly dependent, the compensation shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof during the period in which compensation is paid to persons wholly dependent. If there is no one wholly dependent and more than one person partly dependent, the compensation shall be divided among them according to the relative extent of their dependency.

Persons not dependent.

SEC. 8. No person shall be considered a dependent unless he is a member of the employee's family or next of kin, wholly or partly dependent upon the wages, earnings or salary of the employee for support at the time of the injury.

Persons without dependents.

SEC. 9. If the employee dies as a result of the injury leaving no dependents at the time of the injury, the employer shall pay, in addition to any compensation provided for in this act the reasonable expense of his last sickness and burial, which shall not exceed two hundred dollars.

Total disability.

SEC. 10. While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to one-half his average weekly wages, earnings, or salary, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks from the date of the injury. In the following cases it shall, for the purposes of this section, be conclusively presumed that the injury resulted in permanent total disability, to wit: The total and irrevocable loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine, resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull, resulting in incurable imbecility or insanity.

Partial disability.

SEC. 11. While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to one-half the difference between his average weekly wages, earnings, or salary, before the injury and the average weekly wages, earnings or salary which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury.

Specific injuries.

SEC. 12. In case of the following specified injuries the amounts named in this section shall be paid in addition to all other compensation provided for in this act:

(a) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or the loss of one hand and one foot, or the entire and irrecoverable loss of the sight of both eyes, one-half of the average weekly wages, earnings, or salary, of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of one hundred weeks.

(b) For the loss by severance of either hand at or above the wrist, or either foot at or above the ankle, or the entire and irrecoverable loss of the sight of either eye, one-half the average weekly wages, earnings, or salary of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of fifty weeks.

(c) For the loss by severance at or above the second joint of two or more fingers, including thumbs, or toes, one-half the average weekly wages, earnings, or salary of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twenty-five weeks.

(d) For the loss by severance of at least one phalange of a finger, thumb, or toe, one-half the average weekly wages, earnings, or salary of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twelve weeks.

Wages computed, how.

SEC. 13. The "average weekly wages, earnings, or salary" of an injured employee shall be computed as follows:

(a) If the injured employee has worked in the same employment in which he was working at the time of the accident,

whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his "average weekly wages" shall be three hundred times the average daily wages, earnings, or salary, which he has earned in such employment during the days when so employed and working the number of hours constituting a full working-day in such employment, divided by fifty-two. But where the employee is employed concurrently by two or more employers, for one of whom he works at one time and for another of whom he works at another time, his "average weekly wages" shall be computed as if the wages, earnings, or salary received by him from all such employers were wages, earnings, or salary earned in the employment of the employer for whom he was working at the time of the accident.

(b) If the injured employee has not so worked in such employment during substantially the whole of such immediately preceding year, his "average weekly wages" shall be three hundred times the average daily wages, earnings, or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or a similar employment, in the same or a neighboring place, has earned in such employment during the days when so employed and working the number of hours constituting a full working-day in such employment divided by fifty-two.

(c) In cases where the foregoing methods of arriving at the "average weekly wages, earnings, or salary" of the injured employee cannot reasonably and fairly be applied, such "average weekly wages, earnings, or salary" shall be taken at such sum as, having regard to the previous wages, earnings or salary of the injured employee, and of other employees of the same or most similar class, working in the same or most similar employment in the same or a neighboring locality, shall reasonably represent the weekly earning capacity of the injured employee at the time of the accident in the employment in which he was working at such time.

(d) Where the employer has been accustomed to pay to the employee a sum to cover any special expense incurred by said employee by the nature of his employment, the sum so paid shall not be reckoned as part of the employee's wages, earnings or salary.

(e) The fact that an employee has suffered a previous injury, or received compensation therefor, shall not preclude compensation for a later injury or for death; but in determining the compensation for the later injury or death, his "average weekly wages" shall be such sum as will reasonably represent his weekly earning capacity at the time of the later injury, in the employment in which he was working at such time, and shall be arrived at according to, and subject to the limitations of, the previous provisions of this section. Effect of prior injuries.

SEC. 14. No savings or insurance of the injured employee, independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than the employer be considered in fixing the compensation under this act. Insurance, etc., not to be considered.

SEC. 15. The compensation payable under this act in case of the death of the injured employee shall be paid to his legal representatives; or, if he has no legal representative, to his dependents entitled thereto, or, if he leaves no such dependents, to the person to whom the expenses for the burial and last sickness are due. If the payment is made to the legal representative of the deceased employee, it shall be paid by him to the dependents or other persons entitled thereto under this act. All payments of compensation under this act shall cease upon the death of the employee from a cause other than or not induced by the injury for which he is receiving compensation. Payments to be made to whom.

SEC. 16. In case an injured employee is mentally incompetent, or, where death results from the injury, in case any of his dependents entitled to compensation hereunder are mentally incompetent or minors at the time when any right, privilege or elec- Incompetent beneficiaries.

tion accrues to him or them under this act, his conservator, guardian, or next friend may, in his behalf, claim and exercise such right, privilege, or election, and no limitation of time in this act provided shall run so long as such incompetent or minor has no conservator or guardian.

Notice. SEC. 17. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the employer within thirty days after the happening thereof; and unless the claim for compensation with respect to such injury shall have been made within one year

Claim. after the occurrence of the same, or, in case of the death of the employee, or in the event of his physical or mental incapacity, within one year after death or the removal of such physical or mental incapacity.

Form of notice. SEC. 18. Such notice shall be in writing and shall state in ordinary language the nature, time, place and cause of the injury, and the name and address of the person injured and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representative, or by a dependent, or by a person in behalf of either.

Service. SEC. 19. Such notice shall be served upon the employer, or upon one employer, if there are more employers than one, if the employer is a corporation, upon any officer or agent upon whom process may be served, by delivering the same to the person on whom it is to be served, or by leaving it at his last known residence or place of business, or by sending it by registered mail addressed to the person to be served, or, in the case of a corporation, to the corporation itself, at his or its last known residence or place of business; and such mailing of the notice shall constitute completed service.

Questions of invalidity. SEC. 20. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the nature, time, place or cause of the injury, or the name and address of the person injured, unless it is shown that it was the intention to mislead and the employer was in fact misled thereby. Want of notice shall not be a bar to the proceedings under this act, if it be shown that the employer or his agent had knowledge of the injury, or that failure to give such notice was due to accident, mistake or unforeseen cause.

Medical examinations. SEC. 21. The employee shall, after an injury, at reasonable times during the continuance of his disability, if so requested by his employer, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the State, furnished and paid for by the employer. The employee shall have the right to have a physician, provided and paid for by himself, present at such examination.

Examiners. Any justice of the superior court may, at any time after an injury, on the petition of the employer or employee, appoint a competent and impartial physician or surgeon to act as a medical examiner, and the reasonable fees of such medical examiner as fixed by the justice appointing him shall be paid by the party moving for such appointment.

Such medical examiner being first duly sworn to the faithful performance of his duties before the justice appointing him or clerk of the court shall thereupon, and as often as necessary, examine such injured employee in order to determine the nature, extent, and probable duration of the injury. Such medical examiner shall file a report of every examination made of such employee in the office of the clerk of the superior court having jurisdiction of the matter as provided in section 16 of Article III of this act, and such report shall be produced in evidence in any hearing or proceeding to determine the amount of compensation due such employee under the provisions of this act. If such employee refuses to submit himself for any examination provided for in this act, or in any way obstructs any such examination, his rights to compensation shall be suspended and his compensation during such period of suspension may be forfeited.

SEC. 22. No agreement by an employee, except as provided in Article IV, to waive his rights to compensation under this act shall be valid.

Waivers.

SEC. 23. No claims for compensation under this act, or under any alternative scheme permitted by Article IV of this act, shall be assignable, or subject to attachment, or liable in any way for any debts.

Assignments.

SEC. 24. The claim for compensation under this act, or under any alternative scheme permitted by Article IV of this act, and any decree on any such claim, shall be entitled to a preference over the unsecured debts of the employer hereafter contracted to the same amount as the wages of labor are now preferred by the laws of this State; but nothing herein shall be construed as impairing any lien which the employee may have acquired.

Claims preferred.

SEC. 25. In case payments have continued for not less than six months either party may, upon due notice to the other party, petition the superior court for an order commuting the future payments to a lump sum. Such petition shall be considered by the superior court and may be summarily granted where it is shown to the satisfaction of the court that the payment of a lump sum in lieu of future weekly payments will be for the best interest of the person or persons receiving or dependent upon such compensation, or that the continuance of weekly payments will, as compared with lump-sum payments, entail undue expense or undue hardship upon the employer liable therefor, or that the person entitled to compensation has removed or is about to remove from the United States. Where the commutation is ordered the superior court shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments, capitalized at their present value upon the basis of interest calculated at five per centum per annum with annual rests. Upon paying such amount the employer shall be discharged from all further liability on account of the injury or death, and be entitled to a duly executed release, upon filing which, or other due proof of payment, the liability of such employer under any agreement, award, findings, or decree shall be discharged of record.

Lump-sum payments.

ARTICLE III.

PROCEDURE.

SECTION 1. If the employer and the employee reach an agreement in regard to compensation under this act, a memorandum of such agreement signed by the parties shall be filed in the office of the clerk of the superior court having jurisdiction of the matter as provided in section 16 of this article. The clerk shall forthwith docket the same in a book kept for that purpose, and shall thereupon present said agreement to a justice of the superior court, and when approved by the justice the agreement shall be enforceable by said superior court by any suitable process, including executions against goods, chattels and real estate, and including proceedings for contempt for wilful [willful] failure or neglect to obey the provisions of said agreement. No appeal shall lie from the agreement thus approved unless upon allegation that such agreement had been procured by fraud or coercion. Such agreement shall be approved by the justice only when its terms conform to the provisions of this act.

Agreements between employers and employees.

Enforcement.

When death has resulted from the injury and the dependents of the deceased employee entitled to compensation are, or the apportionment thereof among them is, in dispute, such agreement may relate only to the amount of compensation.

SEC. 2. If the employer and employee fail to reach an agreement in regard to compensation under this act, either employer or employee, and when death has resulted from the injury and the dependents of the deceased employee entitled to compensation are, or the apportionment thereof among them is, in dispute, any person in interest may file in the office of the clerk of the superior

Reference to court.

court having jurisdiction of the matter as provided in section 16 of this article, a petition in the nature of a petition in equity setting forth the names and residences of the parties, the facts relating to employment at the time of the injury, the cause, extent and character of the injury, the amount of wages, earnings, or salary received at the time of the injury, and the knowledge of the employer or notice of the occurrence of the injury, and such other facts as may be necessary and proper for the information of the court, and shall state the matter in dispute and the claims of the petitioner with reference thereto.

Notice to respondent.

SEC. 3. Within four days after the filing of the petition, a copy thereof, attested by the petitioner or his attorney, shall be served upon the respondent in the same manner as a writ of summons in a civil action.

Answer.

SEC. 4. Within ten days after the filing of the petition, the respondent shall file an answer to said petition, together with a copy thereof for the use of the petitioner, which shall state the claims of the respondent with reference to the matter in dispute as disclosed by the petition. No pleadings other than petition and answer shall be required to bring the cause to a hearing for final determination. The superior court may grant further time for filing the answer and allow amendments of said petition and answer at any stage of the proceedings. If the respondent does not file an answer, the cause shall proceed without formal default or decree pro confesso. If the respondent be an infant or person under disability, the superior court shall appoint a guardian ad litem for such infant or person under disability. Such guardian ad litem may be appointed on any court day after service of the copy referred to in section 3 of this article, upon motion of any party after notice given as required for motions made in the superior court, and opportunity to said infant or person under disability to be heard in regard to the choice of such guardian ad litem. The guardian ad litem so appointed shall file the answer required by this section.

Infants, etc.

Hearing.

SEC. 5. The petition shall be in order for assignment for hearing on the motion day which occurs next after fifteen days from the filing of the petition. Upon the days upon which said petition shall be in order for hearing it shall take precedence of other cases upon the calendar, except cases for tenements let or held at will or by sufferance.

Decision.

SEC. 6. The justice to whom said petition shall be referred by the court shall hear such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. His decision shall be filed in writing with the clerk, and a decree shall be entered thereon. Such decree shall be enforceable by said superior court by any suitable process, including executions against goods, chattels and real estate, and including proceedings for contempt for wilful [willful] failure or neglect to obey the provisions of said decree. Such decree shall contain findings of fact, which, in the absence of fraud, shall be conclusive. The superior court may award as costs the actual expenditures, or such part thereof as to the court shall seem meet, but not including counsel fees, and shall include such costs in its decree. The superior court may refuse to award costs, and no costs shall be awarded against an infant or person under disability or against a guardian ad litem.

Appeals.

SEC. 7. Any person aggrieved by the final decree of the superior court under this act may appeal to the supreme court upon any question of law or equity decided adversely to the appellant by said final decree or by any proceeding or ruling prior thereto appearing of record, the appellant having first had his objections noted to any adverse rulings made during the progress of the trial at the time such rulings were made, if made in open court and not otherwise of record.

The appellant shall take the following steps:

(a) Within ten days after entry of said final decree he shall file a claim of appeal and, if a transcript of the testimony and rulings or any part thereof be desired, a written request therefor.

(b) Within such time as the justice of the superior court who heard the petition, or, in case of his inability to act from any cause within such time as any other justice thereof shall fix, whether by original fixing of the time, or by extension thereof, or by a new fixing after any expiration thereof, the appellant shall file reasons of appeal stating specifically all the questions of law or equity decided adversely to him which he desires to include in his reasons of appeal, together with a transcript of as much of the testimony and rulings as may be required. The supreme court may allow amendments of said reasons of appeal. Upon the filing of said reasons of appeal and transcript, the clerk of the superior court shall present the transcript to the justice who heard the cause for allowance. The justice after hearing and examination, shall restore the transcript to the files of the clerk with a certificate of his action thereon made within twenty days after filing the transcript, unless the twentieth day shall fall in vacation; in which event the certificate may be filed at any time before the first Monday in the following month of October.

If the transcript be not allowed by the justice who heard the cause within the time prescribed, or objection to his allowance be made by any party, the correctness of the transcript may be determined by the supreme court by petition filed within thirty days after filing the transcript, unless the thirtieth day shall fall in vacation, in which event the correctness of the transcript may be determined by petition, filed on or before the tenth day after the first Monday in the following month of October. In all other respects than in time of filing the same course shall be followed as provided in section 21 of chapter 298 of the General Laws for establishing the truth of exceptions.

Sec. 8. Upon the restoration of the transcript to the files, or, if there be no transcript, then upon the filing of the reasons of appeal, the clerk of the superior court shall certify the cause and all papers to the supreme court. Certification of cause.

Sec. 9. The claim of an appeal shall suspend the operation of the decree appealed from, but, in case of default in taking the procedure required, such suspension shall cease, and the superior court upon motion of any party shall proceed as if no claim of appeal had been made, unless it be made to appear to the superior court that the default no longer exists. Effect of appeal.

Sec. 10. Any court day in the supreme court shall be a motion day for the purpose of hearing a motion to assign the appeal for hearing. Motion day.

Sec. 11. The supreme court after hearing any appeal shall determine the same, and affirm, reverse or modify the decree appealed from, and may itself take, or cause to be taken by the superior court, such further proceedings as shall seem just. If a new decree shall be necessary, it shall be framed by the supreme court for entry by the superior court. Thereupon the cause shall be remanded to the superior court for such further proceedings as shall be required. Power of supreme court.

Sec. 12. No process for the execution of a final decree of the superior court from which an appeal may be taken shall issue until the expiration of ten days after the entry thereof, unless all parties against whom such decree is made waive an appeal by a writing filed with the clerk or by causing an entry thereof to be made on the docket. Execution.

Sec. 13. If, in the course of the proceedings in any cause, any question of law shall arise which in the opinion of the superior court is of such doubt and importance, and so affects the merits of the controversy, that it ought to be determined by the supreme court before further proceedings, the superior court may certify such question to the supreme court for that purpose, and stay all further proceedings except such as are necessary to preserve the rights of the parties. Questions may be certified.

Sec. 14. At any time before the expiration of two years from the date of the approval of an agreement, or the entry of a decree fixing compensation, but not afterwards, and before the expiration. Review of agreements, etc.

tion of the period for which compensation has been fixed by such agreement or decree, but not afterwards, any agreement, award, findings, or decree may be from time to time reviewed by the superior court upon the application of either party, after due notice to the other party, upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished. Upon such review the court may increase, diminish, or discontinue the compensation from the date of the application for review, in accordance with the facts, or make such other order as the justice of the case may require, but shall order no change of the status existing prior to the application for review. The finding of the court upon such review shall be served on the parties and filed with the clerk of the court having jurisdiction, in like time and manner and subject to like disposition as in the case of original decrees: *Provided*, That an agreement for compensation may be modified at any time by a subsequent agreement between the parties approved by the superior court in the same manner as original agreements in regard to compensation are required to be approved by the provisions of section 1 of Article III of this act.

Forms as to procedure.

SEC. 15. The superior court shall prescribe forms and make suitable orders as to procedure adapted to secure a speedy, efficient and inexpensive disposition of all proceedings under this act; and in making such orders said court shall not be bound by the provisions of the General Laws relating to practice. In the absence of such orders, special orders shall be made in each case.

Place of action.

SEC. 16. Proceedings shall be brought either in the county where the accident occurred or in the county where the employer or employee lives or has a usual place of business. The court where any proceeding is brought shall have power to grant a change of venue.

Death no cause for abatement.

SEC. 17. No proceedings under this act shall abate because of the death of the petitioner, but may be prosecuted by his legal representative or by any person entitled to compensation by reason of said death, under the provisions of this act.

Limitation.

SEC. 18. An employee's claim for compensation under this act shall be barred unless an agreement or a petition, as provided in this article, shall be filed within two years after the occurrence of the injury, or, in case of the death of the employee, or, in the event of his physical or mental incapacity, within two years after the death of the employee or the removal of such physical or mental incapacity.

Payments to nonresidents.

SEC. 19. If an employee receiving a weekly payment under this act shall cease to reside in the State, or, if his residence at the time of the accident is in an adjoining State, the superior court, upon the application of either party, may, in its discretion, having regard to the welfare of the employee and the convenience of the employer, order such payment to be made monthly or quarterly instead of weekly.

Settlement of disagreements.

SEC. 20. All questions arising under this act, if not settled by agreement of the parties interested therein, shall, except as otherwise herein provided, be determined by the superior court.

Injuries caused by third persons.

SEC. 21. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the employee may take proceedings both against that person to recover damages and against any person liable to pay compensation under this act for such compensation, but shall not be entitled to receive both damages and compensation; and if the employee has been paid compensation under this act, the person by whom the compensation was paid shall be entitled to indemnity from the person so liable to pay damages as aforesaid, and, to the extent of such indemnity, shall be subrogated to the rights of the employee to recover damages therefor.

ARTICLE IV.

ALTERNATIVE SCHEMES PERMITTED.

SECTION 1. Any employer may enter into an agreement with his employees in any employment to which this act applies to provide a scheme of compensation, benefit, or insurance, in lieu of the compensation provided for in this act, subject to the approval of the superior court. Such approval shall be granted only on condition that the scheme proposed provides as great benefits as those provided by this act; and, if the scheme provides for contributions by employees, it shall confer additional benefits at least equivalent to these contributions. If such a scheme meets with the approval of said court, the clerk shall issue a certificate enabling the employer to contract with any or all of his employees in employments to which this act applies to substitute such scheme for the provisions of this act for a period of not more than five years.

Insurance, etc., schemes may be substituted.

SEC. 2. No scheme which provides for contributing by employees shall be so certified which does not contain suitable provisions for the equitable distribution of any money or securities held for the purpose of the scheme, after due provision has been made to discharge the liabilities already incurred, if and when such certificate is revoked or the scheme otherwise terminated.

What the schemes must provide.

SEC. 3. If at any time the scheme no longer fulfills the requirements of this article, or is not fairly administered, or any other valid and substantial reason therefor exists, the superior court, on reasonable notice to the interested parties, shall revoke the certificate and the scheme shall thereby be terminated.

Revocation of certificates.

ARTICLE V.

MISCELLANEOUS PROVISIONS.

SECTION 1. In this act, unless the context otherwise requires: (a) "Employer" includes any person, copartnership, corporation or voluntary association, and the legal representative of a deceased employer.

Definitions.

(b) "Employee" means any person who has entered into the employment of, or works under contract of service or apprenticeship with, an employer, and whose remuneration does not exceed eighteen hundred dollars a year. It does not include a person whose employment is of a casual nature, and who is employed otherwise than for the purpose of the employer's trade or business. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to his dependents as hereinbefore defined, or to his legal representative, or, where he is a minor, or incompetent, to his conservator or guardian.

SEC. 2. Nothing in this act shall affect the liability of the employer to a fine or penalty under any other statute.

Other statutes.

SEC. 3. The provisions of this act shall not apply to injuries sustained, or accidents which occur, prior to the taking effect hereof.

Prior accidents.

SEC. 4. If any section of this act shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall in no way affect the validity of any other portion thereof which can be given reasonable effect without the part so declared unconstitutional or invalid.

Sections to be construed separately.

SEC. 5. In all cases where an employer and employee shall have elected to become subject to the provisions of this act, the provisions of section 14 of chapter 283 of the General Laws [giving a right to sue for damages for death by wrongful act], shall not apply while this act is in effect.

Action for death not allowed.

SEC. 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SEC. 7. This act may be cited as "Workmen's Compensation Act."

Title.

Act in effect. SEC. 8. This act shall take effect on the first day of October, nineteen hundred and twelve.

Approved April 29, 1912.

SOUTH CAROLINA.

ACTS OF 1912.

ACT No. 300.—*Sickness and death benefits for employees.*

SECTION 1. An act entitled "An act to establish the insurance department of South Carolina, and to provide for the conduct of the same," approved February 24th, 1908, [Act No. 434], is hereby amended by adding thereto sections to be known as section * * * 21. * * * as follows:

Relief de- SECTION 21. Any corporation doing business in this State and de-
partments. siring to provide sick, accident and death benefits for its em-
ployees may be licensed so to do upon the payment to the insur-
ance commissioner of insurance department license fees as fol-
lows: Those doing business in one county only, \$10; in not more
than two counties, \$25; in more than two counties, \$50: *Provided,*
further, That purely mutual associations doing business in only
one county, whose gross income does not exceed \$500.00, may be
licensed upon payment of an annual fee of five dollars.

Presented to the governor the 9th day of February, 1912.

ACT No. 327.—*Sunday labor—Running freight trains.*

SECTION 1. Section 2122 of the Code of Laws of South Carolina, 1902, Volume I, * * * is amended * * * so that said section, when so amended, shall read as follows:

What trains SECTION 2122. Said corporations or persons may run on Sunday
may be run on trains laden exclusively with vegetables and fruits; and on said
Sunday. day, in any and every month, their regular mail trains and such
construction trains as may be rendered necessary by extraordinary
emergencies other than those incident to freight or passenger
traffic, and such freight trains as may be in transit which can
reach their destination by six o'clock in the forenoon: *Provided,*
That the railroad commissioners shall have the power (upon
proper application made to them for the purpose by the officers of
the church or religious denominations in charge of the place where
such services are to be held) to authorize and permit the running
of trains on any Sunday in the year for the transporting of pas-
sengers to and from religious services: *Provided,* The application
for the permit and the authority granted must both be in writing
and made a part of the records of said railroad commissioners:
Provided, That solid trains made up of through freight cars reach-
ing on Sunday any point upon any railroad in South Carolina
and destined for some point or points beyond the limits of the
State of South Carolina, may be continued as a solid through
freight train along the line of said railroad through the State of
South Carolina, without stopping said train for any other purpose
than to take on fuel and receive necessary running orders and to
change engines and cabooses.

Presented to the governor the 16th day of February, A. D. 1912.

ACT No. 346.—*Department of agriculture, commerce, and industries.*

Name of de- SECTION 1. An act entitled "An act to establish a department of
partment. agriculture, commerce and immigration, and to provide for the
appointment and compensation of a commissioner," approved the
23rd day of February, A. D. 1904, * * * is hereby, amended
* * * so that the title, when so amended, shall read as follows:
An act to establish a department of agriculture, commerce, and
industries, and to provide for the election and compensation of a
commissioner.

SEC. 2. Section 2 of said act * * * is hereby stricken out in its entirety, and the following, to be known and designated as section 2, substituted in lieu thereof: C o m m i s -
sioner.

Section 2. The chief officer of the said department of agriculture, commerce and industries shall be denominated the Commissioner of Agriculture, Commerce and Industries. The said commissioner shall have the qualifications of a competent knowledge of agriculture, manufacturing and general industries, commerce, chemistry and publicity, and shall be elected, immediately upon the approval of this act, by the qualified electors in the general election now provided by law for the election of State officers of the State government, for a term of two years, and each succeeding two years thereafter beginning on the first day of January, 1913. In case a vacancy should occur the governor shall appoint, for the unexpired term. The commissioner shall be empowered to appoint a competent clerk, whose qualifications shall be in the main the same as those required of the commissioner.

Approved the 23rd day of February, A. D. 1912.

ACT No. 405.—*Employment of children—Messenger service.*

SECTION 1. In cities of five thousand inhabitants and over no child under fourteen years of age shall be employed, permitted or suffered to work as a messenger for any telegraph, telephone or messenger company in the distribution or delivery of goods or messages, nor shall any minor child or person under eighteen years of age be so employed, permitted or suffered to work before five o'clock in the morning or after ten o'clock in the evening any day.

Age limit.

Night work.

SEC. 2. It shall be the duty of the commissioner of agriculture, commerce and industries to see that the provisions of this act are complied with. He, his agents or inspectors, shall have the right at any and all times to enter all buildings and parts thereof which are subject to the provisions of this act and make investigations as to the employment of children. He, his agents or inspectors, are also authorized to institute prosecutions for violations of the provisions of this act.

Enforcement.

SEC. 3. Every person, firm or corporation who shall willfully impede the commissioner, his agents, or inspectors in the free and full performance of his duties shall be guilty of a misdemeanor, and, upon conviction of the same, shall be fined not less than ten nor more than fifty dollars, or be imprisoned not less than ten nor more than thirty days, in the discretion of the court.

Interference with enforcement.

SEC. 4. The commissioner shall have power to send for persons or papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being duly qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in the office of the commissioner.

Power of commissioner.

SEC. 5. Any owner, superintendent, manager or overseer of any telegraph, telephone or messenger company, or office, of any theater, concert hall or place of amusement or any other person thereof or connected therewith, who shall knowingly employ any child or person contrary to the provisions of this act shall be guilty of a misdemeanor, and for every offense shall, upon conviction thereof, be fined not less [less] than ten nor more than fifty dollars, or be imprisoned not longer than thirty days, in the discretion of the court.

Violations by employers.

SEC. 6. Any parent, guardian or other person having under his or her control any child who covenants, suffers or permits the employment of his or her child or ward under the age above provided, or who knowingly or willfully misrepresents the age of such child or ward to any of the persons named in section 2 of this act, in order to obtain employment for such child or ward, shall be deemed guilty of a misdemeanor, and for every such offense shall, upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not longer than thirty days, in the discretion of the court.

By parents.

Presented to the governor the 17th day of February, A. D. 1912.

ACT No. 424.—*Employment of labor—Notice of suspension of work.*

Who to give notice. SECTION 1. All employers of labor in this State, requiring notice from any employee, of the time such employee will quit work, shall give notice to its employees, of its purpose to quit work, or shut down, by posting a printed notice stating the date of the beginning of the shutdown or cessation from work, and the approximate length of time the continuous shutdown is to continue, in each room of its building; not less than two weeks or the same time as is required of employees before so stopping work, or shutting down, of its purpose to stop work or shut down: *Provided*, That they are not required to do so by reason of some unforeseen accident to machinery, or by some act of God or of the public enemy.

Violations. SEC. 2. Any employer of labor subject to the provisions of this act failing to post such notice in the manner herein provided, shall be subject to a fine of not exceeding five thousand dollars, upon conviction; and in addition thereto shall be liable to each and every one of its employees, for such damages as each and every one of its employees may suffer by failure to give such notice.

Approved the 23rd day of February, A. D. 1912.

ACT No. 452.—*Railroads—Headlights on locomotives.*

Head lights required. SECTION 1. Every company, lessee, manger [manager] or receiver owning or operating a railroad in this State, is hereby required to equip and maintain and use upon every and each locomotive being operated in railroad service in this State, headlights of at least ten thousand (10,000) candlepower, measured with the aid of a reflector, or with a headlight that will enable a man of normal vision to see a man at eight hundred (800) feet from the locomotive, under normal conditions: *Provided*, That this act shall not apply to locomotive engines regularly used in switching cars or trains: *And provided, further*, That this act shall not apply to locomotive engines used exclusively between sunup and sundown, nor going to or returning from repair shops when ordered in for repairs: *And provided, further*, That it shall not apply to a case where the headlight of an engine has failed after starting on a trip and can not be repaired on the line, nor another engine furnished, but such engine may continue on its trip or to such point as it is practicable to furnish a new engine or to repair the said light.

Time for compliance. SEC. 2. Each said person, partnership, companies or receivers who are affected by this law, shall, within one year, equip one-fourth of their respective engines in accordance with this act, and shall each year thereafter equip one-fourth of said locomotives until the entire number is so equipped: *Provided*, That all locomotives hereafter equipped by the persons or corporations, receivers or partnerships affected hereby, shall be equipped in accordance herewith.

Violations. SEC. 3. Any railroad company, or the receiver or lessee thereof, doing business in the State of South Carolina, which shall violate the provisions of this act, shall be liable to the State of South Carolina for a penalty of not less than one hundred dollars nor more than one thousand dollars, for each offense, and such penalty be recovered and suit brought in the name of the State of South Carolina in any court of competent jurisdiction, in any county in, or through which line of railroad may run, by the attorney general or any circuit solicitor.

Application of law. SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed.

This act shall not apply to railways or railroads less than sixty (60) miles in length.

Approved the 2nd day of February, A. D. 1912.

VIRGINIA.

ACTS OF 1912.

CHAPTER 62.—*Inspection and regulation of factories, etc.—Sanitary arrangements.*

[This chapter amends section 1 of chapter 14, Acts of 1910, so as to read as follows:]

SECTION 1. Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment or office, in which two or more children, under eighteen years of age, or women, are employed, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided with a sufficient number of water-closets, earth closets or privies, and reasonable access shall be afforded thereto; and whenever one or more males and one or more females are employed together, a sufficient number of separate water-closets, earth closets or privies shall be provided for the use of each sex, and plainly designated; and no person shall be allowed to use a closet or privy which is provided for persons of the other sex: *Provided*, In buildings used exclusively for offices the provisions of this section shall not apply, if separate toilets are within convenient access, in the buildings wherein the offices are located.

Ventilation
and sanitation.

Approved February 29, 1912.

CHAPTER 106.—*Payment of wages—Regular pay days.*

[This chapter amends section 3657d of the Code of 1904, (Act of May 23, 1887). The only changes of importance occur in subsections 1 and 2, section 2 of the present act. This section follows:]

SECTION 2. All persons, firms, companies, corporations or associations in this Commonwealth, engaged in operating railroad shops, mining coal, ore, or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their employees engaged in the employments aforesaid as provided in this act.

Scope of law.

All persons, firms, companies, corporations or associations, engaged in any of the business aforesaid, shall settle with such of employees at least twice in each month, and pay them the amounts due them for their work or services, in lawful money of the United States, or by check, or by cash order, as described and required in section three of this act: *Provided*, That nothing herein contained shall affect the right of any employee to assign the whole or any part of his claim against his employer: *Provided, however*, That the semimonthly payment of wages requirement of this act shall not apply to mining coal, manufacturing coke, mining ore, or other minerals, excelsior mills or sawmills; but the employers of labor engaged in such enterprises shall settle with their employees at least once in each month.

Settlements
semimonthly.

Monthly settlements.

Approved March 11, 1912.

CHAPTER 178.—*Mine regulations—Department of mines.*

SECTION 1. There is hereby created a department known as the department of mines, which department shall be under and subject to the control of the bureau of labor and industrial statistics, and which shall have for its purpose the supervision of the execution and enforcement of all laws enacted for the safety of persons employed within or at mines within the limits of the Commonwealth, and the protection of mine property and other property used in connection therewith; and the said department shall be in charge of an official to be known as the State mine inspector, hereinafter designated as inspector, who shall be appointed by,

Department
created.

Inspector.

- be under the control of, and shall report to the commissioner of labor and industrial statistics.
- Qualifications.** Sec. 2. The inspector of mines shall have a thorough knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of mine gases, especially explosive gases, and dust; and shall have a thorough and practical knowledge of mining gained by at least five years' experience at and in coal mines; and shall be of good moral character and temperate habits. The said inspector shall be removed from office by the commissioner of labor for incompetency, neglect of duty, drunkenness, malfeasance and for other good causes. He shall keep a record of all inspections made by him and report same to the commissioner of labor and industrial statistics, who shall keep a permanent record thereof properly indexed, which record shall at all times be open to inspection by any citizen of the Commonwealth and shall be collated and embodied in the annual report of the bureau.
- Records.**
- Certificates.** Sec. 3. The inspector shall deliver to the operator or operators of each mine inspected a certificate of inspection and shall post a duplicate certificate at a prominent place at or in the vicinity of each mine inspected, of the operating company, where it may be conveniently read by any of the mine employees; said duplicate certificate shall remain posted until a subsequent certificate is issued; and said inspector shall visit each mine once in six months, or oftener if called on in writing by ten men engaged in any one mine, or the owner, operator or superintendent of such mine, and make a personal examination of the interior of all mines, and outside of the mine where any danger may exist to the workmen, and shall particularly examine into the condition of the mines as to ventilation, drainage and general safety, and shall make a report of such examination, and he shall see that the provisions of the mining statute are strictly carried out; the inspector failing to carry out the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred and fifty dollars and shall be dismissed from office.
- Inspections.**
- Maps of mines.** Sec. 4. The operator or agent of every coal mine shall, within six months from the passage of this act, make or cause to be made, unless already made and filed, an accurate map or plan of such mine, on a scale to be stated thereon, of one hundred or two hundred feet to the inch; such map or plan shall show the opening or excavations, the shafts, slopes, entries and airways, with darts or arrows showing direction of air currents, headings, rooms, pillars, and so forth, and such portions of such mine or mines as may have been abandoned, the general inclination of the coal strata, and so much of the property lines and the outcrop of the coal seam of the tract of land on which said mine is located, as may be within one thousand feet of any part of the workings of such mine; a true copy of such map or plan shall, within the six months aforesaid, be delivered by such operator to the inspector to be preserved among the records of the bureau of labor and industrial statistics, but it is provided that in no case shall any copy of the same be made without the consent of the operator or his agent; and the original map, or a true copy thereof, shall be kept by such operator at the office of the mine, and open at all reasonable times for the examination and use of the inspector; and such operator shall, twice within every twelve months, to-wit: on or before the first day of February and the first day of August of each year, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, the property lines and outcrop as before described, and shall forward the same to the department of mines therein, to be kept of record, subject to the conditions hereinbefore stated.
- Failure to furnish map.** Sec. 5. If the operator or agent of any coal mine shall neglect or fail to furnish to the inspector any copy of map or extension thereof as provided in the preceding section of this act, the in-

spector is hereby authorized to cause a correct survey and map or plan of said coal mine or extension thereof to be made at the expense of the operator of such mine, the cost of which shall be recovered from said operator as other debts are recovered by law; and if at any time the commissioner of labor has reason to believe that such map or plan or extension thereof, furnished in pursuance of the preceding section, be materially incorrect, or such as will not serve the purpose for which it was intended, he may have survey and map or plan or the extension thereof made or corrected, and the expense of making such survey and map or plan or extension thereof, under the direction of said commissioner, shall be paid by the operator, and the same may be collected as other debts are recoverable by law; and if found correct the expense thereof to be paid by the State.

SEC. 6. After six months from and after the passage of this act, it shall be the duty of the mine foreman or assistant mine foreman of every coal mine in the State to see that every person employed to work in such mine shall, before beginning work therein, be instructed as to any unusual or extraordinary danger incident to his work in such mine which may be known to or could reasonably be foreseen by the mine foreman or assistant mine foreman and it shall further be the duty of such mine foreman or assistant mine foreman to see that every such person employed in such mine shall upon request be furnished with copies of this act and the printed rules of such mine.

Instructions
to workmen.

Every inexperienced person so employed shall work under the direction of the mine foreman, his assistant or such other experienced worker as may be designated by the mine foreman or assistant until he has had reasonable opportunity to become familiar with the ordinary danger incident to his work, and it shall be unlawful for the operator, agent or mine foreman of any coal mine to employ any person to work in said mine or permit any person to be in said mine with purpose of working therein, unless they are in communication with at least two openings or outlets separated by natural strata of not less than one hundred feet in breadth, if the mine be worked by shaft, and of not less than fifty feet in breadth at the outlet, if worked by slope or drift; to each of said outlets there shall be provided from the interior of the mine a safe and available roadway properly drained, which shall at all times while the mine is in operation, be kept reasonably free from obstruction which might prevent travel thereon in case of emergency, and if either of said outlets be by the shaft it shall be fitted with safe and available appliances, such as stairs or hoisting machinery, which shall at all times, when the mine is in operation be kept in order and ready for immediate use whereby persons employed in the mine may readily escape in case of an accident.

Inexperienced
workmen.

Two outlets
required.

This section shall not be applied to any mine while work is being prosecuted with reasonable diligence in making communication between said outlets, necessary repairs and removing obstructions, so long as not more than twenty persons are employed at any time in said mine; neither shall it apply to any mine, or part of a mine, in which a second outlet has been rendered unavailable by reason of the final robbing of pillars, preparatory to abandonment, so long as not more than twenty persons are employed therein at any one time.

Exemption.

For violation of this section the operator, agent or mine foreman shall upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court or jury.

SEC. 7. The operator or agent of every coal mine worked by shaft shall forthwith provide, and hereafter maintain, a metal tube from the top to the bottom of such shaft suitably adapted to the free passage of sound, through which conversation may be held between persons at the top and at the bottom of the shaft, also the ordinary means of signaling, and an approved safety catch

Speaking
tubes, etc.

Safety appliances. and a sufficient cover overhead on every carriage used for lowering or hoisting persons, and at the top of the shaft an approved safety gate, and an adequate brake on the drum of every machine used to lower or hoist persons in such shaft; and the said operator or agent shall have the machinery used for lowering or hoisting persons into and out of the mine kept in safe condition and inspected once in each twenty-four hours by some competent person; and there shall be cut out and around the side of the hoisting shaft or driven through the solid strata at the bottom thereof a traveling way of not less than five feet high and three feet wide to enable a person to pass the shaft, going from one side of it to the other without passing over or under the cage or other hoisting apparatus.

Any operator or agent who shall fail or refuse to comply with the requirements of this section shall be guilty of a misdemeanor, and upon conviction be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, in the discretion of the court or jury.

Hoisting engineers. SEC. 8. No operator or agent of any coal mine, worked by shaft or slope, shall place in charge of any engine, used for lowering into or hoisting out of said mine persons employed therein, any but competent and sober engineers; and no engineer in charge of such machinery shall allow any person, except such as may be deputed for that purpose by the operator or agent, to interfere with any part of the machinery; and no person shall interfere with or intimidate the engineer in the discharge of his duties; and in no case shall more than ten persons ride on any cage or car at one time and no person shall ride on a loaded cage or car in any shaft or slope.

Roads. All slopes, engine planes or motor roads used by persons in any mine shall be of sufficient width to permit persons to pass moving cars with safety, or refuge holes of ample dimensions and not more than eighty feet apart shall be made on either side of said slope, engine plane or motor roads; such refuge holes shall be kept free from obstruction, and the roof and sides thereof shall be made reasonably secure and be kept whitewashed at all times; no person shall travel on foot to or from his work upon any slope, engine plane or motor road when other good roads are provided for that purpose.

For violation of the foregoing provisions of the section, the operator, agent or miner shall, upon conviction, be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court, or jury.

Ventilation. SEC. 9. The operator, agent or mine foreman of every coal mine, whether worked by shaft, slope, or drift, shall provide and hereafter maintain for every such mine ample means of ventilation affording no less than one hundred cubic feet of air per minute for each and every person employed in such mine, and as much more as the inspector may require, which shall be circulated around the main headings and cross headings and working places to such an extent as may be reasonably necessary to dilute, render harmless and carry off the noxious and dangerous gases generated therein. And as the working places shall advance break throughs for air shall be made not to exceed eighty feet apart in pillars, or brattice shall be used so as to properly ventilate the faces and all the break throughs between intake and return airways not required for the passage of air, shall be closed with stoppings substantially built with suitable material, which shall be approved by the inspector, so as to keep the working places well ventilated.

After six months from the passage of this act, not more than sixty persons shall be permitted to work in the same air current, in any mine in which dangerous gas has been detected in dangerous quantities; *Provided, however,* That a larger number, not exceeding eighty persons, may be allowed by the inspector where,

in his judgment, it would be impracticable to comply with the foregoing requirements.

No operator, agent or mine foreman shall permit any person to work where they are unable to maintain at least one hundred cubic feet of air per minute per man, but this shall not be construed to prohibit the operator from employing men to make the place of employment safe and to comply with this requirement: *Provided, further*, That while the repair work necessary to get the mine in condition to comply with the law, no person or persons shall be permitted to enter that part of the mine affected except those actually employed in doing the necessary repair work.

In all mines accumulation of fine dry coal dust shall, as far as practicable, be prevented, and such dust shall be properly moistened, or otherwise treated to insure safety, in such manner and form as the inspector may require.

Coal dust.

For violation of the foregoing provisions of this section the operator, agent or mine foreman shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court or jury.

No miner or other employee shall take into any mine in this State any larger quantity of powder or other explosive than he may reasonably expect to use in any one shift, and all powder shall be carried into the mine in vessels containing not to exceed five pounds. Any person violating this provision shall, upon conviction, be fined five dollars for each offense, or imprisoned in the county jail not exceeding ten days.

Quantity of powder.

SEC. 10. In all mines generating fire damp and where there is every reason to believe that gas will be encountered in the future workings and developments of the mine, the minimum ventilation shall be one hundred and fifty cubic feet per minute for each and every person employed therein, and as much more as the inspector may deem requisite, and all stoppings on the main entries shall be substantially filled with suitable material, so as to keep the working places well ventilated; doors in the main haulways shall be avoided in gaseous mines where reasonably practicable, and overcasts built of masonry or other incombustible material and of ample strength shall be adopted, and where doors are used they must be built in a substantial manner and hung so as to close automatically when unobstructed.

Gaseous mines.

For violation of the foregoing provisions of this section the operator, agent or mine foreman shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days in the discretion of the court, or jury.

All old, unused workings and abandoned parts of the mine must be protected by such safeguards as would prevent the dangerous overflow of any standing gas therein, and all avenues leading thereto shall be arranged and conducted so as to give cautionary notice to all such workmen in such mines of the danger in entering therein; and in order to secure the safety of the workmen in general against the danger in said abandoned or worked out parts of the mine, proper notices shall be put up and kept standing as far as practicable, which shall afford warning to all such workmen not to enter such parts of said mine; and in addition thereto, all persons except those specially charged with that duty, are hereby forbidden to enter such parts of said mine where gas may be found.

Unused workings.

It shall be unlawful for any miner, after having exploded in any working place sixty cubical inches or more of powder, in one or more blasts, in any mine known to generate gas in large quantities, to enter such working place and attempt to resume work in any manner whatever with a naked light in less than twenty minutes after the blast has been exploded.

Resuming work after blasting.

And for violation of the provisions of this act, such person or persons so offending shall be guilty of a misdemeanor, and upon

- conviction thereof shall be fined not less than five dollars nor more than one hundred dollars and be confined in the county jail not less than ten days nor more than one year. In all mines where explosive gas or other gas of a dangerous or poisonous nature is known to generate in dangerous quantities, the workmen shall be immediately instructed to withdraw from the mine in case of the stoppage of the fan, or heavy fall of the roof which may obstruct the main intake or return airway until such obstruction is removed.
- Workmen to be withdrawn, when.** Sec. 11. And it shall be unlawful in all mines where gas is being generated in dangerous quantities, to use any other mechanical power for ventilation purposes except fan power, and the fan shall be kept in operation night and day unless written permission be granted by the commissioner of labor or the inspector, but no mine operator shall be required to keep such fan going where it is necessary to shut down for the purpose of repairing machinery or doing other work in the mines, which may make it necessary.
- Method of ventilation.**
- Fire bosses.** It shall be the duty of every mine owner or operator in this State, whose mine or mines are known to generate fire damp or other dangerous gas or gases in dangerous quantities, to employ a "fire boss" or "bosses" where necessary, who shall have such knowledge of fire damp and other dangerous gases as to be able to detect the same with the use of safety lamps, and shall have a practicable knowledge of the subject of the ventilation of mines and the machinery and appliances used for that purpose and be a person with at least three years experience in mines generating gases; it shall be the duty of said fire boss or bosses, where employed in said gaseous mines, to prepare a danger signal with suitable color at the mine entrance and no person except the mine owner, operator or agent, and only then in case of necessity, shall pass beyond this danger signal until the mine has been examined by the fire boss, and the same or certain parts thereof reported by him to be safe; it shall further be the duty of said fire boss or bosses to go into all the working places of such mine or mines where gas is known to exist in dangerous quantities, and carefully examine the same with a safety lamp and do, or cause to be done, whatever may be necessary to remove from such working place or places all dangerous gases and make the same safe for persons to enter therein as workmen in such mine or mines, such examination and removal of said gases shall begin within three hours before the time each shift commences work, and it shall be the duty of such fire boss at each examination to leave evidences of his presence at the face of every working place examined, and if the mine is safe he shall remove the danger signal, or change the color thereof to safety, in order that the employees may enter said mine and begin work; in the performance of the duties on the part of the fire boss or bosses they shall have no superior officer, but all the employees working inside of said mine or mines shall be subordinate to said fire boss or bosses [bosses] in this particular work; the fire boss shall, upon having completed the examination of the mine before each shift, make a written record of the condition of the mine within a book having a form prescribed by the department of mines, which record shall at all times be kept at the mine subject to the inspection of the inspector; it shall be unlawful for any person to enter said mine or mines for any purpose at the beginning of work upon each shift therein until such signal or warning has been given by said fire boss or bosses on the outside of said mine or mines as to the safety thereof, as herein provided, except under the direction of said fire boss or bosses, and then for the purpose of assisting in making said mine safe, and each person who shall enter such mine except as aforesaid, before such notice or signal has been given, or any operator, agent, or fire boss who shall violate the provisions of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars
- Records.**
- Workmen not to enter.**

nor more than five hundred dollars, or imprisoned in the county jail not less than sixty days nor more than one year.

SEC. 12. Mines in which explosive gas is known to be generated in dangerous quantities from coal or adjacent strata shall be worked exclusively by the use of locked safety lamps, and no other lamp or torch shall be used except as may be permitted in writing by the inspector; the safety lamps used for examining any mine or which may be used for working therein, shall be furnished by, and be the property of the operator of the mine, and shall be in charge of some person to be designated by the "fire boss," and at least two safety lamps shall be kept at every coal mine whether such mine generates fire damp or not.

Safety lamps.

Any operator, agent or other person who shall fail or refuse to comply with the requirements of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days, nor more than one year, in the discretion of the court or jury.

SEC. 13. In order to better secure the proper ventilation of every coal mine and promote the health and safety of persons employed therein, the operator or agent shall employ a competent and practical inside overseer, to be called mine foreman, who shall be an experienced coal miner, or any person having five years' experience in a coal mine, who shall keep a careful watch over the ventilating apparatus and airways, traveling ways, pumps and drainage; and shall see that as the miners advance their excavations, proper break throughs are made, to properly ventilate the mine, and shall use reasonable care to remove or secure all loose coal, slate and rock overhead in working places and along the haulways, so as to prevent danger to persons employed in such mines; and that sufficient props, caps and timbers, as nearly as possible of suitable dimensions, are furnished for the places where they are to be used, and such props, caps and timbers shall be delivered and placed at such points as the rule for the government of each respective mine provides for them to be delivered; and every workman in want of props, cap pieces and timbers shall notify the mine foreman, or such other person who may be designated for that purpose, at least one day in advance, giving the length and number of props, or timbers and cap pieces he requires; but in case of an emergency the timbers may be ordered immediately upon the discovery of any danger, and it shall be the duty of each miner to properly prop and secure his place in order to make the same secure for him to work therein, and no miner shall work in any working places unless he has props and timbers sufficient to make his place secure. It shall be the duty of the mine foreman to see that the crosscuts are made as required by law, and that the ventilation shall be conducted through such crosscuts into the room by means of check doors or curtains placed on entries or other suitable places, and he shall not permit any room to be opened in advance [advance] of the ventilation. Should the mine inspector discover any room, entry or airway or other working place being driven in advance of the ventilation contrary to the requirements of this act he shall order the workmen working such places to cease work at once until the law is complied with. And said mine inspector shall have authority to permit violations of this provision when he considers it safe and desirable so to do.

Mine foremen.

And the mine foreman shall measure the air currents at least twice each month at the inlet and outlet, and at or near the faces of the advanced headings, and shall keep a record of such measurements in a book, having a form prescribed by the chief of the department of mines. An anemometer shall be provided for this purpose by the operator of the mine.

Air currents to be measured.

And in mines in which the operations are so extensive that all the duties devolving upon the mine foreman can not be discharged by one man, competent persons having three years' experience in a coal mine may be designated and appointed as assistants, who shall act under the mine foreman's instructions, and shall be re-

Assistant foremen.

sponsible for their conduct in the discharge of their duties under such designation or employment.

- Bore holes.** It shall further be the duty of the mine foreman to have bore holes kept not less than twelve feet in advance of the face, and where necessary, on sides of the working places that are being driven toward, and in dangerous proximity to an abandoned mine or part of mine suspected of containing inflammable gases or which is filled with water; on all haulways where hauling is done by machinery of any kind, the mine foreman shall provide a proper system of signals and for the carrying of a conspicuous light on the front, and a light or flag on the rear, of every trip or train of cars when in motion: *Provided*, That this shall not apply to trips being hauled by gathering motors or mule teams when operating on other main headings, and when hoisting or lowering men occur before daylight in the morning or at evenings after darkness; at any mine operating by shaft the said mine foreman shall provide and maintain at the shaft mouth a light of a stationary character sufficient to show the landing and all surrounding objects distinctly, and sufficient light of a stationary character shall be located at the bottom of the shaft so that persons coming to the bottom may clearly discern the cages and other objects closely contiguous thereto; no cage on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute; no mine cars, either empty or loaded, shall be hoisted while men are being lowered or hoistered [hoisted], and no cage having an unstable self-dumping platform shall be used for the carrying of workmen unless the same is provided with some device by which the same may be securely locked when men are being hoisted or lowered into the mine.
- Provisions for first aid.** At every mine where ten men are employed under ground it shall be the duty of the operators thereof to keep always on hand at the mine a properly constructed stretcher, a woolen and a waterproof blanket, and all necessary requisites which may be advised by a medical practitioner employed by the company, and if as many as one hundred and fifty men be employed two stretchers with the necessary equipment as above advised; the mine foreman, or his assistant, shall visit and examine every working place in the mine every alternate day while the miners of such places are at work, and shall direct that each and every working place shall be secured by props, or timbers whenever necessary, which shall be placed and used by the miners working therein as in this act, provided, to the end that such working places shall be made safe, and the same mine foreman shall not permit nor shall any one work in a place known to be unsafe, unless it be for the purpose of making it safe. The mine foreman shall notify the operator or agent of the mine of his inability to comply with any of the requirements of this section, and it shall then become the duty of any operator or agent to at once attend to the matter complained of by the mine foreman, so as to enable him to comply with the provisions hereof if the same can be practically done. Any operator or agent of any coal mine, or other person who shall neglect to comply with the requirements of this section, shall, upon conviction, be guilty of a misdemeanor, and shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, at the discretion of the court. Any mine foreman or employee failing to comply with this section shall, upon conviction, be fined not less than five dollars, nor more than fifty dollars, or imprisoned in the county jail not less than ten days nor more than ninety days, in the discretion of the court.
- Inspections by foremen.** Sec. 14. The operator or agent of every coal mine shall furnish the inspector proper facilities for entering such mine and making examinations or obtaining information; and if any inspector shall discover that any mine does not, in appliances for the safety of the persons employed therein, conform to the provisions of this act, or that by reasons of any defect or practice in or at such mine the lives or health of persons employed therein are endangered,
- Operators to furnish what.**

he shall immediately, in writing, notify such operator or agent thereof, stating in such notice the particulars in which he considers such mine to be defective or dangerous, and if he deems it necessary for the protection of the lives or health of the persons employed in such mine, he shall, after giving notice of one day to said operator or agent in writing, notify immediately the State mine inspector, who shall immediately examine the mine reported to be unsafe, and if upon such examination of the mine reported to be unsafe, is in fact found to be in an unsafe condition, the department of mines shall forthwith order the mine, or such part thereof, to be closed until it is placed in a safe and proper condition for mining operations; the owner or operator of any mine so closed may apply to the circuit court wherein such mine is located, or the judge thereof in vacation, by petition, for an order directing such mine to be reopened, and such court, or the judge thereof in vacation, shall immediately hear and determine the matters arising upon petition, and if upon full hearing thereof the court, or the judge thereof in vacation, shall find that said mine is in a reasonably safe condition, the prayer of said petition shall be granted; but notice of said hearing shall be given to the mine inspector or the commissioner of labor, three days at least before said hearing; and in all such hearings, the attorney general shall appear for the State and defend the same.

Closing mine.

Appeal.

SEC. 15. No boy under fourteen years of age, nor female persons of any age, shall be permitted to work in any coal mine, and in all cases of doubt the parents or guardians of such boys shall furnish affidavits of their ages.

Women and children.

Any operator, agent or mine foreman who shall knowingly violate the provisions of this section, or any person knowingly making a false statement as to the age of any boy under fourteen years of age applying for work in any coal mine, shall, upon conviction, be fined not less than ten nor more than five hundred dollars, or to be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

SEC. 16. No miner, workman or other person shall knowingly injure any shaft, lamp, instrument, air course, brattice, overcast, door or curtain, or obstruct or throw open any airways, or carry matches or open lights in the places worked by safety lamps, or disturb any part of the machinery or appliances, open a door used for directing ventilation and not close it again, or enter any part of a mine against caution, or deposit human excretion in any air course, through which the ventilating air current passes, or disobey any order given in carrying out any of the provisions of this act, or do any other act whereby the life or health of any person employed in the mines or the security of the mines is endangered; any person who shall violate the provisions of this section shall, upon conviction, be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court; when any operator of a mine shall refuse to furnish all supplies necessary for the mine foreman to comply with the requirements of this act, within a reasonable time, after being requested to do so, and by reason of such refusal, loss of life or injury may result to any employee, a right of action for damages may ensue against the operator of the mine wherein such employee has not contributed to his own injury or loss.

Injuries by workmen.

SEC. 17. Whenever by reason of any explosion or other accident in any coal mine, or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the superintendent of the colliery, and in his absence, the mine foreman in charge of the mine, to give notice forthwith by mail or otherwise, to the inspector, stating the particulars of such accidents; and the said inspector shall, if he deems it necessary from the facts reported, immediately go to the scene of such accident and make suggestions and render such assistance as he may deem necessary for the future safety of the men, and investigate the cause of such explosion or accident, and make a record thereof

Accidents.

which he shall preserve with the other records of his office; and to enable him to make such investigation, he shall have the power to compel the attendance of witnesses, and to administer oaths or affirmations, and the cost of such investigation shall be paid by the county in which such accident occurred. Any operator, agent, superintendent or mine foreman who shall fail to perform the duty provided in this section shall, upon conviction, be guilty of a misdemeanor, and shall be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Reports.

SEC. 18. The operator or agent of every coal mine shall annually, during the month of July, mail or deliver to the inspector a report for the preceding twelve months, ending with the thirtieth day of June; such report shall state the names of the operators and officers of the mine, the quantity of coal mined and such other information, not of a private nature as may from time to time be required by the inspector; blank forms of such reports shall be furnished by the commissioner of labor. At any time any person, company or corporation operating a coal mine shall transfer the ownership of any mine to another person, company or corporation, the person, company or corporation transferring such ownership shall within thirty days make a report to the State inspector of mines of such change, and a statement of the tons of coal produced since the first of July last, previous to the date of such sale or transfer of such mine or mines; any operator or agent failing to furnish the reports as required in this section shall be guilty of a misdemeanor and, upon conviction shall be fined not less than fifty nor more than five hundred dollars, or imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Permitting unlawful working.

SEC. 19. Any operator, agent, superintendent or mine foreman having in charge any mine who shall knowingly permit any person to work in any part of said mine in a [sic] violation of instructions in writing, issued by the inspector, made in compliance with the requirements of this act, shall upon conviction be fined not less than fifty nor more than five hundred dollars, and any employee who shall work in violation of such instructions shall, upon conviction, be fined not less than ten nor more than fifty dollars.

Solid shooting.

SEC. 20. In any mine in which solid shooting is done the inspector is authorized to prescribe the conditions under which such solid shooting may be done.

Steam locomotives.

SEC. 21. No steam locomotive shall be used in mines where men are actually employed in the extraction of coal, except by the consent of the inspector, but this shall not be construed to prohibit any mine owner from operating a steam locomotive through any tunnel, haulway or part of a mine that is not in actual operation and furnishing coal; any operator or agent who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Rules.

SEC. 22. There shall be adopted by the operator of every mine in this State special rules for the government and operation of every mine or mines, covering all the work pertaining thereto in and outside of the same, which however, shall not be in conflict with the provisions of the mining laws of this State, such rules when established shall be printed on cardboard, in the languages spoken by ten or more employees, and shall be posted up in the drum house, tippie or some other conspicuous place about the mines where the same may be seen and observed by all of the employees at such mines, and when said rules are so posted the same shall operate as a notice to all employees at such mine of the acceptance of the contents thereof; and it shall be the duty of each mine operator to furnish a printed copy of said rules to each of his employees when requested by either or any of them; any operator or agent who violates the provisions of this section

shall be guilty of a misdemeanor and upon conviction, shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days in the discretion of the court.

SEC. 23. In all prosecutions under this act the circuit court and justices of the peace have concurrent jurisdiction, with right of appeal to the circuit court. Jurisdiction.

SEC. 24. The provisions of this act shall apply only to coal mines in which five or more persons are employed in a period of twenty-four hours, but no mine employing less than ten shall be required to employ a mine foreman. Scope of law.

SEC. 25. Only animal, vegetable or parafine [paraffin] oil, or other oil free from evolution of smoke as a standard cottonseed oil, when burned in a miner's lamp, shall be used in any open lamp or torch for illuminating purposes in any coal mine in this State, and that kerosene or blackstrap oil, or a mixture of kerosene and blackstrap, shall not be used in miners' torches for illuminating purposes in any coal mine in this State. Except that a mixture of mineral oil (other than blackstrap oil) and vegetable oil can be used (in lamps) upon machinery used as a motive power to haul the coal in any mine in this State, and except further, that a mixture of mineral and vegetable oil can be used for all stationary lights. Illuminating oil.

SEC. 26. A standard cottonseed oil shall have the following test: Cottonseed oil.

(a) It shall be free from mineral oils or mineral oil compounds.

(b) It shall be tested in a glass tube one and one-half inches in diameter by eight inches deep, and the oil shall be at a temperature of sixty degrees Fahrenheit when the test is made and shall not exceed twenty-four degrees Tagliabue hydrometer.

(c) If the oil to be tested is below forty-five degrees Fahrenheit temperature, it must be slowly heated until it reaches eighty-five degrees temperature. Should the oil be above forty-five degrees temperature and below sixty-five degrees, it must be heated to seventy degrees, when, in either case, it must be well shaken and allowed to cool gradually to a temperature of sixty degrees, when the test must be made.

(d) In testing the gravity of oil the hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading.

(e) Where the oil is tested in difficult circumstances an allowance of one-half of one degree may be made for error of parallax.

(f) All oil sold to be used for illuminating purposes in the mines of this State shall be contained in barrels, casks or packages, branded conspicuously with the name and address of the manufacturer of said oil, the specific gravity of the same and the date of shipment.

SEC. 27. (a) Any person, firm or corporation, either by themselves or an agent or employee, which shall sell or offer for sale for illuminating in any mine in this State any oil or any mixture or compound of oils which does not comply with the tests as prescribed in section one [twenty-six] of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. Sale of oil.

(b) Any miner, or employee in any mine, or employee of any mine operator or mine owner, who shall knowingly use or permit to be used for illuminating purposes in any mine in this State any oil other than that prescribed in section one [twenty-six] of this act shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars for each and every offense, and in default of payment of such fine within twenty days from the day of conviction shall be given a sentence in the county jail for a period of not less than ten nor more than sixty days. Use of oil.

(c) It shall be the duty of the district mine inspectors, whenever they have reason to believe that oil is being used or sold, or offered for sale, in violation of the provisions of this act, to take samples of the same and have them tested under the direction Testing.

of the chief mine inspector, and if they are found to be inferior to the quality prescribed by this act, the inspector shall make complaint to the prosecuting attorney of the county in which the offense is committed who shall forthwith commence proceedings against the offender in any court of competent jurisdiction.

Any miner, mine employee, firm, corporation or their agents, who shall refuse to permit the mine inspector to examine his or their oil used for or sold for illuminating purposes in the coal mines of this State shall be guilty of a violation of this act, and may be taken before any justice of the peace and fined five dollars or imprisoned in the county jail for ten days for each offense.

(d) In all cases of prosecution where the accused stands convicted of a violation of this act the cost of such prosecution shall be borne by the person, firm or corporation so convicted, and in case of failure to convict the accused the State shall pay the costs in the same manner as in other prosecutions for misdemeanors.

Provisions
apply, when.

SEC. 28. *Provided, nevertheless,* That the foregoing provisions concerning oils and the use thereof shall not apply to any mine or any part thereof unless the mine inspector, in his judgment, believes it necessary, and shall notify in writing the person or company operating the same that the said provisions shall apply to his mine or any part thereof, as the case may be, or unless the owner or operator of any such mine shall notify the said inspector in writing that it is the wish of the owner or operator that said provisions shall apply to said mine or part thereof, as the case may be, and in such case said provisions concerning oils and the use thereof shall apply to and take effect in thirty days after such notice is given by said inspector or by said mine owner or operator to said inspector.

Construction
of statute.

SEC. 29. *And provided,* That nothing in this act shall be so construed as to relieve the mine owner or operator from seeing that all of the provisions of this act are strictly complied with, nor from the duty imposed at common law to secure the reasonable safety of their employees, and, in the performance of those duties, that are nonassignable at common law, as well as those duties required by this act, the mine foreman, boss or fire boss, and their assistants shall be considered as acting for the mine owner or operator as a vice principal.

Approved March 13, 1912.

CHAPTER 248.—Hours of labor of women and children.

[This act amends section 3657b of the Code of 1904 (Act of March 4, 1890), so as to read as follows:]

Ten-hour
day.

SECTION 3657b. No female and no child under fourteen years of age shall work as an operative in any factory, workshop, mercantile or in any manufacturing establishment in this State more than ten hours in any one day of twenty-four hours. All contracts made or to be made for the employment of any female, or of any child under fourteen years of age, as an operative in any factory, workshop, mercantile, or in any manufacturing establishment to work more than ten hours in any one day of twenty-four hours, are and shall be void.

Violations.

Any person having the authority to contract for the employment of persons as operatives in any factory, workshop, mercantile, or in any manufacturing establishment, who shall engage or contract with any female or any child under fourteen years of age to work as an operative in such factory, workshop, mercantile, or in any manufacturing establishment during more than ten hours in any one day of twenty-four hours, shall be guilty of a misdemeanor, and be fined not less than five nor more than twenty

Exemptions.

dollars: *Provided, however,* That nothing in this act shall be construed to apply to females whose full time is employed as book-keepers, stenographers, cashiers, or office assistants, nor to apply to persons employed in factories, engaged exclusively in packing fruits or vegetables between July first and November first of each year: *Provided,* That nothing contained in this act shall apply

to merchantile [mercantile] establishments in towns of less than two thousand inhabitants or in country districts, nor in mercantile establishments on Saturdays.

Approved March 14, 1912.

CHAPTER 291.—*Liability of railroad companies for injuries to employees.*

[This act amends section 1294k of the Code of 1904, (Act of March 27, 1902), so as to read as follows:]

SECTION 1294k. Every corporation operating a railroad in this State, whether such corporation be created under the laws of this State or otherwise, shall be liable in damages for any and all injury sustained by any employee of such corporation, as follows:

When such injury results from the wrongful act, neglect or default of an agent or officer of such corporation superior to the employee injured, or of a person employed by such corporation having the right to control or direct the services of such employee injured, or the services of the employee by whom he is injured; and also when such injury results from the wrongful act, neglect or default of a coemployee engaged in another department of labor from that of the employee injured, or of a coemployee (notwithstanding the fact that the party injured had the right to direct the services of the coemployee) in the performance of any duty on or about the same or another train of cars, or on or about an engine, or of a coemployee who has charge of any switch, signal point or locomotive engine, or who is charged with dispatching trains or transmitting telegraphic or telephonic orders. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways, appliances or structures of such corporation shall not of itself be a bar to recovery for any injury or death caused thereby. When death, whether instantaneous or otherwise, results from any injury to any employee of such corporation received as aforesaid, the personal representatives of such employee shall have a right of action therefor against such corporation, and may recover damages in respect thereof. Any contract or agreement, express or implied, made by any such employee to waive the benefit of this section or any part thereof shall be null and void, and this section shall not be construed to deprive any such employee, or his personal representative, of any right or remedy to which he is now entitled under the laws of this State.

The rules and principles of law as to contributory negligence which apply to other cases shall apply to cases arising under this act, except in so far as the same are herein modified or changed.

The provisions of this act shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution or laws of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

Approved March 14, 1912.

UNITED STATES.

ACTS OF 1911-12.

CHAPTER 5.—*Commission on employers' liability and workmen's compensation.*

SECTION 1.

* * * * *

The time in which the commission to investigate the matter of employers' liability and workmen's compensation, created under joint resolution approved June twenty-fifth, nineteen hundred and ten, shall be required to report through the President to Congress,

Time for report extended.

is hereby extended to and including the first day of March, nineteen hundred and twelve.

* * * * *

Approved December 22, 1911.

CHAPTER 57.—*Compensation for injuries of employees of the United States—Bureau of Mines—Forestry Service.*

Act of 1908 extended.

SECTION 1. The provisions of the act approved May thirtieth, nineteen hundred and eight, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall, in addition to the classes of persons therein designated, be held to apply to any artisan, laborer, or other employee engaged in any hazardous work under the Bureau of Mines or the Forestry Service of the United States: *Provided*, That this act shall not be held to embrace any case arising prior to its passage.

Approved March 11, 1912.

CHAPTER 73.—*Children's Bureau.*

Bureau established.

SECTION 1. There shall be established in the Department of Commerce and Labor a bureau to be known as the Children's Bureau.

Chief.

SEC. 2. The said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of five thousand dollars. The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories. But no official, or agent, or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence. The chief of said bureau may from time to time publish the results of these investigations in such manner and to such extent as may be prescribed by the Secretary of Commerce and Labor.

Duties.

Organization.

SEC. 3. There shall be in said bureau, until otherwise provided for by law, an assistant chief, to be appointed by the Secretary of Commerce and Labor, who shall receive an annual compensation of two thousand four hundred dollars; one private secretary to the chief of the bureau, who shall receive an annual compensation of one thousand five hundred dollars; one statistical expert, at two thousand dollars; two clerks of class four; two clerks of class three; one clerk of class two; one clerk of class one; one clerk, at one thousand dollars; one copyist, at nine hundred dollars; one special agent, at one thousand four hundred dollars; one special agent, at one thousand two hundred dollars, and one messenger at eight hundred and forty dollars.

Approved April 9, 1912.

CHAPTER 75.—*Manufacture, etc., of white phosphorus matches.*

Term defined.

SECTION 1. For the purposes of this act the words "white phosphorus" shall be understood to mean the common poisonous white or yellow phosphorus used in the manufacture of matches and not to include the nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorus.

Manufacturers to register.

SEC. 2. Every manufacturer of white phosphorus matches shall register with the collector of internal revenue of the district his name or style, place of manufactory, and the place where such business is to be carried on; and a failure to register as herein provided and required shall subject such person to a penalty of

not more than five hundred dollars. Every manufacturer of white phosphorus matches shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns in relation to the business, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require. The bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue and in the penal sum of not less than one thousand dollars; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

SEC. 3. All white phosphorus matches shall be packed by the manufacturer thereof in packages containing one hundred, two hundred, five hundred, one thousand, or one thousand five hundred matches each, which shall then be packed by the manufacturer in packages containing not less than fourteen thousand four hundred matches, and upon white phosphorus matches manufactured, sold, or removed there shall be levied and collected a tax at the rate of two cents per one hundred matches, which shall be represented by adhesive stamps, and this tax shall be paid by the manufacturer thereof, who shall affix to every package containing one hundred, two hundred, five hundred, one thousand, or one thousand five hundred matches such stamp of the required value and shall place thereon the initials of his name and the date on which such stamp is affixed, so that the same may not again be used. Every person who fraudulently makes use of an adhesive stamp to denote any tax imposed by this section without so effectually canceling such stamp shall forfeit the sum of fifty dollars for every stamp in respect to which such offense is committed.

Packages.

SEC. 4. Every manufacturer of matches who manufactures, sells, removes, distributes, or offers to sell or distribute white phosphorus matches without there being affixed thereto an adhesive stamp, denoting the tax required by this act, effectually canceled as provided by the preceding section, shall for each offense be fined not more than one thousand dollars and be imprisoned not more than two years. Every manufacturer of matches who, to evade the tax chargeable thereon or any part thereof, hides or conceals, or causes to be hidden or concealed, or removes or conveys away, or deposits or causes to be removed or conveyed away from or deposited in any place any white phosphorus matches, shall for each offense be fined not more than one thousand dollars and be imprisoned not more than two years, or both, and all such matches shall be forfeited.

Stamps to
be affixed.

SEC. 5. Every person who affixes a stamp on any package of white phosphorus matches denoting a less amount of tax than that required by law shall for each offense be fined not more than one thousand dollars or be imprisoned not more than two years, or both.

Stamps of
wrong value.

SEC. 6. Every person who removes, defaces, or causes or permits or suffers the removal or defacement of any such stamp, or who uses any stamp or any package to which any stamp is affixed to cover any other white phosphorus matches than those originally contained in such package with such stamp when first used, to evade the tax imposed by this act, shall for every such package in respect to which any such offense is committed be fined fifty dollars, and all such matches shall also be forfeited.

Removal or
defacement of
stamps.

SEC. 7. Every manufacturer of white phosphorus matches who defrauds or attempts to defraud the United States of the tax imposed by this act, or any part thereof, shall forfeit the factory and manufacturing apparatus used by him and all the white phosphorus matches and all raw material for the production of white phosphorus matches found in the factory and on the fac-

Fraud.

tory premises, or owned by him, and shall be fined not more than five thousand dollars or be imprisoned not more than three years, or both. All packages of white phosphorus matches subject to tax under this act that shall be found without stamps as herein provided shall be forfeited to the United States.

Stamps to
be prepared.

SEC. 8. The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps for payment of the tax on white phosphorus matches provided for by this act. Such stamps shall be furnished to collectors, who shall sell the same only to duly qualified manufacturers. Every collector shall keep an account of the number and denominate values of the stamps sold by him to each manufacturer. All the provisions and penalties of existing laws governing the engraving, issuing, sale, affixing, cancellation, accountability, effacement, destruction, and forgery of stamps provided for internal revenue are hereby made to apply to stamps provided for by this act.

Selling
without use of
stamps.

SEC. 9. Whenever any manufacturer of white phosphorus matches sells or removes any white phosphorus matches without the use of the stamps required by this act, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector, who shall collect the same according to law. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

Importation
forbidden,
when.

SEC. 10. On and after January first, nineteen hundred and thirteen, white phosphorus matches, manufactured wholly or in part in any foreign country, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited. All matches imported into the United States shall be accompanied by such certificate of official inspection by the government of the country in which such matches were manufactured as shall satisfy the Secretary of the Treasury that they are not white phosphorus matches. The Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of the provisions of this section.

Exportation
forbidden,
when.

SEC. 11. After January first, nineteen hundred and fourteen, it shall be unlawful to export from the United States any white phosphorus matches. Any person guilty of violation of this section shall be fined not less than one thousand dollars, and not more than five thousand dollars, and any white phosphorus matches exported or attempted to be exported shall be confiscated to the United States and destroyed in such manner as may be prescribed by the Secretary of the Treasury, who shall have power to issue such regulations to customs officers as are necessary to the enforcement of this section.

Packages to
be marked.

SEC. 12. Every manufacturer of matches shall mark, brand, affix, stamp, or print, in such manner as the Commissioner of Internal Revenue shall prescribe, on every package of white phosphorus matches manufactured, sold, or removed by him, the factory number required under section two of this act. Every such manufacturer who omits to mark, brand, affix, stamp, or print such factory number on such package shall be fined not more than fifty dollars for each package in respect of which such offense is committed. Every manufacturer of white phosphorus matches shall securely affix by pasting on each original package containing stamped packages of white phosphorus matches manufactured by him a label, on which shall be printed, besides the number of the manufactory and the district in which it is situated, these words: "Notice.—The manufacturer of the white phosphorus matches herein contained has complied with all the requirements of law. Every person is cautioned not to use again the stamps on the packages herein contained under the penalty provided by law in such cases." Every manufacturer of white phosphorus matches who neglects to affix such label to any original package containing stamped packages of white phosphorus matches made by him or

sold or removed by or for him, and every person who removes any such label so affixed from any such original package, shall be fined not more than fifty dollars for each package in respect of which such offense is committed.

SEC. 13. If any manufacturer of white phosphorus matches, or any importer or exporter of matches, shall omit, neglect, or refuse to do or cause to be done any of the things required by law in carrying on or conducting his business, or shall do anything by this act prohibited, if there be no specific penalty or punishment imposed by any other section of this act for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the thing required or prohibited, he shall be fined one thousand dollars for each offense, and all the white phosphorus matches owned by him or in which he has any interest as owner shall be forfeited to the United States.

Violations.

SEC. 14. All fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction.

Fines, etc.

SEC. 15. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this act.

Regulations.

SEC. 17. This act shall take effect on July first, nineteen hundred and thirteen, except as previously provided in this act; and except as to its application to the sale or removal of white phosphorus matches by the manufacturers, as to which it shall take effect on January first, nineteen hundred and fifteen.

Act in effect.

Approved April 9, 1912.

CHAPTER 157.—*Armament of fortifications, etc.—Eight-hour day—Materials of American manufacture.*

SECTION 1.

* * * * *
No part of this appropriation shall be expended for the purchase of any mountain, field, or siege cannon, including their carriages, from any person, firm, or corporation which has not at the time of commencement of said work established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work of construction of the cannon named herein:
* * *

Eight-hour day to be observed.

For the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, six hundred thousand dollars [is appropriated]: *Provided*, That, except in time of war or when in the judgment of the President war is imminent, no part of this or of any other sum in this act for ammunition shall be expended for the purchase of any ammunition from any person, firm, or corporation which has not at the time of commencement of said work established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work of manufacturing the ammunition named herein.

* * * * *
All material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.
* * * * *

American products.

Approved June 6, 1912.

CHAPTER 174.—*Hours of labor on public contracts.*

SECTION 1. Every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve

Scope of act.

Contracts to stipulate penalty.

the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

Appeals.

Exemptions.

Sec. 2. Nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section one of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent, and until January first, nineteen hundred and fifteen, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently

Waivers.

Act of 1892.

declare the violation to have been excusable. Nothing in this act shall be construed to repeal or modify the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United

States and of the District of Columbia" being chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, as modified by the acts of Congress approved February twenty-seventh, nineteen hundred and six, and June thirtieth, nineteen hundred and six, or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.

SEC. 3. That this act shall become effective and be in force on and after January first, nineteen hundred and thirteen. Act in effect.

Approved June 19, 1912.

CHAPTER 236.—*Inventions, etc., of employees of the Ordnance Department—Rewards.*

SECTION 1. The Secretary of War is hereby authorized to offer periodically at such of the establishments of the Ordnance Department as he may select a cash reward for the suggestion, or series of suggestions, for an improvement or economy in manufacturing processes or plant, submitted within the period by one or more employees of the establishment which shall be deemed the most valuable of those submitted and adopted for use: *Provided*, That to obtain this reward the winning suggestion must be one that will clearly effect a material economy in production or increase efficiency or enhance the quality of the product in comparison with its cost and in the opinion of the Secretary shall be so worthy as to entitle the employee making the same to receive the reward: *Provided further*, That the sums awarded to employees in accordance with this act shall be paid them in addition to their usual compensation and shall constitute part of the general or shop expense of the establishment: *Provided further*, That the total amount paid under the provisions of this act shall not exceed one thousand dollars for any one month: *And provided further*, That no employee shall be paid a reward under this act until he has properly executed an agreement to the effect that the use by the United States of the suggestion, or series of suggestions, made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns, and that application for patent has not been made for the invention. Rewards authorized.

Approved July 17, 1912.

CHAPTER 255.—*Compensation for injuries of employees of the United States—Lighthouse Service.*

SECTION 2.

* * * * *

Hereafter the benefits of the act of May thirtieth, nineteen hundred and eight (Thirty-fifth Statutes, page five hundred and fifty-six), entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall be extended to persons employed by the United States in any hazardous employment in the Lighthouse Service; * * * Act of 1908 extended.

Approved July 27, 1912.

CHAPTER 335.—*Eight-hour day—Ships, etc., for the Navy—Duties of enlisted men.*

SECTION 1.

* * * * *

The act entitled "An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory or for the District of Columbia, and for other purposes," approved June nineteenth, nineteen hundred and twelve, shall be in force as to all contracts authorized by Eight-hour day to be observed.

[this act [making appropriations for the Naval Service] from and after the passage of this act.

Dock labor.

No enlisted men or seamen, not including commissioned and warrant officers, on battleships of the Navy, when such battleships are docked or laid up at any navy yard for repairs, shall be ordered or required to perform any duties except such as are or may be performed by the crew while at sea or in a foreign port.

* * * * *

Approved August 22, 1912.

CHAPTER 350.—*Bureau of Labor—Transfer of duties.*

SECTION 1. Those certain duties of the Department of Labor, or Bureau of Labor, contained in section seven of the act approved June thirteenth, eighteen hundred and eighty-eight, that established the same, which especially charged it "to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living, and the kind of living; what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices," are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce. * * * *

* * * * *

Approved August 23, 1912.

CHAPTER 351.—*Commission on Industrial Relations.*

Commission created.

SECTION 1. A commission is hereby created to be called the Commission on Industrial Relations. Said commission shall be composed of nine persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate, not less than three of whom shall be employers of labor and not less than three of whom shall be representatives of organized labor. The Department of Commerce and Labor is authorized to cooperate with said commission in any manner and to whatever extent the Secretary of Commerce and Labor may approve.

Expenses.

SEC. 2. The members of this commission shall be paid actual traveling and other necessary expenses and in addition a compensation of ten dollars per diem while actually engaged on the work of the commission and while going to or returning from such work. The commission is authorized as a whole, or by subcommittees of the commission, duly appointed, to hold sittings and public hearings anywhere in the United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses and to compel testimony, and to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which such commission is created, and to rent such offices, to purchase such books, stationery, and other supplies, and to have such printing and binding done, as may be necessary to carry out the purposes for which such commission is created, and to authorize its members or its employees to travel in or outside the United States on the business of the commission.

Powers.

Reports.

SEC. 3. Said commission may report to the Congress its findings and recommendations and submit the testimony taken from time to time, and shall make a final report accompanied by the testimony not previously submitted not later than three years after

the date of the approval of this act, at which time the term of this commission shall expire, unless it shall previously have made final report, and in the latter case the term of the commission shall expire with the making of its final report; and the commission shall make at least one report to the Congress within the first year of its appointment and a second report within the second year of its appointment.

SEC. 4. The commission shall inquire into the general condition of labor in the principal industries of the United States including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

Duties.

SEC. 5. The sum of one hundred thousand dollars is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated for the use of the commission for the fiscal year ending June thirtieth, nineteen hundred and thirteen: *Provided*, That no portion of this money shall be paid except upon the order of said commission, signed by the chairman thereof: *Provided*, That the commission may expend not to exceed five thousand dollars per annum for the employment of experts at such rate of compensation as may be fixed by the commission but no other person employed hereunder by the commission, except stenographers temporarily employed for the purpose of taking testimony, shall be paid compensation at a rate in excess of three thousand dollars per annum.

Appropriation.

Approved August 23, 1912.

CHAPTER 355.—*Plate printers—Rates of wages—Use of power presses—Wages of pressmen in the Government Printing Office.*

SECTION 1.

* * * * *

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, \$1,742,028 [is appropriated], to be expended under the direction of the Secretary of the Treasury: * * *

Current rates.

Hereafter the proviso of the act of July first, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page six hundred and four), directing that all bonds, notes, and checks shall be printed on hand-roller presses shall not apply to checks, the backs and tints of all United States bonds, the backs and tints of all United States paper money, and the backs and tints of bonds and paper money issued by any of the insular possessions of the United States, any or all of which shall be printed from intaglio

Power presses permitted.

plates and on such plate printing presses as may be directed by the Secretary of the Treasury, said presses to be operated by plate printers, except that checks and tints may be printed by any desired process: *Provided*, That the backs of all United States paper money shall be printed from four-subject plates, and the faces of all internal-revenue stamps now printed from intaglio plates on hand-roller or power plate printing presses shall continue to be printed from intaglio plates on hand-roller or power plate printing presses, as the Secretary of the Treasury may determine, said presses to be operated by plate printers: *Provided further*, That should the Secretary of the Treasury decide to print on the aforesaid power plate printing presses any of the classes of work hereinbefore permitted to be printed on such presses, not more than one-fifth of the total number of hand-roller presses required to produce the estimated quantity of such work in any fiscal year shall be displaced in such fiscal year: *Provided further*, That the Secretary of the Treasury may, in his discretion, apply motors to hand-roller presses that are now, or may hereafter be, operated in the Bureau of Engraving and Printing, but such presses, if equipped with motors, shall be regarded as hand-roller presses within the meaning of this act.

* * * Hereafter pressmen [in the Government Printing Office] shall be paid at the rate of fifty-five cents per hour.

Approved August 24, 1912.

CHAPTER 389.—*Post Office Department—Sunday labor—Rewards for inventions, etc., of employees—Leave of absence for employees in bag and lock repair shops—Mail cars—Compensation for injured employees—Publications of trade unions—Hours of labor—Membership in unions.*

SECTION 1.

Post offices closed on Sunday. Hereafter post offices of the first and second classes shall not be open on Sundays for the purpose of delivering mail to the general public, but this provision shall not prevent the prompt delivery of special delivery mail.

Inventions of employees. The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, and for that purpose the sum of ten thousand dollars is hereby appropriated: *Provided*, That not to exceed one thousand dollars shall be paid for one invention.

Annual leave. Hereafter the employees of the mail-bag repair shop in Washington, District of Columbia, and Chicago, Illinois, and the employees of the mail-lock repair shop in Washington, District of Columbia, may be allowed thirty days annual leave of absence.

Sound and sanitary cars. No part of this amount [appropriated for railway post-office car service] shall be paid for the use of any car which is not sound in material and construction, and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned: *Provided further*, That after the first of July, nineteen hundred and seventeen, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel or steel underframe or equally indestructible material, and not less than twenty-five per centum of the railway post-office cars of a railroad company not conforming to the provisions of this act shall be replaced with cars constructed of steel annually after June, nineteen hundred and thirteen; and all cars accepted for this service and contracted for by the railroad companies after

the passage of this act shall be constructed of steel: *Provided further*, That the Postmaster General is authorized to pay for full railway post-office cars necessarily used in service by the Post Office Department from July first, nineteen hundred and eleven, to March first, nineteen hundred and twelve, when in his judgment reasonable and proper effort was being made by railroad companies to comply with the provisions of the act of March fourth, nineteen hundred and eleven, but on account of insufficient time the requisite work could not be completed on July first, nineteen hundred and eleven.

* * * * *

For acting [railway postal] clerks in place of clerks or substitutes injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of fifty per centum of the clerk's annual salary for the period of disability exceeding one year, but not exceeding twelve months additional, and to enable the Postmaster General to pay the sum of two thousand dollars, which shall be exempt from payment of debts of the deceased, to the legal representatives of any railway postal clerk, substitute railway postal clerk, or post-office inspector, who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, one hundred and thirty thousand dollars [is appropriated].

Period of
payment dur-
ing disability;
railway postal
clerks.

* * * * *

Acting [sea-post] clerks may be employed in place of clerks or substitutes injured while on duty who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of fifty per centum of the clerk's annual salary for the period of disability exceeding one year but not exceeding twelve months additional, and that the Postmaster General may pay the sum of two thousand dollars, which shall be exempt from payment of debts of the deceased, to the legal representative of any sea-post clerk or substitute sea-post clerk who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury.

Sea - post
clerks.

* * * * *

From and after the passage of this act all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, * * * by or under the auspices of a trade union, * * * shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter; and such periodical publications, * * * shall have the right to carry advertising matter, whether such matter pertains to such * * * trade unions, * * * or to other persons, institutions, or concerns; but such periodical publications, hereby permitted to carry advertising matter, must not be designed or published primarily for advertising purposes, and shall be originated and published to further the objects and purposes of such benevolent or fraternal societies or orders, trades-unions, or other societies, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather or other substantial binding, such as distinguish printed books for preservation from periodical publications: *Provided*, That the circulation through the mails of periodical publications issued by, or under the auspices of, benevolent or fraternal societies or orders, or trades-unions, * * * as second-class mail matter, shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments, or otherwise, not less than fifty per centum of the regular subscription price; to other bona fide subscribers; to exchanges, and ten per centum of such circulation as sample copies: *Provided further*, That when such members pay therefor as a part of their dues or assessments, individual subscriptions or receipts shall not be required: *Provided further*, That the office of publication of any

Publications
of trade
unions.

Provisos.

such periodical publication shall be fixed by the association or body by which it is published, or by its executive board, and such publication shall be printed at such place and entered at the nearest post office thereto.

- * * * * *
- Eight-hour day for letter carriers.** SEC. 5. On and after March fourth, nineteen hundred and thirteen, letter carriers in the city delivery service and clerks in first and second class post offices shall be required to work not more than eight hours a day: *Provided*, That the eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duty of the employees shall be regulated accordingly.
- Overtime.** In cases of emergency, or if the needs of the service require, letter carriers in the city delivery service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.
- Weekly day of rest.** Should the needs of the service require the employment on Sunday of letter carriers in the city delivery service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on one of the six days following the Sunday on which they perform such service.
- Permission to join organizations.** SEC. 6. * * * Membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups or persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.
- Right of petition.**

Approved August 24, 1912.

CHAPTER 390.—*Compensation for injuries of employees on the Isthmian Canal and the Panama Railroad.*

SECTION 5.

- * * * * *
- System to be provided.** The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and prescribe a schedule of compensation therefor, and may revise and modify such method and schedule at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Company, if said company was responsible for said injury, as the case may require. And after such method and schedule shall be provided by the President, the provisions of the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May thirtieth, nineteen
- Acts superseded.**

hundred and eight, and of the act entitled "An act relating to injured employees on the Isthmian Canal," approved February twenty-fourth, nineteen hundred and nine, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section.

Approved August 24, 1912.

RESOLUTIONS.

SENATE RESOLUTION No. 231.—*Condition of mill workers in Lawrence, Mass.*

The Secretary of Commerce and Labor is hereby requested to obtain and report to the Senate, through the Bureau of Labor, full information concerning the condition of the mill workers in Lawrence, Massachusetts, their wages and conditions of living; also what approximate percentage of these employees are subjects of foreign countries, and of what foreign countries. Bureau of
Labor to in-
vestigate.

Agreed to May 7, 1912.

HOUSE RESOLUTION No. 547.—*Miners' strike in Westmoreland County, Pa.*

The Secretary of Commerce and Labor is hereby requested to transmit forthwith to the House of Representatives, if not incompatible with the public interests, any information in his possession, obtained through special agents or otherwise, concerning the miners' strike in the bituminous coal field in Westmoreland County, Pa., in the years 1910 and 1911. Report re-
quested.

Agreed to June 8, 1912.

HOUSE RESOLUTION No. 578.—*Price of anthracite coal.*

The Secretary of Commerce and Labor is hereby directed to obtain and report to the House of Representatives full information concerning the different elements of cost and profit included in the present high price of anthracite coal, specifying as far as practicable how much and in what particulars the coal miners were benefited by the recent strike agreement and how much and for what reasons and by what means the cost of coal to the general consumers was at the same time increased. Elements of
cost.
Cause of in-
crease in price.

Agreed to July 29, 1912.

CUMULATIVE INDEX OF LABOR LAWS AND DECISIONS RELATING THERETO.

[This index covers the Twenty-second Annual Report of the Commissioner of Labor, which is a compilation of the labor laws, both Federal and State, in force at the close of the year 1907; it also covers labor laws subsequently enacted and published in Bulletins 85, 91, 97, and 111. Many of the laws contained in the Twenty-second Annual Report are followed by brief notes on the decisions of courts relating to them. Similar decisions reproduced in the Bulletin since the publication of the Twenty-second Annual Report are indexed under the appropriate headings, and are indicated by the letter "D" in parenthesis following the name of the State. Opinions of the Attorney General on the construction, etc., of labor laws are similarly indexed, and are indicated by abbreviation "Op." in parenthesis.]

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